

Annual survey on violation of trade union rights in Poland - 2001

The year 2001 brought Poland an economic slowdown and huge increase of unemployment. The difficult situation on the labour market caused increase of pathologic phenomena. The employers taking advantage of the situation constantly and consciously violate the workers' rights by paying lowest wages that cannot ensure decent living standards for workers' families. In the present situation it must be stated that organisations appointed for representing and protecting the workers' rights and interests cannot take full advantage of the rights granted by the national law.

The employers constantly violate the provisions of the act on trade unions and take advantage of the lack of detailed provisions regulating the rights of trade union organisations to defensive actions.

Employers are obliged to provide trade unions with rooms and technical means necessary to conduct trade union activities in companies. The conditions of this should be defined in an agreement between the two parties. Employers constantly avoid realising this obligation, which was well seen in cases of organising trade unions in hypermarkets networks. There are also cases of taking back the rooms as it was in one of public libraries. Also trade union meetings are interrupted (sometimes forcefully) and cancelled under the pretext of lack of agreement on the conditions of the meeting. Trade unionists often encounter employers' actions making it difficult to conduct even the most basic trade union activities such as disagreement on information displays or removal of information from the information boards.

The act also obliges the employers to provide the unions on demand with any information necessary for conducting trade union activities. This includes also regulations on remuneration system and working conditions in a company. Despite the legal obligation the employers refuse giving any information or give information with no use for trade unions on the basis on confidentiality clauses.

Polish trade unions law gives the activist the right to be released from work duties in relation to the number of the organisation members. The employers despite the clear provision often refuse to comply with it. And almost always it is refused to maintain the right to remuneration of a trade union officer when the union work must be done in the company working hours. The employers also use these provisions in order to make the trade union activities more difficult by releasing the officers from work and thus depriving them of the contact with the workers because the officers are often forbidden to come to a company as persons released from work duties.

The unions right are often violated in relation to the employers' obligation to deduct trade union membership dues. Employers should deduct the dues on written permission of workers, but they often demand additional papers and individual documents or even destroy the documents and demand new ones. And when the dues are finally collected there are often problems with transferring them to proper trade union accounts.

The co-operation in the area of the company regulations on the social fund often leaves a lot to be desired, too. Employers often give only information on the goals the

funds were used for, but they violate the obligation of agreeing these issues with trade unions in the form of a company social fund regulations.

The most often discrepancy noted in Poland is violation of Constitutional prohibition of discriminating trade unionists included also in the Labour Code and precised in the act on trade unions. Dismissals of trade unionists in the present situation of economic slowdown are often justified by the need of employment restructuring or elimination of a part of activities that almost always lead to dismissal of all or almost all trade union officers. For instance this was done in Daewoo Lublin Company where all the trade union officers of all organisations were dismissed due to “the necessity of adapting employment to production level”. Public institutions are also not free from such practices; in one of south-eastern cities the mayor transferred trade union officer to other, lower position and made it impossible for him to conduct trade union activities by taking back telephone, computer and even prohibiting him to leave his office without permission. The labour court overruled this illegal decision.

A new serious problem arose on the background of discrimination: lack of possibility to execute court sentences bringing the illegally dismissed workers back to work. Employers, despite of the sentences, do not bring the workers back and even further legal actions undertaken by trade unions are often badly conducted by the courts or even closed.

There are also problems with realising the act on resolving collective disputes. The act regulates this issue in reference to conflicts based on working conditions, remuneration, social benefits and trade union rights and freedoms. However, the procedures included in this act are criticised by the social partners as too complicated and time consuming. The lawgivers argued that there was a need of attempts of settling disputes out of court by such elements as negotiation, mediation and social arbitrary activities, the latter non-functioning in practice. Procedural mistakes make this process ineffective and very time consuming, and giving the possibilities to avoid resolving the dispute for ages.