

*SEVENTH LABOUR LAW AND SOCIAL SECURITY CONGRESS**(Warsaw, September 14 - 17, 1970)*

The 7th Labour Law and Social Security Congress was holding its debates in Warsaw from September 14 till 17, 1970, under the protectorate of the Chairman of the Council of Ministers J. Cyrankiewicz, Chairman of the Central Council of Trade Unions I. Loga-Sowiński, and President of the Polish Academy of Sciences, professor J. Groszkowski. The Congress was organized by the Polish Academy of Sciences jointly with the International Labour Law and Social Security Association. The Polish section of the International Labour Law and Social Security Association, affiliated with the Polish Academy of Sciences Committee of Legal Sciences, was responsible for the preparations for the Congress on behalf of the Polish Academy of Sciences, and in the last phase the duty was taken over by the Organizing Committee of the Congress with professor Waław Szubert (Łódź University) as its Chairman, professor Zbigniew Salwa Vice-Chairman (Warsaw University), and Albin Mironczuk (C.C.T.U.) as its Director. Dr Maria Matey-Tyrowicz was the Scientific Secretary of the Congress (Committee of Legal Sciences). Besides, professor Adam Łopatka, Director of the Academy Committee of Legal Sciences, was member of the Organizing Committee.

The International Labour Law and Social Security Association which has its headquarters in Geneva is a scientific organization affiliating representative of science and labour law practitioners from over 60 countries of the world. It closely cooperates with the International Labour Organization in Geneva, the International Institute of Labour Research in Geneva, and with other related international bodies, including the International Social Security Association (A.I.S.S.). Individual countries have their national sections of the Association: the Polish section was set up in 1958 at the Academy Committee of Legal Sciences. Similar sections have been working for several years already in Hungary and Czechoslovakia. In the U.S.S.R, Bulgaria and Rumania corresponding sections are being organized. At the Warsaw Congress it was reported to the board of the Association that a branch section had been called into being in the German Democratic Republic.

The 7th Congress was the first International Labour Law and Social Security Congress organized in a socialist country. Previous Congresses took place in Trieste (1955), Geneva (1957), Brussels (1958), Lyon (1963), and Stockholm (1966). In its choice of Poland as the country organizing the 7th Congress, the Association was guided by a growing understanding of the need to broaden international scientific cooperation between states with different political and legal systems, as well as by recognition of the achievements of labour law science in this country and its contribution to the work of the Association. In agreeing to organize the Congress in Warsaw the Polish side wanted to ensure to the labour law science of Poland and of other socialist countries the possibility of a broad participation in the Congress and a full presentation of the achievements of our countries in the field of labour law and social security. This was not possible at earlier congresses at which only a few representatives from socialist countries were usually present. The Warsaw Congress lived up to the expectations of its organizers; participation in the Congress and in discussions of representatives of socialist science duly reflected the role and gains of that science. On the other hand, however, the efforts of the hosts to attract more representatives from the "third world" countries failed. An explanation for that lies in rather loose contacts of the Association with the science of those countries and in the fact that scientific centres capable of carrying on such a cooperation have not been formed yet in all those countries.

The Warsaw Congress was more numerous than the previous such meeting in Stockholm. It gathered 420 participants from 34 countries, among them 150 were from socialist countries. Along with the numerically strongest Polish group, there were large groups of scholars from Czechoslovakia, the Soviet Union, Hungary, Rumania, Bulgaria and the German Democratic Republic. As for western countries, the Congress was attended by 28 participants from U.S.A., 33 Italians, 41 Argentinians, 17 Frenchmen, 17 Swedes, 17 Finns, 16 West Germans. Besides, somewhat smaller groups arrived from Japan, Australia, Mexico, Costa-Rica, Turkey, Peru, Israel, and Iraq. Members of the Congress were not only scholars but also numerous representatives of labour and social security legislation, trade unions, labour ministries, the Bar, etc.

The Organizing Committee of the Congress wanted to acquaint its members with Polish achievements in science and labour legislation. With that aim in view a publication had been prepared in French, containing

Polish papers to the three subjects of the Congress, contributed by professor W. Szubert (Łódź University), professor E. Modliński (Maria Curie-Skłodowska University in Lublin), and Assistant Professor W. Krencik (Academy Department of Economic Sciences). Moreover, the Academy Institute of Legal Sciences had published a special issue of the periodical "Droit Polonais Contemporain" (and a version of it in Russian) devoted to labour law problems. An exhibition of Polish scientific and popular publications dealing with labour law and social security was opened in the halls of the building where the Congress was held.

The inaugural session of the Congress was open on September 14 by President of the Polish Academy of Sciences, professor Janusz Groszkowski, who told the meeting about the importance of international scientific cooperation, the need of an integrated view on labour problems by various disciplines of science, and about the present achievements of labour law science in People's Poland. On behalf of Poland welcoming addresses were made by: Deputy Chairman of the Labour and Wages Committee Z. Dudziński, Secretary of the Central Council of Trade Unions R. Pospieszyński, and Chairman of the Organizing Committee of the Congress, professor W. Szubert. On behalf of the International Labour Law and Social Security Association the Congress was addressed by President of the Association, professor Folke Schmidt (Sweden) and honorary President, professor Otto Kahn-Freund (Britain), while Jean de Givry, I.L.O. director, was speaking in the name of his organization. The inaugural session was attended by C.C.T.U. Chairman I. Loga-Sowiński, chief of the Chancellery of the Sejm, professor J. Bafia, and First Chairman of the Supreme Court, professor Z. Resich.

Two working sessions of the Congress held on the same date were devoted to "Protection of workers as a function of technical progress." A general paper was read by professor Andor Weltner (Hungary) on the basis of 18 national reports sent in. The paper said that technical progress, primarily automation, has created favourable conditions for promoting labour safety and protection against accidents at work but, at the same time, it generates new sources of danger and threat. The paper drew special attention to labour protection measures introduced in legislations of socialist countries and pointed to the role of trade unions in this field. It also stated that all countries, even most advanced, do not readjust in time their legislation on work safety and hygiene to keep it in pace with the progress of technical development.

Nineteen speakers (eleven of them from socialist countries) joined the discussion that followed professor Weltner's paper. Director L. Kochański spoke of the achievements and the research programme of the C.C.T.U. Central Institute of Labour Protection which he heads. Director Mirończuk (C.C.T.U.) analysed the Polish system of supervision over working conditions, Dr M. Matej-Tyrowicz (Academy Institute of Legal Sciences) explained how work safety rules are brought into effect under definite working relations, docent W. Piotrowski (Adam Mickiewicz University in Poznań) discussed a number of problems involved in the Polish system of allowances for accidents at work. Among foreign speakers special mention is due to professor S.A. Ivanov (U.S.S.R.) who spoke of main legal solutions contained in the "Labour Law Principles" adopted in the Soviet Union in July 1970, to professor A. Blumrosen (U.S.A.) who put a thesis that working conditions

in truly modern plants and factories are rarely dangerous — the speaker stressed the necessity to improve statistics of accidents at work and to bring uniformity on a world scale into the rules under which such statistics are made — professor N. Catala-Franjou (France) who contended that technical progress had diminished certain risks but created others which are caused by accelerated rhythm of production and depersonalization of work — this danger is particularly great for workers lacking tradition in production, for country people who have come to industry and foreigners from non-industrialized countries. The discussion was joined also by: professor Sanda Ghimpu (Rumunia), professor Mestitz (Czechoslovakia), J. de Givry (director of the International Labour Office), Dr G. Garanscy (Hungary), professor R. Napoli (Argentina), professor F. Kuntz (G.D.R.), Dr W. Mrachkov (Bulgaria), lawyer A. Woolf (Britain), Dr M. Birgin (Argentina), professor Y. Orlovskii (USSR), Dr Kliesch (G. F. R), Dr A. Mydlik (Czechoslovakia).

The agenda of the Congress for September 15 included celebrations to mark the 50th anniversary of the International Labour Organization. Secretary General of the International Labour Law and Social Security Association, professor A. Berenstein (Switzerland), made a speech on behalf of his organization, in which he emphasized the achievements and the role of I.L.O. in the contemporary world. On Poland's behalf the floor was taken by the First Chairman of the Supreme Court, professor Z. Resich who spoke of the contribution of I.L.O. and the need to streamline further the structure and work of that organization. Jean de Givry, director of I.L.O. thanked the Congress in the name of his organization and read a message to the Congress sent by Director General of the International Labour Office, Ć. W. Jenks.

Later on that day, S. Będkowski, Chairman of the Social Insurance Office, addressed a session devoted to the International Social Security Association (A.I.S.S.). A paper entitled "Legal bases of financial control over social insurances" was presented on behalf of the A.I.S.S. by professor E. Modliński (Maria Curie-Skłodowska University), and docent C. Jackowiak (Nicolaus Copernicus University in Toruń).

On the next day, September 16, a working session was discussing the "Role of guilt in social security law." A general paper was read by professor G. Lyon-Caen (France) who had prepared it on the basis of 25 national papers sent in. The main thesis of the paper was that the idea of social security amounts to abandoning an investigation of the guilt of people involved in insurance risks. In the speaker's opinion the burden of social securities is borne by the society which cannot be freed from it by seeking the guilt among victims themselves or third parties. The speaker mentioned also the types of guilt and its effects on the right to allowances, in the light of a few social security systems now in force.

The discussion which followed was joined by 19 speakers, including 7 from socialist countries. Poland was represented in the discussion by docent J. Jończyk (Wrocław University) and professor W. Warkało (Warsaw University). Polish speakers argued with professor Lyon-Caen's thesis on the purposefulness to abandon the notion of guilt in social security. Docent Jończyk contended that a lower allowance on account of the guilt of the person concerned is one of the forms of educating through law. The speakers were divided in their opinions, some of them approved the thesis of the

general paper (professor C. W. Summers, U.S.A. professor F. Schmidt, Sweden) others polemized with it (professor J. van der Ven, Holland, professor Alonso Olea, Spain). The discussion was also joined by: professor L. Miller (Rumania), Director M. Levin (Israel), professor Z. Stalev (Bulgaria), I. S. Dvornikov (U.S.S.R.), professor E. Rabowsky (Austria), professor V. Thiel (G.D.R.), professor O. Kahn-Freund (Britain), lawyer A. Woolf (Britain), professor E. Alfandari (France), professor K. Oguzman (Turkey), Dr. E. Novotna (Czechoslovakia), director I. Holmquist (Sweden), and professor G. Wannagat (G.F.R.).

The last day of congressional debates was devoted to the "Police of wages: the role of the state and of trade union organizations." A general paper was contributed, on the basis of 17 national papers, by professor

F. Meyers (U.S.A.). The paper proceeded from the assumption that during World War Two wages policy was used in the capitalist world as a part of the wartime economic policy, while in peace time this line was gradually abandoned and now some of its forms are reintroduced whenever economic difficulties arise. In the speaker's opinion present tendencies do not suggest that wages policy could develop in capitalist countries. He dealt separately with the wages policy in socialist countries.

Twelve speakers took the floor in the discussion, among them five from socialist countries. Poland was represented by professor Z. Morecka (Warsaw University). Some of the speakers argued that contrary to the pessimistic thesis of the rapporteur some elements of the wages policy should be kept and developed in capitalist countries, too, (professor J. Savatier, France, professor K. Wedderburn, Britain). Besides, the following persons took part in the discussion: professor E. Patzold (G.D.R.), professor A. Olea (Spain), professor K. Witz (Czechoslovakia), Dr. Livshitz (U.S.S.R.), Dr. E. Khristova (Bulgaria), professor Sumida (Japan), professor U. Prosperetti (Italy), professor R. Parkman (Mexico), professor Philipps (Australia).

The working sessions of the Congress were chaired in succession by: professor W. Szubert (Łódź University), professor B. Aaron (U.S.A.), professor A. Rupprecht (Argentina), professor S. A. Ivanov (USSR), professor R. Dietz (G.F.R.), professor L. Riva-Sanseverino (Italy), and professor E. Schmidt (Sweden).

The speaking languages of the Congress were: French, English, Russian, German, and Spanish.

At the close of its debates the Congress reelected the following people to the authorities of the International Labour Law and Social Security Association: President — professor Folke Schmidt (Sweden), Secretary General — professor Alexandre Berenstein (Switzerland), second Secretary General — professor Ruy Sodre (Brazil), Treasurer — professor Edwin Teple (U.S.A.). From Poland, professor Wacław Szubert was reelected member of the Executive Committee of the Association. For the first time a representative of the German Democratic Republic, professor E. Patzold, was co-opted member of the Committee.

A number of meetings for special groups were organized by the hosts of the Congress between September 14 and 17. For instance, the Scientific Committee of the Congress was received by Rector of the Warsaw University, a group of lawyers met the first Chairman of the Supreme Court of Poland, professor Z. Resich, and Chairman of the S.C. Labour Chamber Z. Opu-

szyński. A group of social security experts was received by Chairman of the Social Insurances Tribunal K. Wieruszewski. Representatives from socialist countries took part in a meeting with the Praesidium of the Polish Lawyers' Association. There were also smaller meetings in the Central Council of Trade Unions and in the Academy Institute of Legal Sciences.

The seven-member Praesidium of the Congress was received at a special audience by premier Józef Cyrankiewicz.

A rich programme was arranged for members of the Congress to acquaint them with the reconstruction of Warsaw and with Polish culture.

During the debates problems of methodology and techniques of such congresses came up to the fore. These problems had been raised, as it were, at previous congresses already. Many speakers were of the opinion that in future practice the tradition of holding debates at plenary meetings of the congress should be abandoned. They contended that congresses attended by such large numbers of members should debate in special subject sessions in no more than three languages adopted as working languages of the Congress, while at plenary meetings all languages of the Congress should be represented.

The question of how discussions at the Congress must be treated proved a controversial issue. A few speakers expressed a view that those who join in a discussion ought to raise problems of larger interest in a legal and comparative way and not to confine their pronouncements to an information about the problems of the country they represent. But others argued that it is quite natural that a majority of the members of a congress want to use the opportunity of addressing an international forum for the presentation of their own country's problems. It was also emphasized that such pronouncements, included later into congressional files, are a valuable contribution to acquiring a better knowledge of the state of law and legal sciences in different countries and provide material for making international comparisons.

Considering the abundance of scientific papers and documents presented at the Congress, allowing a comparison between labour laws and labour law sciences in countries with different political and economic systems, the project of the Polish Academy of Sciences to publish all files of the Congress must be appraised as very important.

The Warsaw Congress has certainly contributed to popularization of Polish labour law science and Polish legislation in the world, to raising the prestige of Poland in the international legal milieu. Progressive achievements of the legislations of other countries, presented at the Congress, will be used in Poland in the work on improvement and codification of labour law of the Polish People's Republic.

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