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ACT OF 6TH JULY 2001 ON THE TRIPARTITE COMMISSION FOR SOCIO-ECONOMIC AFFAIRS AND ON VOIVODSHIP SOCIAL DIALOGUE COMMISSIONS

CHAPTER 1

GOAL AND TASKS OF THE TRIPARTITE COMMISSION FOR SOCIO-ECONOMIC AFFAIRS

Article 1.

1. The Tripartite Commission for Social and Economic Affairs, hereinafter referred to as “the Commission,” is a forum for social dialogue conducted in order to accommodate employee and employers’ rights as well as public interest.
2. The Commission’s objective is to aim for and maintain social peace.
3. The Commission’s competencies include social dialogue relative to salaries and social profits, to other social or economic affairs as well as the realization of tasks defined in separate legal acts.

Article 2.

1. All parties of the Commission may propose as discussion topics issues of high social or economic importance provided they consider their resolution vital to the preservation of social peace.
2. All parties of the Commission may, acting on their own or with other parties to the Commission, present their position in all matters relative to social and economic policy.
3. Every party of the Commission may call another party of the Commission to take position in a matter it considers as socially or economically important.
4. The employers’ and employees’ parties may conclude supra-enterprise collective labor agreements that will be applied to all employees affiliated within representative organizations, mentioned in art. 7 point 1, or to a group of those employers and employees employed by those employers. Parties may also conclude agreements that define mutual commitments of the parties.
5. Agreements mentioned in line 4 are in the scope of application of dispositions of art. 239-241-13 of the Labor Code, with the exception of art. 241-249 § 3-5.

Article 3.

1. The government party presents to the Commission, until the 15th of April of each year, a preliminary prognosis of macro-economic values being a basis for works on the project of the budgetary act for the next year and - in order to obtain a position by the workers’ and employers’ parties - propositions of rises during the coming year:

- 1) of salaries in the national economy, including the state budgetary sphere, as well as at entrepreneurs,
- 2) of retirement pensions and other annuities paid from the Social Insurance Funds.
2. The employees' and employers' parties take a common position relative to every proposition mentioned in point 1, until the 10th of May of each year.
3. If parties do not come to an agreement on a common opinion within the period of time mentioned in point 2, each party may present its own opinion relative to propositions mentioned in point 1, until the 20th of May.
4. If the party does not come to an agreement on an opinion within the period of time mentioned in point 3, each organization whose representatives represent the party in the Commission may present its own opinion relative to propositions mentioned in point 1, until the 25th of May.
5. The government party will address to the Commission the fundamentals of the budget project of the state for the next year until the 15th of June of each year, in order for the employees and employers to present their opinions.
6. The employees' and employers' parties shall take a common position relative to the fundamentals of the budget project of the state for the next year until the 20th of July of each year.
7. If parties do not come to an agreement on a common opinion within the period of time mentioned in point 6, each party may present its own opinion relative to the fundamentals of the budget project of the state for the next year, until the 25th of July.
8. If a party does not come to an agreement on an opinion on the fundamentals of the budget project of the state for the next year within the period of time mentioned in point 7, each organization whose representatives represent the party in the Commission may present its own opinion relative to the fundamentals of the budget project of the state for the next year, until the 31st of July.
9. The government party addresses the budgetary act project for the next year with justification to the Commission, not later than 20 days before presenting the project to Parliament, in order for the employees and employers' parties to formulate an opinion
10. The employees' and employers' parties take a common position relative to the budgetary act project for the next year not later than on the 6th working day after receiving the project.
11. If parties do not come to an agreement on a common opinion within the period of time mentioned in point 10, each party may present its own opinion relative to the budgetary act project for the next year, within the next three working days.
12. If a party does not come to an agreement on an opinion on the budgetary act project for the next year within the period of time mentioned in point 11, each organization whose representatives represent the party in the Commission may present its own opinion relative to the budgetary act project for the next year within the next two working days.
13. Time limits presented in points 1-8 may be modified by the Commission following a demand of the governmental party.
14. Failure to present opinions mentioned in points 4, 8 and 12 in the period of time defined for each of those opinions or in the period of time defined by the Commission indicates a resignation of the right to express those opinions.

CHAPTER 2

COMPOSITION AND ORGANIZATION OF THE TRIPARTITE COMMISSION FOR SOCIO-ECONOMIC AFFAIRS

Article 4.

1. The Commission is composed of representatives of the governmental party, of the employees' party and of the employers' party.
2. Representatives of territorial self-government units take part in the Commission's works, with a counseling voice, in the scope relative to the execution of public tasks by the territorial self-government body.
3. Representatives of the President of the National Bank of Poland and of the President of the Central Statistical Office take part in the Commission's works, with a counseling voice.

Article 5.

1. The government party of the Commission is represented by representatives of the Council of Ministers designated by the Prime Minister.
2. The government party may invite state and self-government administration representatives as well as social and professional organizations' representatives to take part in the Commission's works with a counseling voice.

Article 6.

1. The employee party in the Commission is represented by members of representative trade union organizations.
2. Representative trade unions are the Independent Self-Governed Trade Union "Solidarność" and the All-Polish Trade Unions Alliance (OPZZ).
3. Those national trade unions, trade unions' alliances (federations) and inter-trade union national organizations (confederations) that meet the following criteria are also considered to be representative:
 - 1) they affiliate more than 300,000 member employees,
 - 2) they are active in fields of national economy accounting for more than half of the Polish Activity Classification (PKD) List, mentioned in the dispositions relative to public statistics.
4. In determining whether a given trade union organization meets the number criterion mentioned in point 3, those organizations are taken into account whose overall membership does not exceed 100,000 employees employed in state economy units, whose basic activity is defined in a single section of the Polish Activity Classification (PKD), mentioned in acts on public statistics.
5. The employees' party may invite trade union and trade union organizations' representatives that do not meet the conditions defined in points 3 and 4 as well as social and professional organizations' representatives to participate in the works of the Commission, with a counseling voice.

Article 7.

1. The employers' party in the Commission is represented by representative employers' organizations.

2. Representative employers' organizations are: the Polish Employers' Confederation, the Polish Confederation of Private Employers and the Polish Artisan Association.
3. Employers' organizations that meet the following criteria overall are also considered to be representative:
 - 1) they affiliate employers employing more than 300.000 workers,
 - 2) they have a nationwide range of activity,
 - 3) they are active in fields of national economy accounting for more than half of the Polish Activity Classification (PKD), mentioned in the dispositions relative to public statistics, are taken into account.
4. When defining the number criterion mentioned in point 3, employers who employ not more than 100,000 employees and who are affiliated in an employers' organization, whose basic activity is defined in a single section of the Polish Activity Classification (PKD), mentioned in acts on public statistics, are taken into account.
5. The employers' party may invite employers organizations' representatives that do not meet the conditions defined in points 3 and 4 as well as social and professional organizations' representatives to participate in the works of the Commission, with a counseling voice.

Article 8.

1. The demands of trade union organizations mentioned in art. 6 point 3, relative to the affirmation of their representativeness are assessed by the District Court in Warsaw, which issues a decision in a period of 30 days counting from the day when the demand was made, according to the provisions of the Code of Civil Procedure pertaining to extra-judicial procedures.
2. The demands of employers' organizations mentioned in art. 7 point 3, relative to the affirmation of their representativeness are assessed by the District Court in Warsaw, which issues a decision in a period of 30 days counting from the day when the demand was made, according to the provisions of the Code of Civil Procedure pertaining to extra-judicial procedures.

Article 9.

1. Every organization mentioned in art. 6 point 1 and art. 7 point 1, has an equal number of representatives to the Commission.
2. The number of representatives mentioned in point 1 is defined by the Commission through a decision.
3. The number of representatives of the Council of Ministers in the Commission and the number of self-government representatives participating in the works of the Commission is defined by the Prime Minister after seeking the advice of the self-government party in the Joint Commission of the Government and Territorial Self-Government.
4. The Chairman of the Council of Ministers designates and calls back from the Commission representatives of:
 - 1) the Council of Ministers
 - 2) organizations mentioned in art. 6 point 1, on demand of each of those organizations.
 - 3) organizations mentioned in art. 7 point 1, on demand of each of those organizations.
5. The Chairman of the Council of Ministers designates and calls back from work at the Commission representatives of:

- 1) the territorial self-government, on demand of the self-government party in the Joint Commission of the Government and Territorial Self-Government,
 - 2) the President of the Polish National Bank, on his demand,
 - 3) the President of the Central Statistical Office, on his demand.
6. Persons that are called to be members of the Commission or to take part in the Commission's works participate in person in the works of the Commission.

Article 10.

1. The Commission holds plenary sessions.
2. The Commission may take decisions, provided the vote will be made with the participation of representatives of:
 - 1) the Council of Ministers
 - 2) at least one of the organizations mentioned in art. 6 point 1,
 - 3) at least one of the organizations mentioned in art. 7 point 1.
3. Decision-making depends on the agreement of all parties participating in the vote mentioned in point 2.
4. The Commission's sessions take place as needed, but not less often than once every two months.

Article 11.

1. The Commission may take a decision and call up permanent or temporary problem teams.
2. The decision on creating such a team defines the team's tasks and its composition or the way to define this composition.

Article 12.

1. The Commission's works are led by the Commission Presidium, composed of the Commission Chairman and Vice-Chairman.
2. The Chairman of the Commission is designated by the Prime Minister among members of the Council of Ministers representing it in the Commission.
3. Representatives of all organizations mentioned in art. 6 point 1 and art. 7 point 1 designate one Commission Vice-Chairman each.
4. The Commission Presidium determines the activity program and works schedule as well as the topics of the Commission's sessions.
5. Sessions of the Commission are called up by the Chairman of the Commission.

Article 13.

The Commission votes Commission regulations which define detailed principles and modes of operation of the Commission, of the Presidium of the Commission, of the teams mentioned in art. 11, as well as the rights granted to Commission members, connected with participation in the Commission's works.

Article 14.

1. Every session of the Commission ends with a communiqué, whose form and way of publication will be defined in the Commission's set of rules.

2. The communiqué mentioned in point 1 particularly includes decisions of the Commission and opinions of the Commission's parties.

Article 15.

1. Office services to the Commission are provided by the Secretariat being an organizational unit of the Chancellery of the Chairman of the Council of Ministers.
2. The costs of the Commission's activities are covered by the state budget in the part relative to the Chancellery of the Chairman of the Council of Ministers.

CHAPTER 3

VOIVODSHIP SOCIAL DIALOGUE COMMISSIONS

Article 16.

1. There is a possibility of creating voivodship social dialogue commissions.
2. The decision to create a voivodship social dialogue center is made by the voivode on the common request of at least one of the organizations mentioned in art. 6 point 1 and at least one of the organizations mentioned in art. 7 point 1.
3. The voivode decides to liquidate a voivodship social dialogue commission if all organizations mentioned in art. 6 point 1 or all organizations mentioned art. 7 point 1 decide to withdraw their representatives from that commission.

Article 17.

1. The voivodship social dialogue commission issues its opinions on issues included in the range of activities of trade union or employers' organizations, belonging to the government or self-government competencies in the local voivodship.
2. The acceptance of the opinion mentioned in point 1 requires the agreement of all representatives of all parties to the voivodship trade union commission; if the voivodship trade union commission does not agree on a common opinion, all parties of the voivodship trade union commission are entitled to present their own opinion on the related question.

Article 18.

1. The voivodship social dialogue commission is composed of:
 - 1) the voivode - as government party,
 - 2) organizations mentioned in art. 6 point 1 - as the employees' party,
 - 3) organizations mentioned in art. 7 point 1 - as the employers' party,
 - 4) the voivodship marshal - as the self-government party.
2. The voivodship social dialogue commission may invite voivodship district and communal representatives to take part in its meetings.
3. Members of the voivodship social dialogue commission are designated and called-off by the voivode who is member of the commission and acts as its chairman.
4. Detailed principles and modalities of activity of voivodship trade union commissions, the definition of their composition, the designation and dismissal of commission members as well as their rights related to the work in the commission will be defined by a decision of the

Chairman of the Council of Ministers after consultation with organizations mentioned in art. 6 point 1 and art. 7 point 1, also with the self-government party in the Joint Commission of the Government and Territorial Self-Government.

5. Office services to the voivodship trade union commission are provided by the office of the voivodship trade union commission being an organizational unit of the voivodship office.

CHAPTER 4

CHANGES IN DISPOSITIONS IN FORCE, TRANSITORY AND FINAL DISPOSITIONS

[This chapter contains changes to a certain number of acts that describe the participation of social partners in numerous institutions at the national level. The adopted general principle defines the participation in such institutions of trade union organizations and employers' organizations that are representative according to the Act of 6th July 2001 on the Tripartite Commission for Socio-Economic Affairs and on voivodship trade union commissions].

Article 21.

In the Act of 23rd May 1991 on trade unions (Journal of Laws No. 55 item 234 with further amendments), the following changes are introduced:

- 1) in art. 19, point 1 stipulates as follows:

“ 1. The trade union organisation, representative in the meaning of the Act of 6th July 2001 on the Tripartite Commission for Socio-Economic Affairs and on voivodship social dialogue commissions (Journal of Laws No. 100, item 1080), hereinafter referred to as ‘the Act on the Tripartite Commission for Socio-Economic Affairs,’ has a right to present its opinion on the bases and projects of legal acts being in the statutory scope of trade union tasks. This does not concern budget project bases nor the budgetary act project which are consulted on the basis of distinct dispositions.”

- 2) in art. 20, in point 1, the words “The nationwide inter-trade union which is organization and also the nationwide trade union which is representative for the majority of enterprises are entitled to” are replaced by the words “The trade union organisation, representative in the meaning of the Act on the Tripartite Commission for Socio-Economic Affairs, has the right”;

- 3) in art. 22, point 1 stipulates as follows:

“1. The trade union organisation, representative in the meaning of the Act on the Tripartite Commission for Socio-Economic Affairs, has the right to request a special review of Supreme Administrative Court judgements and any other final judgment by non judiciary organs concluding proceedings concerning issues relating to labour and social security law. Dispositions of art. 57 point 2 of the Act of 11th May 1995 on the Supreme Administrative Court (Journal of Laws No. 74, item 368 with further amendments) are applicable according to the extraordinary review requested by a trade union organisation.”

Article 22.

In the Act of 23rd May 1991 on employers' organizations (Journal of Laws No. 55, item 235 with further amendments), the following changes are introduced:

- 1) in art. 6, point 2 stipulates as follows:

“2. The contributions to employers’ organisations, mentioned in point 1, are accounted for as income generating cost to the maximum amount determined by a decision of the Council of Ministers.”

2) in art. 16, point 1 stipulates as follows:

“1. The employers’ organisation, in the meaning of the Act of 6th July 2001 on the Tripartite Commission for Socio-Economic Affairs and on voivodship social dialogue commissions (Journal of Laws No. 100, item 1080), hereinafter referred to as “the Act on the Tripartite Commission for Socio-Economic Affairs,” has a right to present its opinion on the bases and projects of legal acts being in the statutory scope of employers organisations’ tasks. This does not concern budget project bases nor the budgetary act project which are consulted on the basis of distinct dispositions.”

Article 25.

In the Act of 16th December 1994 on the negotiated system of determining the increase of average remunerations in enterprises and on the amendment of certain acts (Journal of Laws of 1995, No. 1, item 2 with further amendments), the following changes are introduced:

1) in art. 1 the words “The Tripartite Commission for Socio-Economic Affairs, being a forum of cooperation of supreme state administration organs, trade unions and employers’ organizations” are replaced by the terms “Tripartite Commission for Socio-Economic Affairs”;

2) in art. 3:

a) point 1 stipulates:

“1. The Council of Ministers, until the 15th of June of each year, presents to the Tripartite Commission an information on the prognoses of macro-economic values being the basis of works on the project of budgetary act for the next year as well as the proposed maximum annual growth index of average monthly remunerations”

b) in point 2, the words “as well as the proposed maximum annual growth index of average monthly remunerations” are stroked out,

c) in point 3, the words “31st August of each year, determines” are replaced by the words “1st September of each year, determines, by order.”

Article 32.

The terms of office of the following institutions: Council of Work Protection, Council of the Fund of Guaranteed Employee Benefits, Supreme Employment Council, voivodship and district employment councils, also Statistics Council, National Consultative Council for Handicapped Persons’ Affairs, Supervisory Board of the State Fund for the Rehabilitation of Handicapped Persons and Supervisory Board of the Social Insurances Establishment, in course at the day of publication of the present Act will expire on the 30th of June 2002.

Article 33.

1. In order to create the first Commission, the President of the Council of Ministers designated five representatives from every trade union organization among those mentioned in art. 6 point 2 as well as five representatives from every employers’ organization among those mentioned in art. 7 point 2.

2. The President of the Council of Ministers will define, by decision, the Commission regulations that will remain in effect until the Commission votes the regulations mentioned in art. 13.

Article 34.

The Tripartite Commission for Socio-Economic Affairs will become active when the first Commission composition is appointed.

Article 35.

Every time legal dispositions refer in whatever way to the Tripartite Commission for Socio-Economic Affairs, it is a reference to the Commission described in this Act.

Article 36.

The Act enters into force one month of its publication, with the following exceptions:

1. Articles 21 and 22, article 25 point 2 and article 31 enter into force two months after the first Commission has been appointed,
2. Articles 16 through 19, 23, 24, 26, 28 and 29 enter into force on the 1st of July 2002.