

Collective Bargaining Agreements in Poland

-not very optimistic story

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COLBAR kick off meeting

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Some history...

- Lack of tradition: autonomous collective agreements existed before WW II, but since 1945 -no possibility to conduct real collective bargaining in conditions of authoritarian state
- Breakthrough 1989 -the beginning of transformation, industrial relations system had to be built from scratch
- But..instead building of social market economy the other paradigm won –neoliberal in the spirit of Washington Consensus
- Collective agreements treated by political elites as old fashioned unnecessary element that distorts the freedom of establishment
- Only in 1996 a legal framework for collective bargaining agreements (CBAs) could be established, as a result of the pressure of trade unions (Division 11 of the Labour Code)
- But for the following years, the concept of collective bargaining was not specifically promoted and honoured by the subsequent governments (regardless of their ideological option)

Main provisions

- 2 levels of negotiations: company and multi –company („sectoral“)
- Multi-company CBAs can be concluded with employers' organisation and –in public sector –with local/national authority
- Only TU entitled to negotiate but when collective agreement signed – applies to all employees in the company(ies) covered
- Possibility of legal extention of „sectoral“ agreements
- The „favourability principle“ – CBA provisions can not be less favourable for employees than those adopted at upper level or provided by law
- Collective bargaining agreement is an independent source of law what means an employee may complain to the court if her/his rights arised from the CBA are violated (but the trade union that is a party to the CBA can not do so!)

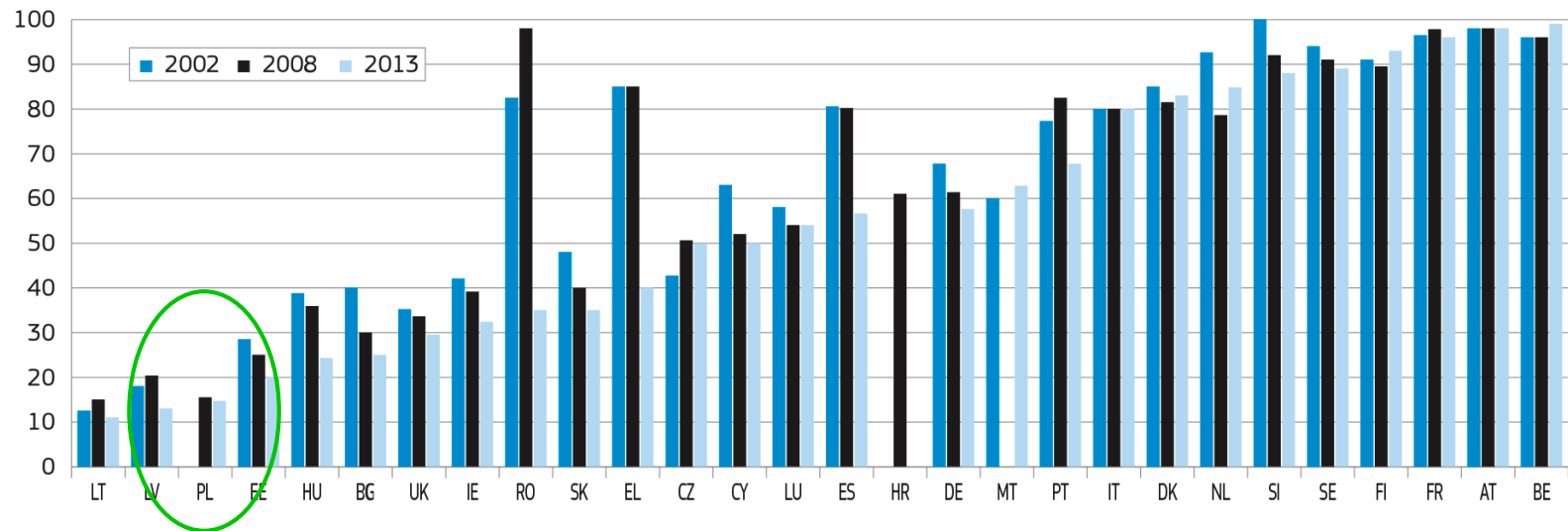
Collective bargaining in practice

- About 9 000 functioning CBAs at company level
- Only 5 national-wide „sectoral“ agreements , about 75 -at local level (mostly concluded for school employees who are not teachers). All together no more than 300 000 employees covered
- The vast majority of the CBAs was concluded for an indefinite period, changes are introduced through so-called additional protocols
- The content of the CBAs: provisions regarding working time arrangements, remuneration, training, OHS standards, mutual obligations of the parties regarding the principles of intra-company dialogue, other specific issues (like preventing mobbing, or management of the social fund)
- The large trade union pluralism at company level makes it difficult to conduct CBA negotiations (micro-unions, sometimes "yellow" can block them)

Characteristic of the Polish system of collective bargaining: comparative analysis

- low coverage

Chart 1.4. Collective bargaining coverage in EU Member States, 2002-13



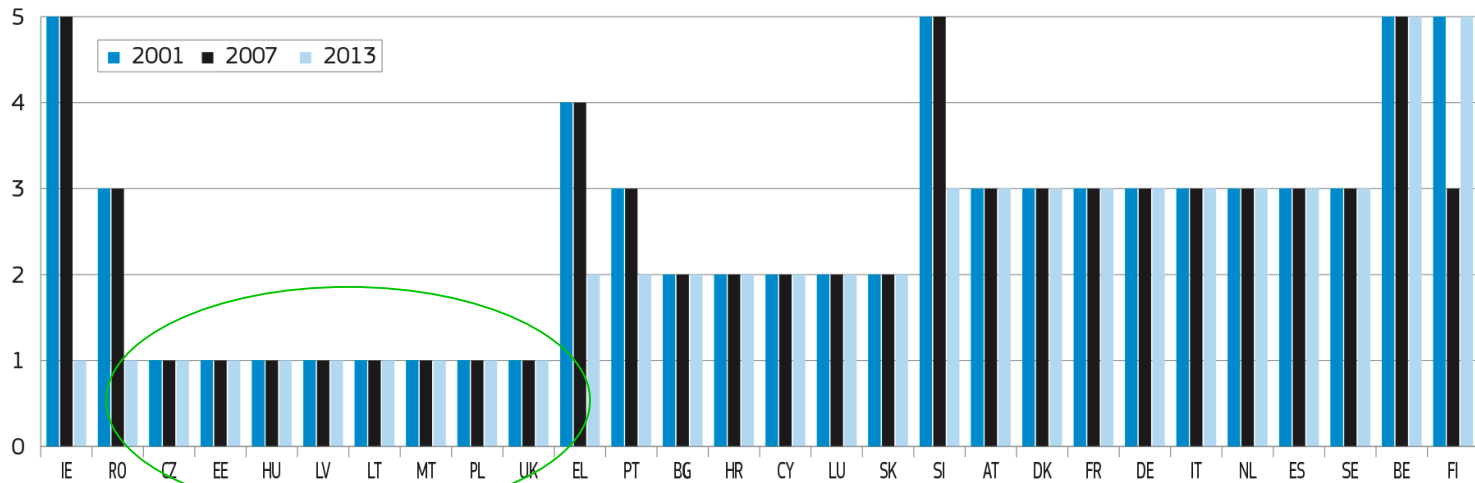
Source: ICTWSS database (Visser, 2015).

Note: BG 2003 data; CY 2011 data; LT, LV, PL, BG, RO, SK, CZ, MT 2012 data; HR no data for 2002 and 2013.

Characteristic of the Polish system of collective bargaining: comparative analysis

- huge decentralisation

Chart 1.5. Dominant level of bargaining⁽¹⁾ in EU Member States, 2001-13



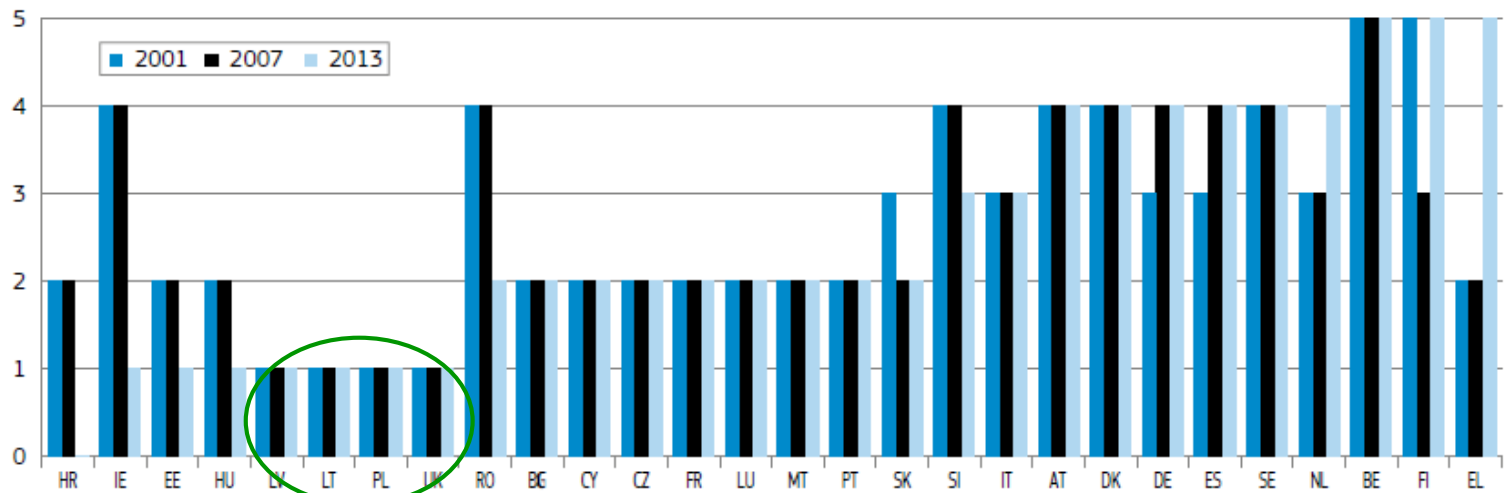
Source: ICTWSS database (Visser 2015).

⁽¹⁾ 5 = bargaining predominantly takes place at central or cross-industry level and there are centrally determined binding norms or ceilings to be respected by agreements negotiated at lower levels; 4 = intermediate or alternating between central and industry bargaining; 3 = bargaining predominantly takes place at the sector or industry level; 2 = intermediate or alternating between sector and company bargaining; 1 = bargaining predominantly takes place at the local or company level.

Characteristic of the Polish system of collective bargaining: comparative analysis

- weak CB coordination

Chart 1.6. Coordination of wage bargaining in EU Member States, 2001-13



Source: ICTWSS database (Visser, 2015)⁽¹⁾.

What is behind such situation?

- Huge segmentation of labour market, more that 30% of workers on unstable (fix-term) or civil law contracts
- Employment structure by size of enterprises - in the private sector over 52% of people are employed in enterprises of up to 50 employees, it is difficult to organize them, it is even more difficult to negotiate a collective agreement
- Destructive role of multinational corporations, they are rarely willing to negotiate company agreements and strongly refuse to engage in sectoral negotiations, employers' organisations serve rather as a kind of lobby associations
- The lack of collective bargaining strategy on the trade union side at sectoral and cross-sectoral level (bipartite relations with government as a priority)