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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS

Reports submitted in accordance with Council resolution 1988 (LX)
by States Parties to the Covenant concerning rights covered by
articles 6 to 9

POLAND

/26 October 1978/

INTRODUCTION

The following are the indispensable conditions for the fulfilment of human rights: the maintenance and strengthening of peace in the world, halting of the arms race, disarmament, the right of nations to self-determination, peaceful co-operation between States of different socio-economic systems, respect for national sovereignty and non-interference in internal affairs of other States.

Aimed at attaining these conditions the policy of the Polish People's Republic strives to achieve the implementation of the provisions of the International Covenant on Economic, Social and Cultural Rights, as well as of other United Nations resolutions on human rights including also the conventions of the ILO.

Poland has so far ratified 65 Conventions of the ILO, which ranks our country as twelfth in the world as far as the number of the ratified conventions is concerned. Our country fulfils all of its obligations arising from the ratification of the international conventions and from their practical application.

The observance of human rights is a congenial element of Poland's socio-economic policy. This is reflected in the fact that all the basic human rights covered by the International Covenant on Economic, Social and Cultural Rights are included in the Constitution of the Polish People's Republic as well as in other legal acts and are accordingly exercised in everyday life.

The coherence between constitutional principles and their application derives from the socialist system the characteristics of which are: political power of the working people, social ownership of the means of production, abolition of

exploitation of man by man, free development of human personality and participation of citizens in decision-making at all levels of management. As defined in the resolutions of the 6th and 7th Congresses of the Polish United Workers' Party /1971 and 1975/ as well as in the resolutions of the 2nd National Party Conference /early in 1978/. The current socio-economic policy emphasizes a faster rate of development of the national economy and its modernization to create better conditions for meeting growing needs of the working people and for improving the standard of living and working conditions. All citizens of the Polish People's Republic have the right of employment, full access to education and vast possibilities of developing their skills. Pensioners are provided with old-age pensions.

Steady progress has been achieved in such important fields of social policy. as assistance to working women, improvement of working conditions and organization of rest and leisure-time activities.

Bearing in mind the positive experience of our country in the implementation of the basic economic, social and cultural rights, we are interested in adopting on the forum of the International Labour Organisation proposals concerning a new convention on the general right to work and employment policy.

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The realization of the rights covered by articles 6-9 of the International Covenant on Economic, Social and Cultural Rights is fully guaranteed by on basic laws namely the Constitution of the Polish People's Republic and with regard to labour relations, by the Labour Code and regulations issued on its basis /see annex for the list of the basic regulations ensuring the realization of the particular articles of the Covenant/. The social and economic policy is pursued in full conformity with these legal provisions.

With reference to the rights covered by Articles 6-9 of the Covenant, it should be said that:

1. Poland's relations with other States are based on the principle of peaceful coexistence and co-operation /art. 6 of the Constitution of the Polish People's Republic/ and on full respect for the right of other nations freely to determine their political system, promote economic, social and cultural development and exercise the sovereign use of natural resources

- these are the basic guidelines of Polish foreign policy.

Poland has never been in possession of any dependent territories.

2. the Constitution of the Polish People's Republic /art. 67, para. 2/ says that: "Citizens of the Polish People's Republic have equal rights regardless of sex, birth, education, profession, nationality, race, faith as well as social background and social status."

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3. the situation of foreigners staying in Poland is identical with that of Polish citizens, except for some political rights and those connected with the defence of the country /e.g. voting rights, eligibility, military service/.

Under Polish labour law, they enjoy the same rights as Polish citizens with the exception of access to some public-service posts which require Polish citizenship /judge, prosecutor, senior staff of state administration etc./.

4. guarantees of equal rights for women are provided in Article 78, paragraph 1 of the Constitution, which says that: "Women in the Polish People's Republic have equal right with men in all spheres of national, political, economic, social and cultural life."
5. the Labour Code /Part XIII/ stipulates penalties for the infringement upon employees rights. Also the provisions of the Penal Code /arts. 190 and 191/ determine penalties for the infringement upon these rights.

Article 6: The right to work

A. The right to work is guaranteed by the Constitution of the Polish People's Republic of which Article 68 says that: "... citizens of the Polish People's Republic have a right to work." The right to work is exercised through the socialist economic system, planned development of production forces, rational use of all means of production, continuous scientific and technical progress, as well as the system of education and improvement of vocational skills. The proper implementation of this right is ensured by the socialist labour legislation. The manner in which this should be done is defined in Article 10 of the Labour Code, as follows:

- "§. 1. Citizens of the Polish People's Republic shall be assured of work through the constant and comprehensive development of the national economy and rational employment policy.
- §. 2. The right to work shall be protected in accordance with the principles laid down in this Labour Code and in special provisions.
- §. 3. The competent organs of government shall assist citizens in finding employment corresponding to their vocational skills in a manner to be prescribed in separate provisions."

The principle of a free choice of work is confirmed by Article 11 of the Labour Code which says that "... the institution of an employment relationship, irrespective of its legal basis, shall require the declared consent of the establishment and the worker."

An additional assurance of the proper implementation of the right to work is found in Chapter II of the Labour Code which determines the general form of

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protection of employees against the termination of employment contracts, inconsistent with provisions or for unjustified reasons. Detailed information concerning this problem is given in part B 5 below.

B. Detailed information

1. As already stated in the introduction and in part A above, Poland fully ensures every individual the right to a free choice or acceptance of jobs, thereby to possess means of subsistence for himself and his family.

In addition, the Constitution and the labour legislation give citizens protection against all forms of discrimination as far as access to employment is concerned, and against unjustified dismissal from work.

2. The right to work is ensured by an appropriate social and economic policy. The basic principle of this policy is that man is the subject of economic life and the primary aim of economic development is to achieve an all-round development of man and as constantly to improve his material, social and spiritual needs and conditions of living. Within the framework of a planned economy, these primary social aims are attained through the growth of national income and appropriately increased investments enabling to maintain the state of full employment.

The principle of full and rational employment is the basic factor of the social and economic development strategy of the country.

Not only does the full and productive utilization of manpower resources fulfil the important social aim but likewise as an extremely active force driving the development of economics. In the initial period of industrialization of People's Poland, this was an essential element of our accelerated economic development and improvement of the material and social conditions of living in society.

Over the whole postwar period of thirty years /1945-1975/, the country managed to reach a high rate of economic growth exceeding the world's average rate; Poland's national income grew at the average rate of over 7 per cent annually, industrial production at over 10 per cent, non-rural employment grew at a rate of 3.5 per cent.

This high rate of economic growth has ensured full employment, increased the standard of living and solved many basic social problems of the country: exposition of the system of education at all levels, the introduction in the current quinquennial period of an obligatory 10-year secondary level education, as well as availability of care services free of charge and improvement of social security benefits.

The most essential element in the rapid social and economic development is the dynamism and all-round development of industry bringing about structural changes in the national economy. As a result, industries account for 55 per cent of the generation of the national income. At present industry gives employment to over 5 million people, i.e. to nearly one third of the economically active population.

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Industrial growth aids in developing and modernizing the remaining sectors of economy. With the passing years the reserves of manpower resources become fully utilized and the dynamically developing economy is beginning to experience increasing difficulties in satisfying its manpower needs. In the current decade, we have observed increasing difficulties in meeting the demand for new workers, especially men. This happens in the situation of the highest demographic growth of manpower resources over the postwar period. For instance in 1976 and 1977 there were on the average 20 vacancies to one man seeking a job.

This situation requires greater emphasis to be put on a more economical management of manpower resources within the employment policy. In the sphere of employment there exist particular needs arising from the accelerated development of services.

The expanded application of modern technology during the last five-year period /in comparison with 1970 the production capacities have about 50 per cent more of new machines and equipment and the higher proportion of skilled manpower/ favour a further rationalization of employment.

This period marks a successive stage in the development of Polish economy in which increased incomes and improved living conditions are proceeding more rapidly than in previous periods. The production potential, created through enormous efforts in the past and still increasing, enables to reach the superior social goals of economic development.

Detailed information on the employment policy can be found in the enclosed paper entitled "Strategy and Policy of Full Employment in the Polish People's Republic", presented during the World Employment Conference convened by the International Labour Organisation in 1976.

3. Maintenance of the balance of manpower is the institutional instrument for defining the quantitative needs ensuring the right to work in practice and the achievement of full employment. It constitutes an integral part of the national economy and is strictly connected with production and services. The amount of surplus output in industry and services largely depends on the number of new workers, their skills and productivity. The regional distribution of manpower resources is the next important factor of deciding on the location of industrial plants and servicing facilities.

With due regard for these aspects, manpower resources are analysed in the form of a balance sheet of manpower at the time of working out our plans of social and economic development. This document gives a synthetic statement on the current and expected relations between the supply of manpower and its utilization. The shaping-up of these relations has an influence on economic policy directions striving to fully utilize manpower resources through providing an adequate number of new jobs. The over-all manpower balance shows, among other things, whether the planned economic development of a certain region in the country and, in consequence of the entire country, ensures a full utilization of its manpower resources. For instance, in the case of a manpower shortage, it defines the number of workers to be recruited from other regions and, in the case of manpower

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surplus - the quota of manpower migration to regions affected by the shortage as well as additional investments necessary for a full balancing of manpower supply and demand. The situation on the labour market foreseen for the planned period as illustrated in the manpower balance makes it possible to take steps to prevent the appearance of disproportions.

Such planned manpower balance-sheets are drawn for annual, five-year and longer periods. The annual projection is part of the long-term balance defined in detail and constitutes the basic guiding principles for the current employment policy. The co-ordination of manpower supply and demand by regions, branches of economy, occupations and sex is handled by:

- the Minister of Labour, Wages and Social Affairs,
- local employment services, i.e. sections for employment and social affairs established in all voivodship offices and municipal offices in towns with more than 20,000 inhabitants. In many smaller towns and villages, units for employment problems are set up.

The duties of the Minister of Labour, Wages and Social Affairs, the supreme administration organ for social policy, include the elaboration of employment policy principles and tasks for local employment services and work establishments, as well as legal and organizational protection of the right to work.

Local employment services act on the basis of regulations issued by the Council of Ministers and the Minister of Labour, Wages and Social Affairs, as well as by local administration bodies. Their basic tasks include:

1. elaboration of regional employment programmes,
2. supervision of manpower training for local needs,
3. provision of jobs to graduates of vocational and secondary schools, as well as of higher education,
4. public employment services and provision of preliminary vocational information and guidance to candidates for work or vocational trainees,
5. provision of work-places to women in co-operation with work establishments, according to the local situation,
6. vocational preparation and employment of young persons,
7. assistance to persons with limited capacities of finding jobs,
8. vocational training for candidates without necessary occupational skills /especially for women/,
9. information and vocational guidance for students and candidates for work.

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Local employment service also supervises work of establishments as to their employment policies. They co-operate with work establishments to determine current and long-term demand for workers. On this basis, vocational information for vocational school graduates is worked out and jobs are reserved for them. Such a system ensures employment to school leavers with due regard for their skills, it also helps to supply workers to new work establishments.

Labour units in work establishments undertake - in co-operation with local employment services - various actions to establish conditions under which new workers become better socially and occupationally adapted to new places.

Work establishment managers are obliged to notify employment services of every vacant job and available place for training, as well as of every employed worker. Employment services assist in obtaining work and choosing a job. In difficult cases, employment services contact work establishments to find suitable jobs.

Labour market statistics and reports from employment offices are worked out according to regions, occupations, skills, sex and so forth. On their basis, local authorities take measures towards reducing disproportions on their local labour markets. For this purpose, they have funds for the creation of new jobs, especially for women, vocational training of unskilled women and grants to persons registered as temporarily being without jobs.

During the last 10 years, these funds have been used decreasingly due to the shortage of manpower on the labour market. For instance in March 1978, local employment services registered 13,500 persons seeking work, against ca. 87,000 job openings. Detailed information on the labour market situation and on activities of local employment services are available from the Polish Government periodical reports to the International Labour Office on the implementation of the ratified conventions concerning employment policy, unemployment, discrimination in employment and fee-charging employment agencies.

4. In order to ensure in due time a supply of skilled manpower /school leavers/, in conformity with national economy needs, balance-sheets of skilled manpower are worked out for at least 10-year periods. Such projections are of great importance for the evaluation of demand for skilled and for making adjustments in the system of education and training to changing needs /this is also connected with the education of new teachers, education investment projects and so forth/. These programmes are worked out by the Planning Commission on the macro-economic level, according to branches of economy and regions, usually through inter-ministerial committees.

Skilled manpower requirements are determined separately for individual occupations, indicating higher-level or secondary-level education, and for groups of occupations as regards skilled manual workers.

Initial data for skilled manpower are provided by means of national censuses taken by the Central Statistical Office every four years.

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With the growing demand for skilled manpower, the network of vocational education at all levels has been considerably expanded. In consequence of the development of educational facilities, the qualitative structure of employees in socialized economy has improved. In 1958, to each one thousand group of employees had 38 persons with higher, 112 with secondary and 82 with vocational education; in 1975, these were 62, 224 and 224 respectively.

To illustrate the right of women to education and work it is worthwhile to quote the high percentage of girls in all kinds and types of schools. In the 1975-76 school-year, girls made 45.4 per cent of all secondary school pupils and 49.2 per cent in schools of higher learning.

5. Protection against unlawful or unjustified termination of employment contract with the worker has been guaranteed by the Labour Code /Part II - Employment relationship/.

Special protection against dismissal from work covers several groups of workers. It is so the sake of their living situation or social functions they perform.

It concerns for instance:

- members of the works councils or trade union representatives,
- voluntary labour inspectors,
- members of the works arbitration committees,
- workers of pre-retirement age,
- young workers,
- pregnant women or those on maternity leave,
- workers on sickness leave,
- members of people's councils,
- war and military invalids,
- workers drafted to military service and their wives.

Moreover, the Labour Code has introduced a general protection against unjustified termination of the contract of employment for workers performing their duties well: namely, workers have been granted the right to appeal against the termination of their contracts of employment to the labour appeals committee and to the court, not only in the case of violation of the principles governing the termination of these contracts, but also when a worker believes that the termination of the contract of employment is unjustified from the social point of view.

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The general protection of employment relationship and observance of legitimate interests of workers have been additionally strengthened obligating managers to consult these matters with trade union organizations and it is guaranteed by the creation of special bodies, which deal with workers' claims in a fair, quick and non-formalized manner.

Labour Code entrusts the social organs and courts with the settlement of the disputes in connexion with the workers employment relationships. Majority of the disputes are examined on the level of first instance: by works and district arbitration committees or the level of second instance - by regional labour and social security courts.

Works arbitration committees are appointed in socialized establishments that permanently employ at least 100 workers.

District Arbitration Committees - with the same competence - examine the disputes arising from employment relationships of workers of socialized establishments that employ less than 100 workers, of non-socialized establishments and those employed by natural persons, those holding managerial posts in establishments where the works arbitration committee is in operation.

Arbitration committees examine in particular the cases relating to:

- remuneration for work and other benefits,
- leave and leave remuneration,
- hours of work,
- special rights enjoyed by women and young workers,
- benefits payable by establishment in connexion with employment accidents or occupational diseases,
- determination of right deriving from employment relationship, if worker's legal interests are involved.

District Labour Appeals Committees deal with:

- workers' appeals against the termination of their contracts of employment,
- workers' applications for reinstatement or payment of compensation in connexion with the termination or expiration of their contracts of employment,
- workers' applications for compensation in connexion with failure to issue a certificate of employment or testimonial in due time or with the issue of an inappropriate certificate or testimonial,
- workers' applications in connexion with the establishment of an employment relationship.

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Regional Labour and Social Security Courts deal with appeals against decisions given by arbitration committees and labour appeals committees to be lodged within 14 days from the date of delivery of the decision:

Application can be filed with the Supreme Court for revision of the final decision of an arbitration committee, a labour appeals committee or a labour and social security court if the decision is contrary to the law or the interests of the Polish People's Republic. Such an application can be made by:

- the Minister of Labour, Wages and Social Affairs,
- the Minister of Justice,
- the First President of the Supreme Court,
- the Prosecutor General of the Polish People's Republic,
- the Central Council of Trade Unions.

Supervision over the organization and operation of arbitration committees and labour appeals committees is exercised by the Minister of Labour, Wages and Social Affairs acting in agreement with the Central Council of Trade Unions.

Supervision over the organization and operation of labour and social security courts is exercised by the Minister of Justice acting in agreement with the Minister of Labour, Wages and Social Affairs and the Central Council of Trade Unions.

A decision given by an arbitration committee or a labour appeals committee shall become final if no appeal is lodged against it or if it has been upheld in the course of the appeals procedure. The final decision of those committees or labour and social security courts shall be immediately executed by the establishment concerned.

6. Protection against unemployment is ensured in the Polish People's Republic by socio-economic policy, as a result of which all Polish citizens are provided with work in conformity with their skills. Therefore, there exists neither unemployment nor underemployment in Poland. Detailed information on this subject has been given in part B above.

C. Statistics and other available information

Information on employment in Poland is presented in the Year-Book of Labour Statistics published by the International Labour Office in Geneva, as well as in Polish reports for the International Organization of Labour on implementation of ratified conventions concerning unemployment and employment policy.

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Article 7: The right to just and favourable conditions of work

A. Remuneration

1. The Constitution of the Polish People's Republic guarantees all her citizens the right to remunerative employment according to the quantity and quality of work. The Labour Code in Article 7³ lays down the principle that a worker's remuneration shall be so determined as to correspond to the nature of the work he does and the skills required for its performance and also to contribute to the efficiency of work and improve its quality and productivity. This principle is carried into effect in branch systems of remuneration.

Women are guaranteed the same rights as men as far as remuneration and working conditions are concerned. But according to Article 176 of the Labour Code, they enjoy a special protection, that is to say, that it is not permissible to employ women to do any work particularly arduous or harmful to their health. A list of such types of work has been drawn up by the Council of Ministers, in agreement with the Central Council of Trade Unions which represents the interests of workers.

General rules to be applied to remuneration for work and granting of other related benefits are prescribed by the Council of Ministers, in agreement with the Central Council of Trade Unions.

2. Detailed specification of rules relating to remuneration generally takes form of collective labour agreements concluded between ministers concerned and central committees of the respective trade unions.

The amount of the nationwide minimum wage is fixed by the Council of Ministers in agreement with the Central Council of Trade Unions. Only 0.2 per cent of the total number of employed earn the minimum wage.

3. The fundamental component of workers' remuneration is the basic wage. Apart from that there are other elements of remuneration such as: piece-work surplus or bonus, commission, and such supplements as: for night or overtime work; for work performed in unhealthy and arduous conditions; bonuses for the length of service, annual bonus from the establishment awards fund, allowances for holding middle and higher managerial posts, a supplement for foremen. Apart from the above mentioned, there are other components of remuneration on account of the specific nature of certain branches of industry.

4. Statistical data on earnings are published by the International Labour Office in the Year-Book of Labour Statistics.

5. The right to equal pay for equal work is guaranteed by the uniformity of branch systems of remuneration which eliminate any possibility of different remuneration for equal work.

6. In order to prevent the infringement of the binding remuneration rules, multi-level organs have been created to settle disputes between workers and

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employers, related to, inter alia, wages, such as works and district arbitration committees, district labour appeals committees as well as regional labour and social security courts, described in Part 3, paragraph 5 above /referring to art. 6 of the Covenant/.

B. Safety and hygiene of work

1. Article 70 of the Constitution of the Polish People's Republic guarantees the right to health protection. It says that constant improvement in safety and hygiene of working conditions and labour protection as well as widely developed prevention of diseases are some of the factors that contribute to an even fuller implementation of this right.

Provisions of the Labour Code, Part X, impose upon every establishment an obligation to ensure its workers safe and healthy conditions of work in buildings and workrooms /special attention being paid to principles of designing new establishments, constructions and machines/. Those provisions determine the principles: of preventive treatment and medical care, of training workers in occupational safety and health, of providing protective clothing and personal protective equipment as well as basic rules of proceeding in the event of employment accidents and occupational diseases and duties of managers of establishments and those of organizational units.

At the same time, the Labour Code determines workers' obligations in observing the provisions governing safety and hygiene of work and ranks them among basic duties of workers.

Provisions on technical requirements of safety and hygiene of work are included in the two basic legal Acts of 1946 and 1959. In addition to these general acts, there are detailed regulations governing the requirements of safety and hygiene of work either in particular branches of industry /e.g.: glassworks, printing-houses, textile plants/ or in particular types of work /e.g.: operating machine-tools for wood, welding, operating equipment generating electro-magnetic fields/.

Special provisions govern the protection of women and young persons' work. A list of jobs prohibited for women covers 92 types of work and gives norms for carrying weights. The establishment has an obligation to transfer a pregnant woman to a lighter work if she is employed at work that is prohibited for pregnant women. When a woman worker's transfer to other work involves a reduction of her remuneration, she is entitled to a compensatory allowance to make her remuneration equal to the former one. A pregnant woman is not to be employed in overtime or at night. It is forbidden to assign her outside her permanent place of work without her consent.

Provisions of the Labour Code relating to the protection of young persons' work forbid to employ young persons in overtime or at night, or at jobs forbidden to them, a list of which is drawn up by the Council of Ministers following a consultation with the Central Council of Trade Unions.

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The general outline and project for the construction of a new establishment should take due account of requirements of the safety and hygiene of work. The same principle applies to establishments that are under modernization. The project documentation is to be consulted by authorized experts in safety and hygiene of work.

The ruling principle is that new technologies introduced into production process should be appraised from the standpoint of their compliance with safety conditions of work. The same assessment is passed on buildings, equipment and licence technologies purchased abroad. Labour inspectors take part in the opening of new establishments, and in case of any defects - they make production process subject to their removal.

Provisions and norms in force take into account safety and hygiene of work requirements for new establishment, machinery and equipment. In addition, directives for designers specify the ergonomic requirements for machines and technical equipment.

In order to ensure better results in activities aiming at improvement in work conditions, special programmes have been worked out, inter alia, in the sphere of improving ventilation and reducing noise.

Training programmes at basic and secondary vocational schools include the problems of safety and hygiene of work both in vocational subjects and in a separate subject called "the safety and hygiene of work". At technical colleges students are obliged to take a subject called "study of labour" or "ergonomy and safety and hygiene of work".

The Labour Code states that it is not permissible to admit a worker to employment for which he or she does not have sufficient knowledge of provisions and principles governing safety and hygiene of work or the necessary skills hereto.

The establishment is obliged to provide a worker with preliminary training in safety and hygiene of work before he is admitted to employment, and also to arrange periodic instruction in this field. This instruction embraces both theoretical training and practical training at workplaces.

According to the Labour Code, persons occupying managerial posts in the establishment are obliged to have a knowledge of the provisions and principles governing the safety and hygiene of work and of other provisions related to labour protection in so far as it is necessary for the performance of their duties. In this respect, every establishment is obliged to run a system of three-level courses, ending with an examination. The examination committee for managerial staff includes labour inspectors who supervise the courses in safety and hygiene of work at establishment. In addition, all vocational courses relating to production must include questions of safety and hygiene of work.

2. In the sphere of improvement in working conditions a system of one year and many-year planning is in force in Poland. Plans for the improvement in the sphere of safety and hygiene of work form a part of the national socio-economic plan. They are worked out on all levels of management: in establishments, organizational

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units above establishments, and ministries. These plans embrace the basic technical, organizational and investment projects aiming at elimination of hazards caused by environmental conditions at work, by work itself, those involving accidents, and also reduction of arduousness of work. These plans include deadlines and ways of realization of these tasks together with the estimated costs. The plans are worked out with the participation of the works council, occupational health authorities as well as the experts whose presence guarantees the correctness of the tasks planned.

Statistical reports on the costs and effects of the realization of plans covering the improvement in the conditions of safety and hygiene of work as well as compensations on account of working conditions allow for a better evaluation of the state of the safety and hygiene of work and of progress being achieved in this field.

There exist in establishments, organizational units above establishments and in ministries specialized safety and hygiene of work units, the task of which is to undertake actions towards prevention of hazards to life and health of workers as well as improvement in conditions of safety and hygiene of work. They also observe that the directives with regard to safety and hygiene of work, set up by managers or respective organizational units, are carried out. The Labour Code guarantees the workers participation in formulating conditions of safety and hygiene of work through periodical social surveys of working conditions in establishments. The aim of these surveys is to investigate the state of these conditions, to assess how the plan for the improvement in working conditions is being carried out, and to propose recommendations for the improvement of working conditions.

The supervision of working conditions is carried out by:

a. labour inspectorates acting within the organizational framework of trade unions and having powers of a state organ, are organized on the branch level and are responsible before the Chief Labour Inspector in the Central Council of Trade Unions.

The labour inspector has the right: to inspect establishments at any time, day or night; to instruct their manager to remove any observed defects as well as to suspend production in the case of any immediate hazards to workers' life and health; to investigate the circumstances and causes of employment accidents; as well as to apply penal and administrative sanctions towards persons responsible for the infringement of provisions in force relating to occupational safety and health and the protection of work.

b. the State Health Inspectorate exercises current and preventative health supervision in Poland; it investigates causes of occupational diseases and certifies the occurrence of occupational disease.

c. the Higher Mining Office has been established to control and supervise conditions of safety and hygiene of work in mining establishments.

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d. the Technical Supervision Office exercises technical supervision over particular equipment /e.g. steam and water boilers, high pressure tanks, acetylene generators and lifting machinery/.

e. other specialized institutions.

Certain powers of supervision over working conditions are the domain of trade unions, especially of works councils and social labour inspectorates. The latter is a social service performed by workers of establishments /in existence since 1950/.

At present, over 100 departmental institutes, about 30 centres of the Polish Academy of Sciences, the Central Institute for Work Protection responsible to the Ministry of Labour, Wages and Social Affairs and four Institutes of Occupational Health and Social Welfare responsible to the Ministry of Health and Social Welfare take part in solving problems of work protection. In 1976, 1,842 scientific and research projects were drawn up, the aim of which is the improvement in safety and hygiene of work as well as in ergonomic features of machinery and equipment.

3. All groups of workers in all branches of economy who are especially exposed to hazards of life and health are covered by a general system of work protection.

4. The evidence of efficiency of Poland's system of work protection is found in the constant tendency of decrease, since 1973, in the number of employment accidents per 1,000 employed in the national economy. For instance, in the first half of 1977, the number of accidents decreased by 10.3 per cent in comparison with the corresponding period in 1976.

C. Equal opportunity for promotion

1. The principles of promoting workers in socialized economy are uniform and prescribed by Ordinance of the Council of Ministers. They ensure equality of treatment as far as promotion is concerned.

2. Promotion of a worker to a higher post may take place at any time, depending on the needs of the establishment, provided the worker has the required skills.

The required level of skills of a worker is tested by an examination verifying his suitability for the job. Workers appointed to certain posts /e.g. in the mining and power generating industries/ are recruited from those who have performed that work for a definite period of time, because of the especially high level of responsibility involved.

In the promotion of white-collar workers, individual talents and performance at work are taken into account, apart from required skills such as the level of education and period of employment, as defined in the skill grading manual.

The promotion of workers is consulted by the management of an establishment with the works council, representing the whole staff of the establishment.

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To facilitate the improvement in workers' vocational skills free vocational training courses are widely developed within establishments, the programmes of which are appropriately adapted. Additionally, there is a well developed network of evening or extra mural vocational schools on the levels: above basic, secondary, and higher, which are open to everyone on equal footing.

Workers directed to such schools are entitled to a part of a working day off to attend evening courses and to additional leaves for preparation to examinations. Good results at work are rewarded to these workers by special bonuses paid by the establishments.

In addition to this, there is a network of secondary vocational schools to which establishments direct their leading workers for a period of three-years, their full remuneration being assured throughout the whole period of training.

3. In matters concerning equal opportunity in professional promotion no special problems are encountered.

D. Rest, leisure, limitation of working hours, and paid holidays

1. The right to rest is guaranteed by Article 69 of the Constitution of the Polish People's Republic, while the provisions of the Labour Code describe in detail the norms for hours of work, periods of paid vacation leaves, principles for granting additional remuneration for overtime work and that performed on Sundays and holidays.

2. The legislation and practice in this field is as follows:

a. Weekly rest

Weekly rest is guaranteed by Sundays off and ten days of holidays, as specified in separate provisions, are the days off.

Moreover, the weekly rest has been extended by additional 12 days off mainly on Saturdays or Mondays. Certain groups of workers take advantage of longer weekly rests by virtue of special provisions. This applies, for instance, to workers employed in three shifts in certain branches of industry /except for continuous processes/ where all Saturday third shifts are free.

b. Work on Sundays

Work is deemed to be performed on a Sunday or a holiday if it is done between 6 a.m. on that day and 6 a.m. of the following day.

Work on Sundays and holidays is permitted only in cases specified in separate provisions, namely, in emergency operations in order to protect human life or health or to protect property or to deal with a breakdown; in continuous processes; in four-team work or work on a similar basis, in repair work, in transport and communication, in guarding property, in agriculture and stock-breeding, and in work that has to be done on account of its social utility and daily requirements of the society especially in catering, hotels, municipal

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services, health centres and establishments engaged in the activities in the field of culture, education, tourism and recreation. Work on Sundays and holidays is also permitted to a limited extent, by virtue of special provisions, in establishments that provide services to the society and in some places of retail trade.

Establishment is obliged to ensure that a worker has been employed on Sunday has another day off during the week. It may also grant a day off in compensation for work on a holiday. In establishments where working days include Sundays, the worker is to enjoy a Sunday off at least once every three weeks. This does not apply to workers engaged in work organized on a four-team or similar basis who enjoy at least two days off a week.

c. Normal hours of work and overtime work

Hours of work - according to the Labour Code - are not to exceed 8 a day or 46 a week. Within this norm the distribution of hours of work, particularly, time of starting and finishing work, work breaks etc. are determined by the rules of employment. It must be added that additional days off mentioned above in subparagraph a. reduce regular hours of work accordingly.

Specific provisions introduce reduced hours of work for numerous professional groups, i.e. 7 hours a day or 42 hours a week. A 42-hour working week is enjoyed by the employees of the medical service, teachers and educational staff, staffs of radio and television, telecommunication, banks, state administration, and journalists. A 42-hour working week is practically applied also in industry in continuous processes, where four teams work in three shifts. Work done in excess of normal hours of work, as stipulated in the provisions of the Labour Code, is to be considered as overtime. Such work is permitted only in the event of:

- rescue operations required for protection of human life or health or for protection of property or to deal with a breakdown,
- special requirements of the establishment.

The number of overtime hours worked in connexion with special requirements of the establishment is not to exceed 120 in a calendar year for any individual worker.

In addition to his normal remuneration, a worker employed in overtime is entitled to a supplement at the rate of:

- 50 per cent of the remuneration according to his personal grade, for work done during the first two overtime hours per day,
- 100 per cent of such remuneration, for any subsequent hour or overtime hours worked at night or on a Sunday or a public holiday.

d. Leaves with pay

Every worker is entitled to an annual, uninterrupted period of paid vacation leave. No worker is allowed to renounce his right to leave. A worker is entitled

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to his first leave after a year's work and to his second and subsequent leaves in any succeeding calendar year. Leave is granted at the rate of:

- 14 working days after one year of employment,
- 17 working days after three years of employment,
- 20 working days after six years of employment,
- 26 working days after ten years of employment.

The period of employment for the purposes of leave calculation, is increased, on account of completed education, as follows:

- a. the completion of a basic or similar vocational school - the period of training envisaged in the syllabus, but not more than three years;
- b. the completion of a secondary vocational school - the period of training envisaged in the syllabus, but not more than five years;
- c. the completion of a general secondary school - four years;
- d. the completion of a special school providing education to secondary school-leavers - six years;
- e. the completion of a higher educational establishment - eight years.

The periods of training are not to be aggregated.

A worker who has already taken his leave for a given calendar year and subsequently became entitled to a longer period of leave in the course of the same year is entitled to a supplementary leave.

Workers employed in seasonal work are entitled to one day's leave for every month of employment.

On the basis of specific provisions, certain groups of workers or individual employees enjoy a longer period of paid leaves e.g.: teachers and research workers are entitled to a six-week leave; certain groups of workers engaged in work of particularly arduous nature or in work which is done in unhealthy conditions are granted additional leave with pay; war invalids, ex-prisoners of concentration camps and combatants have a right to leaves prolonged by 10 working days a year.

During vacation leaves workers have the possibility to benefit from organized forms of recreation at recreation centres sponsored by trade unions or work establishments. Besides, recreation and holiday camps are organized for workers' children.

The cost of these forms of recreation is relatively low to the workers and members of their families as they are entitled to the reduced payments depending on the average income per member of family.

For instance, in 1976, over 11 million workers and members of their families benefited from this form of recreation.

e. Remuneration for working on Sundays and holidays

Monthly remuneration for workers is a fixed sum, irrespective of the number of working days in a month, thus, it includes remuneration for Sundays and holidays. Workers paid per hour receive remuneration for the time actually at work and while fixing this system of payment a principle is being observed that the remuneration ensures steady income from work over longer periods of time /the payment for the days-off is included in the remuneration/.

For work performed on Sundays and holidays workers receive normal remuneration and in the case they were not granted another day off during the week also a supplement at the rate of 100 per cent of the remuneration corresponding to their personal grades. Most of the collective agreements include a provision entitling workers to a 100 per cent supplement for work on Sundays and holidays, even in cases when they were granted another day off during the week as a compensation for work on Sundays and holidays.

3. In order to ensure recreation and to reduce hours of work in the industry and services which demand work in continuous processes, various solutions are being applied such as, for instance, a four-team system in which three shifts work during the day and the fourth team takes a rest. The application of adequate timetables of working hours in this organizational system of work the workers are guaranteed regular periods of rest /totally 90 days off a year, excluding vacation leave/ and an average of 42 hours of work a week.

On account of specific conditions of performing economic or service activities, the so-called equivalent norms of hours of work are applied in such places as, for instance, establishments providing services to the general public, some places of retail trade, transport, hotels, and catering establishments as well as the work depending on the season of the year or weather conditions. According to these norms, the hours of work may be longer on particular days and weeks than the normal eight hours a day and 46 hours a week, provided that within a given period of time /up to one month/ the hours of work shall not exceed the general norms in force.

4. No problems have been encountered in the practical application of the above-mentioned norms of hours of work and periods of rest.

Article 8: The rights of trade unions

A. The Constitution of the Polish People's Republic guarantees its citizens the right to associate in, inter alia, trade unions /Article 84, paragraphs 1 and 2/ and states in Article 85 that "in the Polish People's Republic trade unions play an important social role since they are a collective organization taking part in formulating and carrying out the tasks connected with social and economic development of the nation; trade unions represent interests and rights of workers and are a school of civil activity and devotion towards building a socialist society".

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The Labour Code confirms the above quoted constitutional principle, stating in Article 19, subsection 1 that "workers shall have the right to associate in trade unions" and specifies the obligation of trade unions [Article 19, subsection 2/, as follows: "The trade unions shall take part in formulating and carrying out the tasks connected with the social and economic development of the nation, the improvement of conditions of work and the workers' standard of living and the exertion of influence on the standard of social awareness and socialist human relationships. They shall particularly co-operate with the competent organs of government in issuing and applying the provisions of labour law and shall take action to reinforce the rule of law in connexion with the observance of the workers' right and obligations".

Moreover, the Act on Trade Unions of July 1st, 1949 [in possession of the International Labour Office in Geneva/ specifies the legal basis of general activities of trade unions.

B. Right to form and join trade unions

1. Legal acts in force have been enlisted in part A above.

2. In view of the binding provisions, the exercising of the right to form trade unions as well as the right to join them are not limited by any legal acts in Poland.

C. There are no legal obstacles [in the form of prohibition/ to execute by the trade unions the right to form national federations or confederations or by latter ones to form or join international trade union organizations.

D. Current legal position and practice ensure the trade unions with optimal conditions to exercise their activities. Freedom of activities of the trade unions is expressed, above all, in the fact that the trade unions are not subject to control by the state administration and, apart from this, they are empowered to define themselves their specific tasks, aims and directions of activities in their statutory acts [there are at present in force: the Statute of the Federation of Trade Unions passed in 1976 at the 8th Congress of Trade Unions and the statutes of particular branch trade unions/.

The trade union movement in Poland enjoys full autonomy expressed by the noninterference of the state authorities in its internal affairs which are described in the provisions of Statutes passed by competent trade union organs, i.e. by the Congress of Trade Unions or by the conferences of representatives of branch trade unions [which do not require any acceptance by the organs of state administration/.

The forming of new trade unions, or integration and dissolution of the, existing ones are not subject to control by the state administration. All trade union organs are responsible for their statutory activities before electors.

The basic tasks of trade unions in the scope of representing and protecting the interests of workers are exercising control over the observance of labour

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law, acting towards elimination of the sources of disputes in the sphere of working relations and, also, mediation in settling disputes between workers and establishments. To this end it is of great importance that the trade unions also participate in organs which settle workers' problems /arbitration committees, labour appeals committees and labour and social security courts/ and that they represent workers before these organs. Control and intervention activities of trade unions in this field are of institutional nature. A specific role in such cases is played by work establishments' councils which are the organs representing the whole staff of the establishment.

E. The right to strike is not governed by any legal provisions either from the positive or negative points of view, there is therefore no legal prohibition. The settlement of eventual conflicts and misunderstandings in establishment takes place with the participation of workers' representatives. This results from the principle of participation by the staff of the work establishment in its management /Article 13 of the Constitution and the Act of 20 December 1958 on Workers' Self-management/, from the Constitutional guarantee in the matter of co-operation between authorities and organs of state administration with the working people /Article 9 of the Constitution/ as well as citizens' participation in exercising social control through consultations and discussions /Article 86 of the Constitution/.

Article 86 of the Constitution states that:

- "1. Citizens of the Polish People's Republic take part in exercising social control through consultations and discussions on crucial problems of the nation and give proposals.
2. Citizens have the right to present their claims and complaints to all organs of state administration.
3. Appeals, claims and complaints by the citizens shall be dealt with in a quick and just way. Those who are responsible for delays and those who display a negligent and bureaucratic approach to appeals, claims and complaints by citizens shall incur liability."

F. The rights described in parts A and B above apply to civil servants in the administration of the armed forces and People's Militia as well as to those in the state administration.

G. No difficulties have been encountered in exercising trade union rights in the Polish People's Republic.

Article 9: Right to social security

1. Article 70 of the Constitution of the Polish People's Republic states:

- "1. Citizens of the Polish People's Republic have the right to health protection as well as to assistance in the event of sickness or incapacity for work.

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2. An even fuller realization of this right is made possible through: the development of social security in the event of sickness, old age and incapacity for work and the development of various forms of social care."

Other legal acts in this field are given below in paragraphs describing particular branches of the social security system.

The social security system in Poland is:

universal - it embraces about 99.7 per cent of the population /89.8 per cent in 1976/ and nearly 100 per cent as far as medical care is concerned;

uniform - it is based on provisions uniform for the whole nation and, in principle, for all groups of workers and is carried out by a uniform administrative apparatus;

complete - it ensures benefits in all cases of necessity;

free of charge - social security contributions do not encumber wage-earners /they are paid by establishments/. Only persons working on their own account who constitute a small percentage of the insured population pay their social security contribution themselves.

2. Main features of the social security system /according to branches/.

- a. Medical care

Medical care in Poland is free of charge and covers the whole working population of the country, old-age and disability pensioners as well as members of their families. It is performed by public health service institutions and embraces: health care, treatment in health resorts, emergency aid in ambulance service centres, medicaments and first aid materials, treatment materials as well as prosthetic services. Persons entitled to social security and members of their families pay for medicaments prescribed by a medical practitioner and purchased in regular dispensaries 30 per cent of the price of 10 per cent in the event of chronic diseases. Pensioners receive drugs free of charge.

- b., c. Sickness and maternity benefits

Benefits on account of social security in case of sickness and maternity are aimed at ensuring means of maintenance to workers who, due to sickness, child-birth or the necessity to take care of a sick member of the family, cannot perform their work. In the last five years, considerable changes have taken place in this field, namely:

- introduction of a uniform system of benefits for all workers, both manual workers and civil servants;
- considerable increase in allowances, especially those paid to manual workers;

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- introduction of new forms of benefits, unknown before, such as compensatory and confinement allowances as well as a single lump-sum allowance on account of child-birth.

The basic legal act on social benefits is the Act of 17 December 1974, respecting the cash social insurance benefits payable in the event of sickness and maternity.

Sickness allowance - workers incapable for work as a result of sickness, are entitled to sickness allowance. It also applies to workers isolated from work by sanitary authorities. The sickness allowance is granted, irrespectively of the period of employment /a minimum one-month period of employment is required only from a worker employed on the basis of a contract concluded for probation period, or a specified period of time, or for a period of time required to carry out a specified work/.

The sickness allowance can also be granted in the event of falling sick after the termination of a contract of employment, but not later than three months. A person is entitled to the sickness benefit during a period of treatment lasting up to six months /in the case of tuberculosis - up to nine months/ and there is a possibility of extending these periods for further three months.

The sickness allowances amount to:

- one hundred per cent of remuneration after an eight-year period of employment;
- eighty per cent of remuneration in the case of employment - three to eight years;
- seventy-five per cent of remuneration in the case of employment not exceeding three years.

The sickness allowance amounting to 100 per cent of remuneration can be granted regardless of the period of employment:

- if incapacity for work was caused by an employment accident or an accident on the way to or from work, and also by an occupational disease;
- for a period of sickness lasting longer than 30 days and if the sickness falls within the period of pregnancy.

Compensatory allowance is given to workers who, on a medical practitioner's injunction, have undertaken work falling under a lower rate of remuneration. This allowance is particularly given to:

- workers who have undergone vocational rehabilitation in rehabilitation centres or in the establishments at specially adapted workplaces, in such cases compensatory allowance is rendered during a period of rehabilitation up to two years;

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- workers transferred to another job by sanitary authorities in order to prevent the spreading of a contagious disease, in this case the allowance is rendered during a period of up to three months.

Maternity allowance is rendered to a woman worker on maternity leave. This allowance is paid during a period of 16 weeks on her first confinement, 18 weeks on each subsequent confinement and 26 weeks if she has delivered more than one child on any given confinement. Maternity allowance is also granted in the case of a child-birth during an unpaid leave granted for taking care of a child under four years of age as well as in the case of acceptance of a small foster-child.

A mother who has given birth to another child during her leave for taking care of her child is entitled to allowance during the period of 14 weeks, or 22 weeks in the case of a multiple birth. A woman-worker who has adopted a foster-child is entitled to 14 weeks' leave with the allowance paid.

Maternity allowance amounts to 100 per cent of the woman's net remuneration just before her maternity leave.

Confinement allowance is a single allowance granted to a woman worker as well as a worker's non-working wife in the case of child-birth, also in the case of acceptance of a minor foster-child. The confinement benefit amounts to a triple family allowance granted for a child born or a foster-child adopted, but not less than 500 zlotys. The confinement benefit was introduced on 1 January 1976.

Care allowance is granted to a worker absent from work on account of the necessity to provide personal care to a child under eight years of age, in the event of an unforeseen closure of the crèche, kindergarten or school; a sick child under 14 years of age or any other sick member of the family remaining in his/her household.

The care allowance is payable to the child's mother, or to the father but only if the mother is sick or is living elsewhere than at the place of residence or if he is the only parent bringing up the child. /Until 1975 both parents could take care of a child, but there was a suggestion that in the first place it should be the mother./

The care allowance - amounting to 100 per cent of net remuneration is granted for 60 days in the calendar year, in the event of taking care of a child, and 14 days - in the event of taking care of any other member of the family, total number of days is not to exceed 60 days. Where both parents work, priority in taking care of a child is given to the mother.

One-time burial allowance is to cover the expenses of burial of worker or member of his/her family.

It amounts to:

- if the deceased is a worker - the equivalent of the worker's two-month remuneration;
- if the deceased is a member of the worker's family - one-month remuneration.

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Old-age benefits

Old-age benefits are the allowances, the main aim of which is to assure means of livelihood:

- on reaching retirement age /old-age pension/,
- in the case of disability /disability pension/,
- in the event of prolonged incapacity for work /sickness pension/,
- in the event of the death of worker, the sole breadwinner of the family /survivors' pension/.

The basic legal act relating to old-age benefits is the Act of 23 January 1968, respecting universal old-age benefits for workers and their families, as well as the Act of 27 October 1977, on old-age and other social benefits for independent farmers and their families.

The last Act, which came into effect on 1 January 1978, will fully bind as from 1 July 1980. The Act takes an important place in the records of achievements of the Polish social policy, as it means extending the social security practically to all the Polish population, ensuring benefits in case of old age, sickness and disability.

To be entitled to an old-age pension the farmer must have reached retirement age /65 for men and 60 for women/, similarly as it is in the general system of old-age benefits. The condition for entitlement to the old-age pension is producing for 25 years /20 for women/ and selling to the state farm produce to the amount of at least 15.000 zlotys a year, the transferring of the farm to a successor or to the State and the payment of the contributions to the farmers' old-age benefits fund.

Practically the Act covers all the independent farmers, as the required sales value is relatively low and thus attainable to all farms.

The basic old-age pension varies from 1.500 to 6.500 zlotys per month depending on the average annual value of produce sold to the State. In the case of transferring the farm to the State the pension is increased for the first and second hectare of land by 200 zlotys each and for each next hectare by 50 zlotys. Additional supplements are also provided for the donated buildings and the forest land, as well as for the renunciation of the right to the lodgings and to retaining 0.3 hectare of land.

Beside the old-age pensions the Act also introduces social benefits for economically active farmers thus bringing them closer to the position of the workers of socialized non-agricultural work establishments.

The Act also provides for the same supplements to farmers' pensions as those provided by the general pension scheme.

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Retired farmers can retain the right to 0.3 hectares of land and adequate family and farm accommodation free of charge.

Disabled farmer is entitled to disability pension provided he has worked on his farm for five years or even less if he became disabled before reaching 30 years of age.

Children, in the event of both parents' death, are entitled to the survivors' pensions amounting to 70 per cent of old-age or disability pension.

Benefits for independent farmers will be covered in two thirds from the State budget.

In the last five years a considerable improvement in old-age benefits has taken place:

- the lowest pensions have been constantly increased,
- pensioners' family allowances have been increased,
- allowances for invalids in need of permanent care have raised from 200-300 zlotys to 500 zlotys, and up to 800 zlotys for the blind,
- the possibility of retirement at an earlier age has been created for several groups of workers /combatants, invalids, women workers with a long period of employment/,
- more advantageous earning conditions have been created for pensioners,
- a fundamental reform of the system of pensions planned for the period 1975-1980, aiming at the improvement in the relation of old-age benefits to wages through raising the percentage rates of pensions in relation to wages - has been initiated,
- an increase in pensions granted in previous years /before 1975/ planned for the period 1977-1980 - has been initiated.

As a result of the increase in pensions the average pension has risen from 1.147 zlotys in 1970 to 1.936 zlotys in 1977. The number of pensioners has risen from 2.3 million to 3.7 million.

d. Disability benefits

A disability pension is granted to workers who have been included in one of the three disability groups. Group I includes persons totally incapable for work and in need of permanent care; group II includes persons totally incapable for work; group III - persons of limited capacity for work who have an appropriate period of employment. For workers over 30 years of age, this period amounts to five years falling within a period of 10 years before the disability occurred and 1 to 4 years for younger workers.

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The period of employment is not required in cases where disability occurred as a result of an employment accident or occupational disease.

The amount of the disability pension depends on the amount of remuneration, on the disability group, on the cause of disability and on the period of employment. The highest pension rates i.e. these granted on account of disability caused by an employment accident or occupational disease amount to 100 per cent net remuneration within the disability group I and II, and 65 per cent within the disability group III.

The rate of other disability pensions amounts to 75 per cent of the part of remuneration up to 2.000 zlotys within the disability groups I and II and 50 per cent within the group III. As regards the part of remuneration over 2.000 zlotys the rate amounts to 40 per cent, yet within the framework of the reform of pensions currently under implementation, this amount will be increased annually by 5 per cent until it reaches 50 per cent of remuneration in 1980. Similarly to the old-age pensions a supplement for the duration of the period of employment is also added to this form of disability pension.

Additionally, sickness pension was introduced in 1975, the aim of which is to assure means of livelihood to workers who have exhausted the period in which they were entitled to a sickness allowance but who still need further medical treatment to recover their capacity for work. For this period of medical treatment, yet not longer than 12 months, a sickness pension can be granted, amounting to 75 per cent of their remuneration, and in the case of employment accident or occupational disease - 100 per cent of their remuneration. The condition under which the sickness pension can be granted is complete incapacity for any type of work.

e. Old-age benefits

An old-age pension is granted to workers who have been employed for at least 20 years /women/ and 25 years /men/ and have reached the retirement age which is 65 for men and 60 for women.

For certain groups of workers, especially those working in conditions that are arduous or harmful to health, the retirement age is lower by 5 years.

The amount of pension depends on the amount of remuneration and on the period of employment. At present, an old-age pension amounts to 90 per cent of remuneration up to 2.000 zlotys and 45 per cent of remuneration above 2.000 zlotys. It will be increased to 55 per cent by 1980. In addition 1 per cent of the total remuneration is added to the pension for the 21-st and every succeeding full year of work in People's Poland, the total should not exceed 10 per cent.

It should be added that pensions paid before 1975 have been increased since 1 May 1977 by regular lump-sum payments, ranging from 100 to 700 zlotys, depending on the year of paying the pension. The realization of this increase has been spread over four years, i.e. up to 1980.

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f. Survivors' benefits

Survivors' pension is an allowance for the benefit of families which lost their breadwinner. It is granted after death of a worker who was employed for a period required for the grant of disability pension or old-age pension or after the death of a pensioner. It is paid to a widow if she is over 50 years of age, or a disabled person or if she is bringing up a child. It is also granted to children up to 16 years of age, or up to 25 years of age if they are still studying in school. In certain cases it may also be granted to a widower as well as to parents.

The amount of survivors' pension depends on the amount of remuneration received by the deceased before his death, on the cause of death and the period of employment. The highest are those pensions which are received by the families of the workers who died in result of employment accident or occupational disease. The amount to 60 per cent of the remuneration if only one member of the family is entitled to the pension, 75 per cent - if two members of the family are entitled to it and 85 per cent - if three or more members of the family are entitled to it.

The pension rates received on account of other causes are: 50 per cent from the part of remuneration up to 2.000 zlotys, if only one member of the family is entitled to it, 65 per cent for two members of the family and 75 per cent for three or more members of the family. For the part of remuneration exceeding 2.000 zlotys, the pension rate is 40 per cent - yet, this amount will be increased by 5 per cent annually until it reaches 50 per cent in 1980. Survivors' pensions granted before 1975 have been increased as from 1 May 1977 - similarly to the old-age pensions and disability pensions - by regular lump-sum payments, the amount of which range from 100 to 500 zlotys, depending on the year the pension was given. The realization of this policy has been spread over four years.

Pensions are subject to the following supplements: family allowances /for children and the wife/, those on account of State decorations, scientific achievements, qualification to the Group I invalids etc.

The amounts of family allowances correspond to those defined in the provisions on family allowances, discussed in subparagraph "i" of this Report. The amount of family allowance for the wife of the pensioner is determined by regulations on general old-age benefits of workers and their families.

The amounts of family allowance for wives depend on the financial situation of the family and are as follows:

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for wife	monthly amount of family allowance	
	basic amount [income per member of family over 1.400 zlotys]	increased amount [income per member of family under 1.400 zlotys]
no children:	70	100
bringing up one or more children:	120	200

Burial allowance is paid to cover the expenses of burial of the pensioner or a member of his family. It amounts to triple pension in the event of death of a pensioner and double pension in the event of death of a member of his family. The minimum burial allowance is 5.000 zlotys or in the event of death of a child - 3.000 zlotys.

g. Employment injury benefits

In the Polish system of social security, the system of benefits to victims of employment accidents or occupational diseases is a comprehensive one. As from 1 January 1976:

- the subjective scope of activities of these systems has been considerably enlarged by embracing, inter alia, young persons attending schools;
- benefits have been granted to persons who incurred an accident on their way to or from work, or as a result of accidents while performing social functions as well as civic duties;
- the amounts of benefits have been increased, especially with regard to single compensations;
- the procedure of claiming rights to these benefits has undergone considerable simplification.

The basic principles in this respect have been presented in the Act of 12 June 1975, on benefits payable to workers in result of employment accidents or occupational diseases.

Sickness allowances are granted to persons who incurred employment accident and they amount to 100 per cent of net remuneration, regardless of the period of employment.

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Single compensation payable on account of damage to health amounts to 500 zlotys for every per cent of damage to health, i.e. 50.000 zlotys in the case of complete loss of health. In addition, persons included in the Group I disability are entitled to an additional sum of 10.000 zlotys.

Single compensation payable on account of death of worker is granted to the spouse of the deceased, his children or other members of the family. The height of the benefit varies, depending at the degree of kinship to the deceased as well as on the number of the remaining beneficiaries. The wife or child is entitled to 50.000 zlotys, other members of the family - to 25.000 zlotys. If the deceased left more than one beneficiary, the compensation increases by 10.000 zlotys for each further beneficiary.

Compensatory allowance is granted to a worker whose remuneration has been decreased as compared with that earned before the accident /or occupational disease/ due to damage to health of at least 20 per cent. It constitutes compensation for the loss in the remuneration and is paid over a period of 3 years.

Disability pension is granted regardless of the period of employment and amounts to 100 per cent of the net remuneration for invalids included in the Group I and II, and 65 per cent - for invalids in Group III. Family allowances are added to disability pensions, and in the case of invalids of Group I additional 500 zlotys /800 zlotys for the blind/ is granted.

Sickness pension is granted to a worker who has already exhausted the period of entitlement to sickness benefit but who needs an additional period of medical treatment for regaining his capacity for work. It amounts to 100 per cent of remuneration and is paid during a period of 12 months.

Survivors' pension is granted to members of the family of a worker who died in result of an employment accident or occupational disease. It amounts to 60 per cent of the remuneration if there is one person entitled to it, 75 per cent if two persons, and 85 per cent if three or more beneficiaries are involved.

Compensation for ruined or damaged personal belongings is paid to the amount of actual damage suffered.

The listed above benefits are granted to workers from two sources:

- disability, sickness and survivors' pensions are paid out from the social security fund;
- single compensations, sickness allowances and compensatory allowances are paid out of establishment funds. It should be stressed that benefits are granted without the necessity to prove that the establishment is to blame. The benefits are not to be granted only in the case when the establishment produces evidence that the accident was caused by a deliberate fault of the worker or under the influence of alcohol.

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h. Unemployment benefits

In Poland, benefits of this kind do not exist because of the consistent implementation of the principle of full employment. In individual cases, in the event of temporary lack of permanent employment, persons seeking work are paid from the so-called vocational activation fund, while in special cases, assistance grants are paid.

i. Family allowances

Family allowances are benefits, the main aim of which is to compensate the worker for the increased expenses due to maintaining a family and, above all, children.

The basic legal act in this respect is the Decree of the Minister of Labour, Wages and Social Affairs of 31 May 1974, on family allowances.

Family allowances are granted to workers employed in full-time work, but also to women workers and disabled persons on part-time employment. Family allowances are granted for children /also grandchildren, brothers or sisters/ as well as for a spouse.

Family allowance for a child is paid:

- until the child reaches 16 years of age, and in the case of a child attending school - until its completion but not longer than up to 25 years of age;
- regardless of age, if the child is an invalid in Group I or II and the disability occurred while the child was still entitled to family allowance;

Family allowance for the wife is paid:

- if she is over 50 years of age;
- regardless of her age, if she is disabled or if she is bringing up a child under 8 years of age or an older handicapped child.

Family allowance for the husband is granted:

- if he is over 65 years of age;
- regardless of age, if he is disabled.

The amounts of the allowances vary, depending on the average income per family member, as illustrated in the table below:

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Income per family member:	for one child:	for two children:	for three children:	for the fourth and every con- secutive child:	for the spouse bringing up a child:	for the spouse bringing up no child:
over 1.400 zlotys:	70	175	310	155	90	40
under 1.400 zlotys:	160	410	750	360	170	70

In addition, a 500 zlotys monthly allowance is granted for a disabled child under 16 years of age, who because of its physical, mental or psycho-physical conditions requires constant care by another person and for an older child included in the disability Group I or II.

j. Alimony fund allowances

Starting with 1 January 1975, a new form of social benefits from the alimony fund has been introduced. Its basic principle is to assure means of livelihood to children and other persons who are in difficult financial situation because of the inability to execute alimony from persons liable to pay them. These allowances are paid from the so-called alimony fund administered by the Social Insurance Institution.

These allowances are granted to persons living in Poland who are adjudged to receive alimony if the execution of alimony is completely or partly ineffective.

The grant of these allowances is subject to:

- income not exceeding 1.400 zlotys a month,
- not benefiting from other social funds such as, for example, child's staying in social welfare or educational institutions.

Allowances from the alimony fund are granted to the amount of alimony adjudged, but, not exceeding 500 zlotys a month per person. The grant of these allowances does not relieve persons liable to pay alimony from their duty.

Simultaneously with the introduction of alimony allowances several measures have been introduced in order to increase the efficiency of executing alimony such as, for instance, prosecution of persons evading alimony duties, introduction of a system of information on every change in their employment, etc.

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In 1977, in the third year of functioning of the alimony fund, such allowances were granted to nearly 80.000 persons to a total sum of 430 million zlotys.

The basic legal act in this respect is the Act of 18 July 1974, on alimony fund.

k. The organization of the social security system

The supreme state administration organs in the sphere of social security are the Ministers: of Labour, Wages and Social Affairs and of Health and Social Welfare. The executory organ is the Social Insurance Institute, the sphere of activities of which covers the whole country and all types of insurance and practically all workers. Its activities are carried out through local branches located in capital city of every voivodship, which have at their disposal a well developed network of auxiliary agencies.

A considerable role in the functioning of social security system is played by work establishments whose tasks include:

- payment to its workers sickness, compensatory, maternity, family, care and burial allowances,
- establishing the circumstance and causes of occupational accidents as well as payment of benefits to persons entitled to them /with the exception of pensions/,
- rendering assistance to workers applying for a pension.

l. Financing the social security system

The means for covering social security expenses are drawn from various sources. The basic source for covering these expenses are insurance contributions. As regards workers employed in socialized economy these contributions are paid in full by the establishments concerned /employers/. In the establishments of the national economy from which most of the contributions come, the contribution amounts to 20 per cent of the wage-fund; in private enterprises, the contributions vary depending on the type of economic activity and the amounts of wages of particular workers.

The second source of financing are subsidies from the national budget which cover, inter alia, expenses connected with pensions for war combatants and war invalids and pensions for farmers who have handed over their land to the state.

Craftsmen working individually and persons conducting activities on their own pay insurance contributions in full from their own means. Private persons working for the socialized economy, but not being wage-earners, pay only a part of the insurance contribution, the remaining part being paid by establishments for which they work.

It should be stressed here that social security incomes and expenses constitute an integral part of the financial activity of the State. The State guarantees payments to persons entitled to them in the case when the benefit expenses exceed the above-mentioned incomes of the social security system.

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List of annexes attached to report*

Articles 6-9: the Constitution of the Polish People's Republic.

Article 6:

1. Decree of 2 August 1945 concerning employment offices /"Journal of Law", No. 30, Text 182/.
2. Ordinance No. 250 of 9 November 1973 of the Council of Ministers on workers' service in state organization units /"Official Gazette", No. 53, Text 297/.
3. Ordinance of 3 May 1974 of the Council of Ministers on improvement and development of the system of vocational guidance and orientation /ibid., No. 19, Text 112/.
4. Ordinance No. 44 of 8 February 1974 of the Council of Ministers on the vocational activation fund /ibid., No. 8, Text 55/.

Article 7:

5. Ordinance of 30 May 1967 of the Chairman of the Planning Committee of the Council of Ministers on the procedure in assessing investment documentation from the point of view of safety and hygiene of work as well as sanitary requirements /ibid., No. 37, Text 178/.
6. Ordinance No. 277 of 27 August 1968 of the Council of Ministers on assessing machinery and other technical equipment from the point of view of safety and hygiene of work /ibid., No. 36, Text 255/.
7. Ordinance No. 1 of 5 January 1977 of the Council of Ministers on assessing buildings, machinery and licences purchased abroad from the point of safety and hygiene of work /ibid., No. 1, Text 1/.
8. Ordinance No. 18 of 18 July 1977 of the Minister of Labour, Wages and Social Affairs on elaborating draft plans and plans of improvement in the sphere of safety and hygiene of work as well as draft plans and plans of vocational rehabilitation /"Official Gazette Welfare" of the Ministry of Labour, Wages and Social Affairs, No. 6, Text 11/.
9. Act of 12 June 1975 on the benefits granted in respect of employment accidents and occupational diseases /"Journal of Laws", No. 20, Text 105/.

* These documents are available for consultation in the files of the Secretariat in their original language as received from the Polish People's Republic.

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Article 8:

10. Decree of 11 November 1954 on labour inspection /consolidated text/ /ibid., No. 8 of 1968, Text 47/.
11. Act of 20 December 1958 on workers' self-management /ibid., No. 77, Text 397/.

Article 9:

12. Act of 23 January 1968 on universal provision of pensions for workers and their families /ibid., No. 3, Text 6 with further amendments/.
13. Act of 17 December 1974 on the social insurance benefits payable in the event of sickness and maternity /ibid., No. 34, 1975, Text 188/.
14. Vide item 9 above.
15. Act of 18 July 1974 on alimony fund /ibid., No. 27, Text 157/.
16. Ordinance of 31 May 1974 of the Minister of Labour, Wages and Social Affairs on family allowances /ibid., No. 21, Text 127/, /with further amendments/.
17. Ordinance of 7 March 1975 of the Council of Ministers on the earlier retirement /ibid., No. 9, Text 53/.
18. Act of 27 October 1977 on old-age and other social benefits for independent farmers and their families /ibid., No. 32, Text 140/.
