

LABOUR LAW

NEW CIVIL CODE AND THE LAW OF LABOUR

Polish Civil Code that is in force beginning the 1st of January 1965, brings new elements into the law of labour (J. of L., No. 16, item 93). Civil Code does not infringe rules of the law of labour but provides that in cases

not regulated by law of labour the regulations of Civil Code are to be applied with respect to labour relationships provided that these are in conformity with the principles of the law of labour.

Accordingly, a great majority of regulations in general section of Civil Code may be properly applied to labour relationship, e. g. articles 4 and 5 that comprise basic directives on interpretation of civil law in Polish People's Republic. The Civil Code has kept in force for labour relationships only certain provisions of the former Code of Obligations that has been otherwise abolished till the enactment of the appropriate provisions of law of labour. The regulations indicated in Art. XII of the introductory provisions of Civil Code have become regulations of law of labour beginning January 1st, 1985.

PROTECTION OF LABOUR AND SUPERVISION OF WORK CONDITIONS

The law dated March 30th, 1965, on rules for safety and hygiene of work (J. of L., No. 13, item 91) is to be regarded as a legal act of great significance. It regulates principal requirements regarding safe and hygienic conditions of work in designing, building, and reconstructing working rooms, in making designs for machines in constructing machinery, technical appliances, etc. The law gives also regulations as to health protection in establishments as well as on systems of training in problems of safety and hygiene of work. The law charges employees, management, and the superior units as well with obligations to secure safe conditions of work.

The law brings important changes in organization and the scope of competence of authorities supervising safety and hygienic conditions of work. It extends, among others, competences of organs inspecting the work; that function rests in Poland with trade unions with regard to all problems covered by law of protection of labour. It should be noted that in the period 1954—1965 inspection of work concerned only supervision as to obedience to rules on safety and hygiene of work. Moreover, the above law introduces into the structure of trade unions a (separate system of organs for the application of administrative penalties for breaking the rules of law of labour. The text of the law in French translation appeared in No. 5 of the "Droit Polonais Contemporain."

To the law dated March 30th, 1965, there are issued the following regulations :

1. Resolution of the Ministers' Council and the Council of Trade Unions dated October 12th, 1965, on principles and the procedure of pronouncing decisions in cases of violation of rules of law of labour (Polish Monitor, No. 63, item 333).

2. Instruction of the Council of Trade Unions dated October 15th, 1965, on binding principles on appointing organs for the application of administrative penalties (*kolegia orzekające*), and details to be given (in reports and sentences in cases of breaking rules of law of labour (Polish Monitor, No. 63, item 353).

3. Order of Prime Minister of November 2nd, 1966, on principles and the way of examining circumstances and causes of accidents in work as

well as on making and keeping the appropriate records (J. of L., No. 64, item 281).

4. Resolution of Ministers' Council and the Council of Trade Unions of November 25th, 1966, on inspections of work conditions that are performed by commissions of people's representatives (Polish Monitor, No. 68, item 324).

5. Order of the Minister of Agriculture of September 22nd, 1966, on applying certain regulations of the law on safety and hygiene of work by agricultural co-operative farms and association (J. of L., No. 42, item 255). Moreover, there was issued by virtue of Mining Law of 1953 the order of the Prime Minister of July 9th, 1965, on safety and hygiene of work and safety against fire in mining industry, i. e. in works of extracting minerals, etc. through boreholes and in works at the surface by drilling bores (J. of L., No. 32, item 212). Finally, it is to be mentioned the order of the Prime Minister of July 9th, 1965, on safety and hygiene of work and safety against fire in open-cast mines (J. of L., No. 32, item 213).

SOCIAL COURTS (*SĄDY SPOŁECZNE*)

Structure and competences of such courts regulates the law dated March 30th, 1965 (J. of L., No. 13, item 92). Text of the law in French translation appeared in the "Droit Polonais Contemporain", No. 5.

TIME OR WORK, LEAVES, EMPLOYMENT, WAGES

Resolution No. 125 issued by the Minister's Council on May 13th, 1966, that modifies the resolution on reduced time of work in certain establishments subordinated to the Minister of Heavy Industry (Polish Monitor, No. 27, item 140) settles a list of posts in the heavy industry for which reduced time of work is to be introduced till the end of 1970.

With the Order of Ministers' Council of June 21st, 1965, on additional leaves for certain employees working in various branches of heavy industry (J. of L., No. 26, item 176) there are introduced additional payable leaves of 12 days in a year for certain category of employees in the heavy industry.

The list of works not allowed to women that is binding from 1959 is being now completed by specifying further such works in the Order of Ministers' Council of August 3rd, 1966, that modifies the order concerning works not allowed to women (J. of L., No. 32, item 195).

Resolution No. 228 of the Ministers' Council dated July 30th, 1966, on higher wages of the least paid employees in establishments, institutions, and offices (Polish Monitor, No. 40, item 202) determines higher amounts of now binding minimum wages of employees in different categories.

PECUNIARY RESPONSIBILITY OF EMPLOYEES

The announcement of the Minister of Home Trade dated November 28th, 1966 (J. of L., No. 52, item 319) gives the uniform text of the statute dated June 17th, 1959, on joint pecuniary responsibility of employees for losses in

trade units. At the same time there appeared the order of the Minister for Home Trade dated November 28th, 1966, on effecting the statute on joint pecuniary responsibility of employees for shortages in trade units (J. of L., No. 52, item 320).

SOCIAL INSURANCE

Obligatory social insurance for craftsmen and persons cooperating with craftsmen are introduced with the law of March 30th, 1965, on social insurance of craftsmen (J. of L., No. 13, item 90).

Further to the law the following legal acts have appeared:

1. Order of the Ministers' Council of June 19th, 1965, on making a fund of social insurance for craftsmen (J. of L., No. 26, item 173).

2. Order of the Chairman of the Small Scale Production Committee dated June 22nd, 1965, on principles of recognizing craftsmen as the ones doing service Production Committee for general public or for agriculture purposes, and on principles qualifying the activity of craftsmen as an activity equal to providing services with regard to the rights of to receive pension (J. of L., No. 26, item 178).

3. Order of the Chairman of the Committee of Labour and Wages dated June 24th, 1965, on basis for determining the amount of a pension and the amount of fees for social insurance of craftsmen (J. of L., No. 27, item 180).

4. Order of the Chairman of the Committee of Labour and Wages dated June 25th, 1965, on applications for social insurance of craftsmen, insurance cards, fees, and on determining the rights to receive the insurance money (J. of L., No. 27, item 181).

For other categories of employees there appeared the following legal acts concerning social insurance:

1. Order of the Ministers' Council dated February 24th, 1965, on the amount of fees for social insurance of employees in private sea-fisheries working on cutters and boats (J. of L., No. 9, item 56).

2. Order of the Chairman of the Committee of Labour and Wages dated April 5th, 1965, on basis for determining the amount of fees for social insurance, insurance provisions and pensions for employees working on boats in private sea-fisheries (J. of L., No. 15, item 105).

3. Order of the Chairman of the Committee of Labour and Wages dated June 22nd, 1965, on basis for determining the amount of fees for social insurance, insurance provisions and pensions for employees working in certain service units of co-operative establishments associated in the Union of Consumers Co-operations "Społem" (J. of L., No. 27, item 179).

4. Order of the Chairman of the Committee of Labour and Wages dated April 4th, 1965, on principles for determining the amount of fees for social insurance, insurance provisions and pensions for members of co-operative associations employed in certain service units (J. of L., No. 40, item 253).

5. Order of the Ministers' Council dated September 6th, 1966, on social insurance for persons appointed as managers of restaurants and gasoline

stationions by virtue of a contract or agency agreement (J. of L., No. 40, item 237).

6. Law dated November 12th, 1965, on modification of the law on provisions for persons to be retired on a pension that are members of agricultural co-operative farms, for members of their family and their household (J. of L., No. 46, item 289).

On the basis of general system of pensions and provisions binding in the Polish People's Republic due to the decree issued on June 25th, 1954 (modified in 1958 ,the uniform text appeared in J. of L., 1958, No. 23, item 97) on general provisions for emeritus employees and their families there appeared the following detailed instructions:

1. Order of the Chairman of the Committee of Labour and Wages dated January 24th, 1966, on determining which persons that do publishing work are to be treated as employess as it is understood from the decree on general provision of emeritus employees and their families (J. of L., No. 5, item 31).

2. Order of the Ministers' Council dated July 14 th, 1966, on suspension of one's right to receive pension, and on principles for paying off sums left over which are due to invalid pensions (J. of L., No. 29, item 176).

3. Resolution No. 234 issued by the Ministers' Council on July 30th, 1968, on increasing the lowest amounts of pensions (Polish Monitor, No. 40, item 203).

4. Order of the Chairman of Social Insurance Corporation dated December 18th, 196,6, on conveying certain duties concerned with pension problems on socialized establishments (Polish Monitor, No. 70, item 331).

5. Order of the Ministers' Council dated June 19th, 1965, on additional payments to pensions of scientific workers (J. of L., No. 26, item 175).

Maria Matey-Tyrowicz