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NOTES CRITIQUES * NOTES

Wacław Szubert, *Ochrona pracy. Studium społeczno-prawne*. [Protection of Labour. Sociological-Legal Study], Warszawa 1966, PWN, 318 pages, summaries in Russian and French.

The work is not devoted to the dogmatic analysis of binding regulations, although it comprises certain important dogmatic considerations. The monograph is not to be treated as a sociological work though the author makes an extensive use of research results in sociology in order to throw light on actually existing situation, as well as for justifying his suggestions on forming legal regulations. The work is from the field of law and considers the factors that make the system of actual relations determining the direction and effectiveness of legal regulation.

The author considers a number of regulations, their completeness, adequacy, and harmony. He treats the regulations, however, not as an autonomous, hermetic whole but in close relation to regulations in other fields of law of labour. As a matter of fact, the author does not confine himself to examining the very regulations only. He tries to answer the question why they do not function as their creators have figured them out, what is the source of discrepancies between law and social reality, and in this consequence, whether the very improvement of legal regulations concerning the discussed field is enough for eliminating existing inadequacies or whether it would be advisable to approach the problem deeper and more extensively in order to intensify protection of labour.

The author is aware that regulations of labour protection, no matter in what forms they are, cannot successfully solve the problem by themselves due to the fact of their very existence if they will be not in harmony with economic, technical, organizational and psychological factors that contribute in forming an attitude towards problems of work safety of all the employees in an establishment, what means that this is to be cared for not only by the management and the superior staff of engineers and technicians.

The author emphasizes that the role of law cannot consist in counteracting economic stimuli or disregarding other factors affecting the behaviour of men in the process of work; on the contrary, law should skillfully use all these factors for protection of life and health of employees.

Such assumption cannot bring any objections. The acceptance, however, immediately suggests the problem of counterbalancing all the levels of an establishment's activity and bring all the stimuli into harmony to make them contribute to safety of labour. It is not too simple since protection of labour is one of many problems to be solved in everyday's activity of the establish-

ment. Any exaggeration in this aspect and pressure on other factors by means of regulations is of no advantage to the safety of labour, and on the contrary, it makes it get weakened. The point is that regulations that do not correspond to the requirements to production process, and do not fit into the existing situation are likely to be eluded or to fall in desuetude.

Further on the author points out that a number of essential questions directly concerning or indirectly affecting the effectiveness of labour protection goes far beyond the establishment, and it may be a function of general trends in economic activity and social policy.

With regard to many suggestions of the author on assuring safety of work, almost all of them seem to be convincing although one must be aware that their implementation needs serious preparatory works and cannot come immediately. Some of the suggested methods may arouse doubts and provoke discussion. It is not important, though, whether all the suggested means are useful or the catalogue of them is 'complete'. The value of this monograph lies in the fact that problems of work protection are approached from all aspects, in close relation to all other important factors, with extensive, complex suggestions in the matter.

The reviewed work gives then opportunity to discuss the problem multi-laterally and make a long term programme of works for overcoming existing inadequacies.

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