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P O L A N D

By Michał Polakowski

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Annual Review 2018

of Labour Relations and Social Dialogue

Poland / By Michał Polakowski


- Developments in Poland in 2018 from many points of view were a continuation of the situation in 2017. The support for the ruling coalition remained strong. In general, the political environment is relatively unpredictable, also when relations with the European Union are concerned. The PiS-led coalition government had been reshuffled in December 2017, with a new Prime Minister, Mateusz Morawiecki, and several crucial ministers being replaced. The political scene remains highly polarised with a notable weakness of the left.
- In economic terms, in 2018 Poland continued a positive trend of an increasing employment level and record low unemployment. Only in the last months of the year did unemployment start to grow slightly. While a shortage of workers in the labour market is being discussed, the increase in salaries is relatively modest. At the same time, the labour market is relying increasingly on foreigners.
- A major development in the social sphere is a reform of the pension system introducing quasi-mandatory occupational pension schemes for the largest companies (and to be further introduced in smaller entities). The marginalisation of social dialogue on the central level continued as the government ignored the role of the Social Dialogue Council in important socio-economic legislation.
- Apart from the crisis regarding the judiciary and the state of democracy in Poland, there was a growing unrest in the public sector – in police, healthcare, education and some state-owned companies.



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Socio-economic developments

In terms of GDP dynamics, Poland is on par with other CEE economies, displaying very high levels of growth. However, the growth relies mainly on consumption while low levels of investment can be observed. After the sluggish two first quarters of 2018, investment accelerated slightly. However, the first signs of an investment increase might be noted in the second half of 2017. The GDP growth in 2017 is estimated at 4.8 per cent while the forecasts for 2018 indicate growth exceeding 5 per cent.

Expressed in Purchasing Power Parity, GDP per capita in Poland slightly increased from 68 per cent in 2016 to 70 per cent in 2017 (EU28=100 percent), maintaining its position. Real per capita GDP (ESA 2010) amounted to €10,900 in 2015, €11,300 in 2016 and €11,800 in 2017.

Foreign Direct Investment (FDI) in 2017 reached the lowest value in the last four years, especially compared to the record high in 2016. The main reasons for this were the acquisition of one of the biggest banks in Poland, Pekao SA, by the state-controlled insurance company PZU and the Polish Development Fund and withdrawal of Dutch capital. The net value of FDI in 2017 equalled € 8.145 billion compared to € 12.588 billion in 2016.

The balance of payments has been fluctuating in the analysed period. The last quarter of 2017 saw a negative value, with two positive quarters in the first half of 2018. Third quarter 2018, in turn, was negative again.

As was expected, in 2017 the surplus in the trade balance diminished compared to previous years with a result of € 0.4 billion. In 2018, the trend continued with the trade balance becoming negative. After 11 months of 2018, the balance equalled - € 3.1 billion. As in previous years, the volumes of export and import increased (by November by 7.1% and 9.7%, accordingly). The top trade partners are Germany (import and export), Czech Republic (export), Great Britain (export), China (import) and Russia (import).

The ambition of the current government is a fiscal policy that does not cause a collision with the EU. Therefore, one of the headline initiatives regarding the fiscal system is making it less vulnerable to tax fraud (especially in the field of VAT). Also, the government is performing various accounting measures that reduce the deficit. Finally, a good short-term situation for the Social Insurance Fund in the recent years should be acknowledged due to the improvement in the labour market, and as a result smaller budget subsidies. As a result, the fiscal situation has been improving and the annual deficit has been decreasing in the medium term. In 2016, the annual deficit dropped to 2.2 per cent of GDP. Contrary to the forecasts, in 2017 the deficit declined even further (to

1.4 per cent of GDP). When it comes to the deficit in 2018, it is expected at around a record low of 0.5 per cent of GDP. For the public debt, since 2017 it has been in decline (2016: 54.2% of GDP, 2017: 50.6% of GDP). In 2018, the estimates indicate a further decline. The total public debt calculated according to domestic criteria follows the same pattern. The debt equalled 48.5 per cent of GDP in 2017 and by the end of 2018 it was estimated to have declined. The magnitude of change in 2017 is relatively unclear, as up to the 3rd quarter, the level of debt was significantly below the level assumed in the budget for 2018. This situation (reaching debt levels lower than stipulated in the budget for a given year) is a repetition from the previous year.

Since 2014 the so-called stabilizing expenditure rule has been operational in Poland. Its main purpose is to reduce the growth of public spending with the objective of limiting the overall size of public debt. Four debt thresholds are specified for triggering the expenditure rule (43 per cent of GDP, 48 per cent, 55 per cent and 60 per cent). At the end of 2015 the rule was modified by the newly-elected government so that a higher level of spending is possible. This rule is still in place, however, the government continues work on a different budgeting strategy in which spending ratios among different items are relatively stable so that no significant spending increase can occur without tax increases or reductions in other items.

The recent privatization process in Poland has continued to be limited, which is strongly supported by the government's claims regarding the role of public companies. As in the previous years, the Law and Justice (PiS) government is aiming at renationalising certain sectors of the economy, one of them being the banking sector (already mentioned was the re-nationalisation of Pekao SA bank). However, privatising some public sector entities (schools, health care) continues, areas outside the scope of the central government.

Unlike in the previous years when deflation was noted, in 2017, inflation reached 2 per cent. For 2018, a similar magnitude for this indicator is expected – it is estimated that inflation should be around 1.8 to 2 per cent.

The growth in the average monthly gross wage in 2018 slowed down compared to previous years. In the third quarter of 2017, wages increased by a mere 0.8 per cent, while in the fourth quarter it rose by 6.1 per cent (mainly due to bonuses). The first quarter of 2018 noted a decrease of 2.4 percent, which was followed by a decrease of 2.2 per cent. In the third quarter of 2018, the average gross monthly wage increased by 1.9 per cent.

The minimum wage level remains a central political topic. As in previous years, setting the minimum wage for 2019 involved lively discussion by social partners and the government's representatives, and its final value is below unions' expectations. For 2019, the stipulated monthly minimum wage will be 2250 PLN (about €524) gross. Also, the minimum hourly wage will be increased in 2019 to 14.70 PLN. As in the previous year, in 2018 the level of the minimum wage surpassed the social minimum as defined by the Institute for Labour and Social Studies for workers' households with two adults (though the net value was still below the social minimum). The minimum wage level also surpassed the social minimum calculated for a single worker household.

Measured as 60 per cent of the median income, the percentage of the population at risk of poverty after social transfers decrease from 17.3 per cent in 2016 to 15 per cent in 2017. The extent of poverty is thus almost two percentage points lower than the EU-28 average (16.9 per cent). Extreme poverty (calculated in absolute terms) further dropped by 0.6 percentage points between 2016 and 2017 and affects 4.3 per cent of the population. The households at risk of poverty are characterized by low work intensity, low educational attainment and a higher than average number of children.

While the employment rate was again historically high and unemployment historically low (due to a number of factors, including a lowered retirement age), two issues remain problematic: the transition from school education to the labour market and the relatively low level of salaries.

The overall employment rate was 54.6 per cent in the third quarter of 2018, an improvement of this indicator by 0.6 percentage points, year to year. Unlike in the previous years, employment increased more among women than men. Therefore, while the respective employment rates were 46.1 per cent (women) and 62.7 per cent (men) in the third quarter 2017, a year later they had increased to 47.1 per cent for women and 62.9 per cent for men. The employment gap between the genders decreased slightly to 15.8 percentage points. The overall unemployment rate was yet again at a record low of 3.8 per cent in the third quarter 2018, a further decline of 0.9 percentage points year to year and a continuation of the trend from the previous year. Women suffer from unemployment less than men (3.7 per cent and 4 per cent, respectively), which is a new phenomenon.

Despite these positive developments, the problems in the labour market remain similar to those in previous years. First, is the issue of youth unemployment and comparatively low employment rates, associated with a very high share of temporary workers. The share of temporary employment declined from 26 per cent in third quarter of 2017 to 23.8

per cent a year later and this share is the highest in the EU (after Spain) and significantly higher than the EU average (EU 28=14.4 per cent). Other forms of atypical employment are also used excessively, such as agency employment under Civil Code contracts that offer significantly less protection of social and labour rights. The information for 2016 published by the Central Statistical Office revealed that 1.15 million individuals were self-employed, while 1.25 million individuals performed work exclusively on the basis of Civil Code contracts. These numbers have been relatively stable since 2012.

Income inequality as measured by the Gini-coefficient declined slightly to 29.2 in 2017, compared to 29.8 in 2016. As in previous years, the greatest income inequality is noted among farmers while the least is among retirees.

Compared to the numbers of the 2011 Census, the population declined slightly from 38.511 million to 38.413 million in mid-2018. The estimates of the Central Statistical Office (CSO) indicate that more than 2.5 million Poles currently reside abroad (temporary migration). For 2014, the approximate number of Polish migrants was 2,540,000, an increase of 25,000 compared to the previous year. The main receiving countries are the United Kingdom (793,000), Germany (703,000) and Ireland (112,000), along with the Netherlands (120,000) and Italy (90,000). Regarding immigration to Poland, there has been a major inflow of migrants from Ukraine. This nationality, along with citizens of Belarus and Russia, constitute the biggest groups of foreign workers. In 2017, approximately 2 million applications regarding work in Poland were accepted; the data covering the first half of 2018 confirms the significance of immigration.

Poland has a strong concentration of innovation centres or relatively newly-developed industries. Such centres are located in the western part of Poland and/or are concentrated around big cities like Poznań, Wrocław or Gdańsk (with IT, car manufacturing and others). An interesting region is Górny Śląsk, which relied heavily on coal extraction and was a centre of heavy industry in Poland, with a diminishing role now. The regions of Poland that remain economically underdeveloped are located in the eastern part of the country. There is a lack of industry, especially in towns of smaller sizes. Centres of new technologies are missing here, with the notable exception of Rzeszów (southeast), where some aviation R&D as well as aircraft production is located.

Estimates regarding the shadow economy vary but it is conventionally assumed to account for around 20 per cent of GDP.

State policies

In 2018, Poland entered a two-year long electoral cycle. The electoral cycle has impacted the dynamics of political conflict. As in the previous year, 2018 was the year of the complete domination of the PiS-led coalition government on the central level. Likewise, the role of the opposition was reduced to reactions to the PiS government actions. While there were important policy proposals – namely on Labour Code reform (now scrapped), quasi-mandatory occupational pensions (in the early phase of implementation) or benefits for mothers of four and more children, they have received relatively little attention from other parties. The main axis of the political conflict remains focused on systemic issues – the independence of the judiciary that PiS has been reducing, the electoral system, environment protection, Poland's stance towards the EU, independence of non-governmental organisations and reproductive rights.

But the local elections held on October 21 and November 4 (second round) invigorated political debates at lower levels of governance. Importantly, the candidates affiliated with opposition parties dominated in the elections of bigger cities (above 100,000 inhabitants) while the governing party dominated in smaller towns and rural municipalities. When it comes to regional local government authorities, PiS-affiliated politicians attracted 34.13 per cent of the votes, while Civic Committee (a coalition of the main opposition parties and other organisations of a liberal profile) was supported by 26.97 per cent. At the municipal level, in larger municipalities, Civic Committee dominated while in smaller towns it was PiS. On all levels, the third and fourth places were won by the Polish People's Party and the Democratic Left Alliance. As a result of the elections, the stronghold of liberal parties in the bigger cities has been confirmed and at the same time PiS increased its presence in regional governments and smaller municipalities.

As a result of the last parliamentary elections, the Parliament is deprived of left-wing parties and the weakness of the left is clearly visible. In fact the only position in the governance system that represents progressive values is the Polish Ombudsman. Adam Bodnar, his deputies and office, play a major role in the fight against discrimination as well as against excessive political interference. The PiS-led government continued the dismantling of the judiciary by changing the law on the Supreme Court with the introduction of two additional chambers dealing with control and disciplinary measures, with the aim of imposing more supervision over judges. Further, the government wanted to reduce the number of judges by making them retire after reaching retirement age before the end of their term. This change from July 2018 was revoked in November 2018 after a wave of social protest and also pressure from the European Court of Justice.

2018 brought changes in electoral rules for local government – since the 2018 elections the head of a municipality but also a mayor (*wójt*, *burmistrz* or *prezydent*) can serve this function for only two terms in the municipality. At the same time, the term in elections for all units of local government has been extended from four to five years.

The rule of PiS is regarded as controversial by several experts as well as by the opposition parties and also by the European Commission, which increasingly has pointed out departures from the rule of law. When it comes to the legislative process, the criticism expressed more in the domestic concerns is the pace at which bills are debated and voted in Parliament and also their immediate implementation (lack of proper *vacatio legis*), especially those laws relating to the architecture of the state or related to public finance. The continuation of a specific legislative path can be noticed as well - critics emphasise that that bills are submitted by Members of Parliament (MPs) rather than by the government, which excludes the possibility of proper consultations with social partners at the stage of governmental discussions. These phenomena, especially interference with the system of checks and balances, have been noted by the European Commission, which also in 2018 continued warning Poland regarding its condition of democracy.

The change of the Prime Minister in late 2017 and replacing part of the cabinet contributed to some stability. The only notable change at the ministerial level concerned Minister of Agriculture Krzysztof Jurgiel, replaced by Jan Ardąnowski. The former PM Beata Szydło's duties as deputy Prime Minister for Social Affairs remain unclear and marginal. From a social perspective, an important transfer concerns Bartosz Marcuk, Deputy Minister for Family, Labour Market and Social Policy, responsible for implementation of the government's flagship social programme, Family 500+, who became involved in management of the Polish Development Fund (crucial for implementation of another important reform, that is occupational old-age pensions). It is important to emphasise that the Ministry of Family, Labour and Social Policy is staffed with politicians connected to the *Solidarność* trade union; however, there are growing differences between the ministry and the union.

The flagship policy change remains the 500+ benefit – it is constantly advertised and the most recognised public policy according to surveys. This policy is debated from several angles – it does not cover all families, is not capped for high earners, and that it might create disincentives to work. This critique fuels short-lived proposals from the opposition. The simulations show, nonetheless, that it significantly reduces poverty among children and families with numerous children. However, the recent reforms aim

at limiting access for single parents – it requires a formal decision regarding alimonies in such a case according to the ministry. While such an approach has been challenged by court cases, indicating that if at all it should be used only for the first child (in this case, there is an income threshold). However, the ministry keeps insisting that local government apply a wider approach. In such a conservative approach to family policy, it is interesting to note that as in the previous year, the government spends significantly more (though still very little by international standards) on childcare for children under three. An interesting development might be increasing the spending on childcare for children under three.

An important topic which remains on the top of the agenda is education system reform. 2018 was a year of mobilisation of teachers' unions (except for Solidarność), which called for wage increases. This problem has not been solved and most likely a big protest of teachers will take place in 2019.

A very controversial process concerned the change in the Labour Code. An expert commission was established, which proposed a completely new code – a mixture of liberalisation of labour law and equalisation of status between different forms of work. However, after the finalising the draft, members of the commission criticised it from different perspectives. As a result, the project was scrapped altogether.

Some sectors of the Polish labour market such as construction, agriculture and services (especially retail trade) depend heavily on foreign workers. At the same time, the employers in these sectors exercise pressure on the government to avoid some requirements (such as the minimum wage or social security contributions). The results of such pressure could be noted in the now scrapped Labour Code bill, which included less favourable treatment of some categories of workers in agriculture. The change of the law, valid since 18 May 2018, introduced a contract for assistance in harvesting. This contract is signed between a farmer and his/her assistant. The duration of the contract cannot exceed 180 days within a year and social security insurance covers the risks of maternity, work accidents and sickness, as well as healthcare insurance following the conditions of insurance in agriculture. An important aspect of this contract is that it is neither employment, nor a Civil Code contract that falls under the minimum wage regulations.

Another change in the labour law concerns transforming a fixed-term contract into an open-ended contract. On 21 November 2018, all fixed-term contracts concluded before 22 February 2016 are transformed into open-ended contracts. Further, when it comes to the termination of contract periods, they became the same for both fixed-term and permanent contracts.

Also, on 30 November 2018, a change in temporary employment came into effect. The new regulations stipulate that a temporary worker can work for the same user

undertaking for 18 months within a 36-month period. This change prevents assigning the same worker, employed subsequently by a different agency, for periods of time longer than 18 months, which used to be a common practice.

One of the most spectacular protests of 2018 took place in the Polish Parliament. A group of disabled children, adults and their caregivers occupied the Polish Sejm for 40 days, starting in the second half of April. The protest brought about some positive changes in the legislation but not all postulates have been implemented by the government. A parallel change was the introduction of the so-called "solidarity tax", which is to be paid additionally to other income taxes by individuals earning more than 1 million PLN a year. The rate is 4 per cent for the excess income above the aforementioned threshold.

The fiscal policy of the PiS government is focused on taxation of bigger companies and oversight of the VAT. However, when it comes to the small and micro companies there are examples of reduced tax rates for companies with a smaller revenue. Also, the change from 2018 (valid from the beginning of 2019) allows for the payment of reduced social security contributions for companies where the revenues do not exceed 30 times the minimum salary.

Finally, 2018 saw a major addition to the pension systems, namely the Occupational Capital Plans. The scheme is going to be introduced gradually and its coverage starts with the biggest companies. By default, every worker (here a wider definition is used) will be covered by this plan. Only by direct expression of will can a worker withdraw from the scheme. The contribution on the side of a worker is a minimum of 2 per cent of the wage, while the employer contributes 1.5 per cent. The contributions can be topped up to 4 per cent on the employee's side as well as by 4 per cent on the employer's side – this means that the maximum contribution can reach 8 per cent of salary. There is also a reduced rate for workers with the lowest salaries (equal or below 120% of the minimum salary) – here the minimum contribution can be as low as 0.5 per cent. The contributions will be invested in financial instruments. The scheme is supported by the state – every participant will receive 250 PLN in a welcome contribution and if contributing at least six months out of 12 in a year – 240 PLN of the yearly subsidy. The payout can take different forms – in general it starts at the age of 60 and lasts for 10 years.

The impact of the European Union on political and social developments is growing and more and more visible to the public. Membership in the EU has had an indirect impact through requirements of fiscal discipline (in the form of the Excessive Deficit Procedure). Also, the government transposes EU Directives regarding social policy or the labour market in a minimalistic way so that their impact on the domestic requirements is reduced. On the other hand, the impact of the European Union on labour laws (such as the notification period, the right of association of atypical workers) can be noted. The role of the EU is downplayed by the government, for example, the stance of the government

on the European Pillar of Social Rights was not known until the very last moment. In 2018 the European Commission, as well as the European Parliament, again focused on the condition of democracy in Poland. Within the last year, Poland has been the subject of several discussions and reactions on the part of the EU institutions – within the Commission as well as the European Parliament. Such debates resulted in a warning issued by the Commission in December that concerns the condition of democratic institutions in Poland. The importance of this action is being downplayed by the government.

Industrial Relations

Industrial relations in Poland are strongly affected by weak representation of workers, especially in the private sector. Partially, the reason for this lies in the legal framework that stipulates that the basic trade union unit is a company organization. However, the reforms from 2018, in power since January 2019, makes participation in unions easier. First, every salaried worker (but also volunteers and trainees who stay with an employer for at least six months) can join a union. Previously it was only employees. This element of the reform is a result of the Constitutional Tribunal's judgment from 2015. Second, the protection associated with union activity has been granted to all categories of workers (and thus, not limited to employees). Third, non-employee members of a union can claim compensation in case of firing. However, only employees can be reinstated. Fourth, the protection of union members is extended onto the individuals indicated by the company's union (management of the union, representatives of the union, other indicated persons and individuals performing union task outside of a given company, having unpaid leave). Finally, the reform increases the requirements on representativeness of the union organisation. In case of a supra-company organisation, it is 15 per cent (was 10 per cent) of workers in companies covered by the union and no less than 10,000 workers. For a company organisation, it is 8 per cent (was 7 per cent) of workers in a company covered by the representative union recognised by the Council of Social Dialogue.

It is possible to establish other forms of representation (information and consultation bodies) only in even bigger entities – those employing more than 50 workers. Primarily, however, private sector managers are characterised by their strong anti-union attitudes.

The Polish labour market is still characterised by a strong asymmetry in labour relations and consequently several kinds of violations of labour law and related standards. The issues that have been indicated by the Labour Inspection include growing delays in salary payments, an increasing

scale of illegal employment, forced self-employment and forced employment under Civil Code contracts, avoiding payment for overtime hours, and working conditions below stipulated standards.

According to the most recent representative survey (conducted in 2017), 10.8 per cent of workers belong to a trade union. This is a similar level to the one noted in 2015, when the previous survey was conducted. The split among the confederations is approximately the following:

- NSZZ Solidarność – 3 per cent of workers,
- OPZZ – 4.6 per cent of workers,
- Forum – 1.3 per cent of workers, and
- Other unions – 1.9 per cent of workers.

Union density and consequently the bargaining power of trade unions vary depending on the sector of the economy. The public sector is the most unionised (19 per cent of workers, 2012 survey) and this includes health care, education and science (23 per cent) and state-owned companies. Also former state-owned companies, especially in heavy industry, belong among the most unionised (16 per cent of workers belong to a trade union in mining and production, 2014 survey). The private sector is significantly less unionised, which – as mentioned above – seems to be a function of the companies' size (they are much smaller) and the negative attitude of employers towards unions. Accordingly, in retail trade 7 per cent of employees are unionised (a significant increase from 3 per cent) while in transport and construction it is 12 per cent. In companies employing more than 250 workers, 28 per cent are unionised while in small companies (less than 50 workers) only 6 per cent are union members. The recent data (2017) does not provide a public-private split but in general it confirms the historical data. The sectors with highest union membership are education and healthcare (26%), public administration and transportation (20%) and industry (11%). Three per cent of workers in trade are unionised while in construction it is 0 per cent. The union membership grows with the company size: 5 per cent under 50 employees

and 19 per cent in bigger companies. These results (and the overall dynamics) should be treated with caution as the survey sample is small.

The Polish trade union movement has been characterised by a division along political lines and this has meant relatively rare cooperation at the national level between unions, especially NSZZ Solidarność and OPZZ. The divide has intensified due to the engagement of both unions for different political sides in the elections of 2015 and continues until today, also at the company level, when Solidarność does not engage in industrial action in companies owned or controlled by the government (or in public sector, more generally). Importantly, NSZZ Solidarność continues an open collaboration with the PiS government, and recently has turned against the opposition to the government, including other confederations. The agenda of unions to some extent has been achieved: again lowering the retirement age, introducing an hourly minimum wage, increasing the tax-free income threshold and the right of association. One issue remains relatively unchanged: reduction of atypical employment and creation of high quality jobs. It should be noted that a great achievement of all three confederations, in cooperation with the employers' organisations, is the establishment of the Council of Social Dialogue, the new body replacing the Tripartite Commission (see more details below). However, there are growing voices of discontent stating that the Council follows the fate of the Commission as being a facade institution on the central level.

At the company level, cooperation between unions of different confederations occurs more often; however, competition between unions is visible there as well, especially coming from smaller, independent trade unions. Both industrial disputes and strikes remain limited in Poland. While the most recent data on collective disputes covers 2016 (242 disputes were registered) the data on strikes relates to 2017 and indicates growth. Accordingly, while only five strikes were recorded in 2016, this number increased to 1,556 in the following year. The majority of these strikes (1,520) occurred in the education sector.

When it comes to notable collective disputes and conflicts in 2018, in a sense one can observe a continuity, though they are much more pronounced. Importantly, somehow in contrast with the government rhetoric of statism, many protests have taken place in either the public sector or in state-controlled companies. First, there is a constant tension in the healthcare sector. Working conditions of nurses are a recurring topic – in 2018 there were numerous instances of protest when nurses called in sick, but also in some hospitals they opted for hunger strikes. The main reasons for the protests were demands for increases of salaries but also demands for employment of new nurses as some hospitals are dramatically understaffed. A second

big wave of protests involved the police force and other uniformed services. As they cannot strike, police officers opted for a work-to-rule protest in the autumn of 2018. Also, many of them went on sickness leave. The main demands were an increase in wages and paid overtime as well as changes in the retirement rules (removal of the retirement age). The government agreed to the conditions put forward by the protesting officers – they will receive salary increases in the coming years and the condition of the retirement age will be removed (the only condition will be years of service – 25 years will apply). Also other services, such as firefighters and border guards will have their overtime paid at a full rate. Next, the second half of 2018 witnessed a protest of social workers – here also financial demands were presented. The protest has taken a country-wide form, although not through a collective action. The latter took place in some municipalities.

An important collective action, including a strike, occurred in the Polish national airline, LOT. There, the line of conflict was the unilateral withdrawal of the wage regulations in the company by the management in 2013. This opened possibilities for b2b solutions in employing new staff and started a collective dispute. Recently, a leader of one of the union organisations was fired and the protest from the second half of 2018 aimed at restoring her employment and starting negotiations on wage regulations. The management of the company presented a very strong anti-union attitude, claiming the protest was illegal and firing almost 70 protesters. The protest stopped on November 1 but the collective dispute continues.

Currently, there are five employers' associations that have representative status in the Council of Social Dialogue: Business Centre Club, Polish Crafts Association (Związek Rzemiosła Polskiego), Employers of Poland (Pracodawcy RP) and Polish Confederation of Private Employers 'Lewiatan' (Polska Konfederacja Pracodawców Prywatnych Lewiatan). The newest organisation which is recognised as representative is Union of Entrepreneurs and Employers (Związek Przedsiębiorców i Pracodawców) with a leader, Cezary Kaźmierczak, known for very strong liberal market views. Their situation remains stable. Their numbers and estimated coverage have not changed over time and is around 20 per cent of employees (according to the available estimations). It seems that in 2017 the employers' organizations lost some of their power in the political sphere and in the media. An explanation for the weakening of their voice might be the takeover of political discourse on social policy by the government but also the situation of the public media, which are controlled by the public authorities. However, the voice of the unions continues to be better also due to their involvement in electoral politics and also because at least some of their reform agenda has been accepted by the government.

Tripartite Social Dialogue

The design of the new tripartite Council of Social Dialogue could have set a new quality of Polish governance. Compared to the old Tripartite Commission, the Council is more independent from the Ministry of Family, Labour and Social Policy. The head of the Council is elected based on the principle of rotation between the represented stakeholders (trade unions, employers and government). The current chair is Dorota Gardias, leader of Forum Związków Zawodowych confederation, who replaced Minister Elżbieta Rafalska (Ministry of Family, Labour and Social Policy). The members of the Council are nominated by the Polish President. The Council has the power to draft bills and submit them to the Council of Ministers, as well as to consult and offer opinion on bills dealing with socio-economic issues. It is assisted by a designated public unit that deals with administrative issues and plays an advisory role.

However, when it comes to the functioning of the Council of Social Dialogue, its achievements are scarce. As was

the case of the previous tripartite body, the Council seems instrumentalized by the government. While in general it receives significantly more attention from government representatives, its real engagement in the policy-making process is limited, also because the government-inspired proposals are submitted by MPs directly to the Parliament. In this way the legislative track is faster and the discussions take place in parliamentary committees where the engagement of social partners is significantly less institutionalised. Therefore, the Council focuses on issues raised by the employers and the unions, who in many instances negotiate bilaterally. Several important initiatives were negotiated but then not taken up by the government.

To replace the tripartite bodies at the regional level, new bodies have been created – Voivodship Social Dialogue Councils – but their scope is limited to socio-economic issues arising at the level of the voivodship.

Forecasts

2019 will be a very important year due to the double elections. While the important topics will be democratic principles – checks and balances, electoral law and independence of public media – it seems that socio-economic topics will be crucial in the political debate. The governing party most probably will use the social rhetoric to a significant extent and the opposition will have to refer to it as well. On the left side of the political scene we can see some revival of the 'old' left-wing party. Also, there is a new contender in the electoral game, Robert Biedroń, former mayor of Słupsk, who can be seen as progressive but he still not revealed the program of his political force.

The economic situation of the country is relatively good, with optimistic prospects for the future presented by

international organisations. However, the fiscal situation especially depends on short-term factors such as a good situation in the labour market and also underspending in some sectors (such as public administration). This, in turn, might lead to growing discontent with the governmental policy in this sector or in a worsening economic situation, removing this specific cushion for the budget.

Lastly, the problem with rule of law in Poland has been gaining more and more European attention. Recent discussions in the European Commission and the European Parliament suggest that structural funds can be suspended if a member state does not follow the rule of law.

Annex - Information about:

- Collective bargaining system

Given the mainly advisory role of social dialogue institutions at the national, branch and regional levels, the major proportion of bargaining is at the level of companies. Collective agreements regulate the conditions of work, pay, health and safety and other work-related issues as long as the agreed conditions are not worse than those stipulated by law. A collective agreement can be negotiated only in companies where a trade union organisation(s) exists. The number of collective agreements annually registered with the Labour Inspection decreased from 79 in 2016 to 50 in

2017. As for annexed protocols, the number declined from 896 in 2016 to 854. In total there were 13,911 collective agreements registered by Labour Inspection at the end of 2014. Of these, 8,173 were still in force, covering approximately 1.8 million workers. Understanding that the low coverage also results from the non-organisation of employers, the government plans to introduce mandatory chambers that would gather together employers; however, no steps have been taken in this direction.

• System of tripartite social dialogue

At the national level, tripartite social dialogue takes place in the Council of Social Dialogue established at the end of 2015, replacing the Tripartite Commission. The members of the Council are nominated by the Polish President and the chair of the Council rotates between the represented stakeholders (trade unions, employers and government). The Council has the power to draft bills and submit them to the Council of Ministers, as well as to consult and offer opinion on bills dealing with socio-economic issues. It is assisted by a designated public unit that deals with

administrative issues and plays an advisory role. Despite its legislative prerogative, the Council's role is mainly advisory: its role is especially visible in preparation of a budget bill and changes in social benefits and minimum wages.

There are also 16 regional bodies (Wojewódzka Komisja Dialogu Społecznego, Voivodship Council for Social Dialogue) for social dialogue (one for each voivodship). The bodies involve the social partners and their role is also advisory with respect to developments at the regional level.

• Social security systems

In principle, all workers employed on the basis of the Labour Code regulations are covered by health care, old-age pensions, unemployment insurance and against other social risks. But in the case of health insurance there are no reliable data: the number of insured in the register is higher than the population of Poland, plus family members of an insured person are also covered. It is estimated that one million Poles are not covered by health insurance, which is being confirmed by a newly-introduced system of insurance evidence. Recent changes have opened access to basic health care to uninsured individuals.

The observed problem is the inferior social security coverage provided under the widespread Civil Code working agreements, as the non-wage labour costs are smaller for the employer. Since 2017, for some types of civil contracts, the healthcare and old-age pension insurance is mandatory for salaries up to the level of minimum wage. Also, as mentioned, in 2018 a special contract for help in agriculture was introduced – it provides very basic social security though no minimum wage regulations apply.

• Education and vocational training

Since the mid-1990s, an outflow from vocational education towards general education has been observed. This trend especially affected basic vocational schools. At the same time, graduates from these schools experienced significant problems with finding a job despite their profiled education, which in other cases increases the probability of a successful transition to the labour market. Diplomas from vocational education are not widely recognised by employers, as during final examinations the emphasis is put on theoretical knowledge. Employers often raise the argument that school and university graduates do not have sufficient work experience; however, as the section below demonstrates, employers have only a limited interest in participating in training and vocational certification as well as in indicating their demands for the skills needed. In 2010, less than 23 per cent of Polish companies cooperated with a school or a centre for practical training. Of the companies that did cooperate, 63 per cent engaged in practical training, 60 per cent in in-company training, 50 per cent in sponsored schools and another 48 per cent provided both practical and theoretical training. A

significantly lower number of companies (5-6 per cent) took part in other forms of cooperation with schools such as preparing curricula, training teachers, or providing materials and equipment. Importantly, larger companies were 10 times more often involved in training than small or micro companies. The government plans to increase the role of vocational training (including basic vocational education) by making the link between the schools and employers closer; however, so far no real actions have been taken.

- Employment rate (%)

Year/ Group	2016 Q3	2016 Q4	2017 Q1	2017 Q2	2017 Q3	2017 Q4	2018 Q1	2018 Q2	2018 Q3
Total 15-64	64.9	65.1	65.4	66.2	66.5	66.4	66.6	67.7	68
Men 15-64	71.6	71.8	71.8	72.5	73.5	73.4	73.1	74	74.5
Women 15-64	58.3	58.5	59	60	59.6	59.4	60.1	61.4	61.4
Total 15-24	28.5	28.6	29.1	29.6	30	29.8	31	31.6	30.9
Men 15-24	33.5	32.9	33.2	33.9	34.5	34	35.5	34.5	34.6
Women 15-24	23.2	24.1	24.8	25.2	25.3	25.4	26.3	28.5	26.9
Total 25-49	81.5	81.5	81.8	82.5	82.2	82.2	82.6	83.2	83.5
Men 25-49	87.7	88	88	88.7	89.4	88.8	88.7	89.6	89.6
Women 25-49	75.1	74.8	75.4	76.1	74.9	75.4	76.3	76.7	77.3
Total 50-59	68.5	68.8	68.3	70	70.6	70.2	69.8	71.8	73.1
Men 50-59	74.2	74	72.5	74.3	75.2	75.5	74.3	75.8	77.1
Women 50-59	63.1	64	64.4	66	66.1	65.2	65.5	68	69.4

Source: Eurostat LFS

- Unemployment rate (%)

Year/ age group	2016 Q3	2016 Q4	2017 Q1	2017 Q2	2017 Q3	2017 Q4	2018 Q1	2018 Q2	2018 Q3
Total 20-24	16.6	14.8	14.9	13.9	13.4	14.1	11.5	9.4	11.2
Total 25-49	5.2	5	4.7	4.3	4.2	3.9	3.7	3.3	3.5
Total 50-59	4.5	4.3	4.6	4.1	3.7	3.3	3.1	2.6	2.3

Source: Eurostat LFS

The choice of the data was driven by comparability reasons. The register data (referring to individuals registered with Public Employment Services) remains

higher by about 1-2 percentage points. The difference is due to the different definitions regarding unemployment.

- Net average monthly salaries (estimations)

Net Salaries	2016 Q3	2016 Q4	2017 Q1	2017 Q2	2017 Q3	2017 Q4	2018 Q1	2018 Q2	2018 Q3
in PLN	2892	3006	3100	3007	3031	3214	3287	3216	3257
in €	663	682	728	710	700	770	780	763	773

Source: CSO, own calculations

- Gender pay gap

The unadjusted gender pay gap for the hourly gross wages in Poland was well below the EU average (in 2015 it was one of the lowest in the EU – approximately 6.4 per cent

of the male wages). However, the adjusted wage gap is significantly higher, at the level of 20 per cent.

- Net monthly minimum wage

Minimum salary	January 2016	January 2017	January 2018	January 2019
in PLN	1356	1459	1530	1634
in €*	318	335	366	379

Source: CSO, own calculations *average exchange rate for given date

- Actual weekly working hours

Year/ indicator	2016 Q3	2016 Q4	2017 Q1	2017 Q2	2017 Q3	2017 Q4	2018 Q1	2018 Q2	2018 Q3
Actual average weekly hours in work	40.9	40.5	40.4	40.5	40.6	40.3	40.2	40.4	40.5

Source: Eurostat

As seen in the table, the number of actual working hours has remained relatively stable – and above the EU 28

average (2018 Q3: 37.2).

- Normal work / atypical work

Year/ indicator	2016 Q3	2016 Q4	2017 Q1	2017 Q2	2017 Q3	2017 Q4	2018 Q1	2018 Q2	2018 Q3
Fixed- term*	27.3	26.7	26.3	26.7	26	25.5	25.3	24.8	23.8
Part-time*	6.2	6.6	6.7	6.7	6.4	6.4	6.5	6.7	6.3

Source: Eurostat LFS *Percentage of total employment.

So-called Civil Code contracts (umowy cywilno-prawne) have gained more and more importance in the labour market. These contracts have significantly reduced social protection rights. In contrast to contracts observing the Labour Code, sickness, maternity and unemployment benefits are not compulsorily covered under the bulk of Civil Code contracts. Moreover, employment based on the Civil Code does not follow regulations regarding minimum wage (however, a mandatory hourly minimum has been introduced in 2017), working time, holidays and overtime

remuneration, and a record of years of service is also not included. Checks by the Labour Inspection in 2012 revealed that approximately 20 per cent of workers in the reviewed companies were employed on the basis of a Civil Code contract. One important step towards provision of more social protection involves flat rate maternity/parental benefits for uninsured individuals as well as mandatory old-age pension contributions for those working under a umowa-zlecenie.

• Migration flows 2011-2012

There are no reliable data on migration flows, only on migration stocks and the Polish Central Statistical Office

publishes those data on Poles living abroad.

Year/Value	2015	2016	2017
Stock	2.397	2.515	2.540

Source: GUS, in millions

• Human Development Index (HDI)

Year	2015	2016	2017
HDI	0.855	0.860	0.865
Rank	36	34	33

Source: UNDP

• Gini-coefficient

Year	2013	2014	2015	2016	2017
Gini coefficient	30.7	30.8	30.6	29.8	29.2
Ranking in the EU	17	17	16	15	13

Source: Eurostat, EU-SILC

• Collective agreement coverage

According to the Labour Inspection it is estimated that at the end of 2014 approximately 1.8 million workers were covered by collective agreements. This means

around 11 per cent of the total labour force is covered by collective agreements. No recent data is publicly available.

• On-going important collective bargaining agreements

Currently, no negotiations at the national level are taking place. Most of the collective bargaining (which is limited and declining further) concerns pay schemes. Negotiations are continuing in the mining industry, the healthcare sector and

railways and bargaining is also taking place in some retail trade. As a result of the recent protest, negotiations are also taking place in the Polish national airline.

• Trade union density

See chapter Industrial relations.

• Employers' organizations density

There are no exact data on the density of employers' organizations but it is estimated that they cover no more than 20 per cent of the workers in the economy. Given the dominance of very small companies employing less

than nine workers, the employers are very fragmented and their interests diversified. With a new representative of the employers' organisation in the Council of Social Dialogue, the density is probably up, although no recent data exists.

• Workplace representation

In addition to trade unions, representation of employees can take the form of Workers' Councils in state-owned enterprises (introduced in 1981) and Works Councils whose functioning is regulated by the Act on the Information and Consultation of Employees (triggered by EU legislation in 2006). To establish a trade union at a company level requires 10 employees. If the trade union membership exceeds 10 per cent of the workers in a company, the union is considered representative for the purpose of the collective bargaining. Another way of gaining representativeness within a company is to have trade union membership in a union confederation eligible to participate in the Council for Social Dialogue – in this case membership

of only 7 per cent of the workers is required. Trade union representatives at a company level have the right for office space and are protected against dismissal.

It is possible to establish a Works Council in a company employing more than 50 workers (before 2008 the number was 100). Also before 2008, one of the ways of selecting representatives to the Works Council was direct nomination by a trade union. Currently, all Works Council representatives must be elected by employees of the respective company. In May 2015 there were approximately 3,300 Works Councils in Poland.

• Trade union mapping

	in National Language	in English	
Name of TU Federation/ Confederation/Trade Union	Ogólnopolskie Porozumienie Związków Zawodowych (OPZZ)	All-Poland Alliance of Trade Unions	
Founding Year	1984		
Sector/Branch	Nationwide, All sectors		
Cycle of Congresses/ Last Congress	OPZZ Congresses take place every four years; the last congress took place in May 2018 and the current president was re-elected. New vice-presidents were elected: Piotr Ostrowski and Barbara Popielarz. Andrzej Radzikowski was re-elected.		
Important Functionaries (Chairman, President, International Secretary, Youth Leader, etc.)	Name	Function	Homepage
	Jan Guz	Chairman	http://www.opzz.org.pl/onas/struktura/kierownictwo
	Konrad Więcek	Youth Committee	http://komisjamlodychopzz.pl/
	Adam Rogalewski	International Committee	http://www.opzz.org.pl/kontakt/centrala
Number of Members (please comment on the official number applying a sensitive approach)	Reported: 792,500 (2011), Survey: 621,000		
Finance (major sources of finance, please comment on the official figures applying a sensitive approach)	The data on financing sources is not available. As with other Polish trade union confederations/major unions, economic activity (renting properties) seems important		
Number of staff (estimated if necessary)	Around 35 full-time staff		
Political Orientation (short story in three lines)	It is a left-wing leaning confederation, with close links with Sojusz Lewicy Demokratycznej but also other left-wing organisations.		
Cooperation in national committees	Representative member of the Council of Social Dialogue		
Memberships	Regional Umbrella Associations	Global Umbrella Associations	
	ETUC, BASTUN	ITUC	

	in National Language	in English	
Name of TU Federation/ Confederation/Trade Union	Niezależny Samorządny Związek Zawodowy Solidarność (NSZZ Solidarność)	Independent Self-governing Trade Union "Solidarity"	
Founding Year	1980 (illegal between 1982 and 1989)		
Sector/Branch	Unitary trade union, encompassing all sectors of the economy		
Cycle of Congresses/ Last Congress	For the purposes of electing president and National Council, a National Delegates' Assembly meets every four years. The current president was re-elected in 2018.		
Important Functionaries (Chairman, President, International Secretary, Youth Leader, etc.)	Name	Function	
	Piotr Duda	President	Homepage: http://www.solidarnosc.org.pl/kontakt
	Andrzej Adamczyk	Head of international affairs	
Number of Members (please comment on the official number applying a sensitive approach)	Reported: 667,500 (2011), Survey 621,000 (2012)		
Finance (major sources of finance, please comment on the official figures applying a sensitive approach)	The data on financing sources is not available. As with other Polish trade union confederations/major unions, economic activity (property rental) seems important. Solidarność is successful in attracting European funds.		
Number of staff (estimated if necessary)	Not available		
Political Orientation (short story in three lines)	Politically, NSZZ Solidarność is a centre-right (or Christian-Democratic) leaning union. The closest collaborator is Prawo i Sprawiedliwość, though formally Solidarność stresses political indifference. However, the union and the current government collaborate closely (also, the union's affiliates are high ranking officials in the Ministry of Family, Labour and Social Policy).		
Cooperation in national committees	Representative member of the Council of Social Dialogue		
Memberships	Regional Umbrella Associations	Global Umbrella Associations	
	ETUC, BASTUN	ITUC, TUAC	

	in National Language		in English	
Name of TU Federation/ Confederation/Trade Union	Forum Związków Zawodowych (FZZ)		Trade Unions Forum	
Founding Year	2002			
Sector/Branch	All-branch encompassing trade union confederation			
Cycle of Congresses/ Last Congress	FZZ Congress meets every four years and elects leaders. The last congress took place in 2018 and Dorota Gardias was re-elected.			
Important Functionaries (Chairman, President, International Secretary, Youth Leader, etc.)	Name		Function	Homepage
	Dorota Gardias		President	http://fzz.org.pl/wladze/
	Maciej Zakrocki		International affairs	
Number of Members (please comment on the official number applying a sensitive approach)	Reported: 408,000 members (2012), Survey: around 310,000 (2012)			
Finance (major sources of finance, please comment on the official figures applying a sensitive approach)	The data on financing sources are not available. As with other Polish trade union confederations/major unions, economic activity (renting properties) seems important			
Number of staff (estimated if necessary)	Less than 10 full-time staff members			
Political Orientation (short story in three lines)	Forum Związków Zawodowych seems the least politicised among major trade unions; it is seen as moderately left-wing.			
Cooperation in national committees	Representative member of the Council of Social Dialogue			
Memberships	Regional Umbrella Associations		Global Umbrella Associations	
	ETUC, BASTUN			

- Employer Association Mapping

	in National Language	in English
Name of the association	Polska Konfederacja Pracodawców Prywatnych Lewiatan (PKPP Lewiatan)	Polish Confederation of Private Employers - Lewiatan
Founding Year	1999	
Sector/Branch	Mainly private sector, all-encompassing	
Cycle of Congresses/ Last Congress	General Assembly meets every year. Last meeting took place in May 2018. A new regulation stipulates that the President can have two terms of three years each.	
Important Functionaries (Chairman, President, Director, etc.)	Name	Function
	Henryka Bochniarz	President
	Aleksandra Adamowicz	Youth Forum
Number of Members	62 regional and branch associations comprising 4,100 companies employing approximately 1,000,000 workers	
Finance (major sources of finance, please comment on the official figures applying a sensitive approach)	Financing comes from regional and branch associations and individual companies associated directly. It is maximum 0.2 per cent of the payroll. Also, PKPP Lewiatan runs many projects co-financed from European funds.	
Political Orientation (short story in three lines)	PKPP Lewiatan is leaning towards liberal-centre. Henryka Bochniarz stood for election of President of Poland in 2005	
Cooperation in national committees	Representative member of the Council of Social Dialogue	
Memberships	Regional Umbrella Associations	Global Umbrella Associations
	BusinessEurope	BIAC

	in National Language	in English
Name of the association	Pracodawcy Rzeczypospolitej Polskiej	Employers of Poland
Founding Year	1989	
Sector/Branch	Nationwide	
Cycle of Congresses/ Last Congress	General Assembly meets every year, the term of the President lasts five years. Last assembly: April 2017.	
Important Functionaries (Chairman, President, Director, etc.)	Name	Function
	Andrzej Malinowski	President
Number of Members	12,000 companies, employing approx. 5 million workers (2016, self-reported, 85 per cent private sector)	
Finance (major sources of finance, please comment on the official figures applying a sensitive approach)	The sources of financing unknown.	
Political Orientation (short story in three lines)	Probably the most centre-oriented of the employers' organisations that are members of the Council of Social Dialogue	
Cooperation in national committees	Representative member of the Council of Social Dialogue	
Memberships	Regional Umbrella Associations	Global Umbrella Associations
	CEEP	IOE, ILO, BIAC

	in National Language	in English
Name of the association	Business Centre Club	Business Centre Club
Founding Year	1999	
Sector/Branch	Nationwide	
Cycle of Congresses/ Last Congress	This information is not available – President of BCC is also a founder of the Club	
Important Functionaries (Chairman, President, Director, etc.)	Name	Function
	Marek Goliszewski	President
Number of Members	2,000 companies, employing approximately 400,000 workers	
Finance (major sources of finance, please comment on the official figures applying a sensitive approach)	The organization does not publish financial reports; therefore the sources of financing are not available.	
Political Orientation (short story in three lines)	Business Centre Club has a clear profile as a lobbying organisation. Perhaps it is the most liberal among the employers' associations that are affiliated with the Council of Social Dialogue	
Cooperation in national committees	Representative member of the Council of Social Dialogue	
Memberships	Regional Umbrella Associations	Global Umbrella Associations
	CEEP	IOE, ILO, BIAC

	in National Language	in English
Name of the association	Związek Rzemiosła Polskiego	Polish Crafts Association
Founding Year	1933	
Sector/Branch	Nationwide, represents small and medium enterprises, eligible for conducting vocational tests	
Cycle of Congresses/ Last Congress	Congress meets every year, while electoral Congress takes place every four years. Last congress: June 2018. A new president, Jan Gogolewski, was elected, replacing Jerzy Bartnik.	
Important Functionaries (Chairman, President, Director, etc.)	Name	Function
	Jan Gogolewski	President http://www.zrp.pl/AboutZRP/tabid/316/language/en-US/Default.aspx
	Edyta Doboszyńska	General Director
Number of Members	Approximately 300,000 companies	
Finance (major sources of finance, please comment on the official figures applying a sensitive approach)	The organization does not publish financial reports; therefore the sources of financing are not available.	
Political Orientation (short story in three lines)	The political profile of Związek Rzemiosła Polskiego is unclear.	
Cooperation in national committees	Representative member of the Council of Social Dialogue	
Memberships	Regional Umbrella Associations	Global Umbrella Associations
	NORMAPME, EBC, UEAPME	

	in National Language	in English
Name of the association	Związek Przedsiębiorców i Pracodawców	Union of Entrepreneurs and Employers
Founding Year	2010	
Sector/Branch	Nationwide	
Cycle of Congresses/ Last Congress	The General Assembly meets once a year. Last assembly: October 2018. Board term is 5 years.	
Important Functionaries (Chairman, President, Director, etc.)	Name	Function
	Cezary Kaźmierczak	President
Number of Members	The association represents micro and small companies (employing less than 250 workers). It says it represents 51,818 companies employing 570,000 workers.	
Finance (major sources of finance, please comment on the official figures applying a sensitive approach)	The organization does not publish financial reports; therefore the sources of financing are not available (though in general it is based on contributions).	
Political Orientation (short story in three lines)	Its founders are known for very strong, liberal views. The organisation presents itself as impartial, though its radical profile locates it in a liberal market-fundamentalist corner.	
Cooperation in national committees	Representative member of the Council of Social Dialogue	
Memberships	Regional Umbrella Associations	Global Umbrella Associations



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