
GENERAL MEMORANDUM

POLAND

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1. Brief introduction to Polish law

a. General background

Sources of Polish labour law and social security law

Legislative acts constitute the basis of the Polish labour law. According to a generally accepted opinion, an act/law is a normative act which establishes general and abstract norms and is adopted by the parliament. The Labour Code¹ is the **key legal act** governing relations between employers and employees. It sets out conditions under which work can be carried out in Poland. The fundamental principle is specified in art. 18, pursuant to which, the provisions of employment contracts and other acts on the basis of which an employment relationship is established may not disadvantage an employee more than the provisions of labour law. Thus, any provisions of the contracts that are less favourable to an employee than the provisions of labour law are invalid; relevant provisions of labour law will apply instead.

It is doubtless that Polish labour law has, just as is the case in other central European countries (we are thinking especially of the Czech Republic, Slovakia and Hungary), been **strongly influenced** by the law of the European Communities, particularly since the end of the 1990s. The most significant change to Polish labour law related to the European Union took place before Poland's accession through the harmonisation amendment to the Labour Code in 1996 and 2003 which harmonised Polish labour law with an array of EU directives and affected many dozens of provisions of the existing Labour Code. A milestone was naturally 1 May 2004 – the day Poland joined the EU. The harmonisation process continued before accession and after it the implementation process has continued to run, bringing further changes to Polish labour law with regard to the law of the European Communities. Influencing and revising Polish labour law in this manner does not impact the whole labour law system evenly. There are institutions that have undergone far-reaching changes as a result of accession to the EU, such as the fields of equal treatment and non-discrimination, working hours, rest periods, and workplace health and safety. In contrast, there are areas of Polish labour law, such as liability for damages, where no significant amendments associated with the law of the European Communities have taken place.

The problem of the newly acceded EU countries (EU 10) from the former communist Eastern Bloc is an additional fact that the original “socialist” labour codes in these countries were naturally anti-liberal and

¹ Act of 26 June 1974 - Labour Code, Journal of Laws 1998, No 21, item 94, with subsequent amendments, that came into force on 1 January 1975 (hereafter referred to as 'Labour Code').

imperative. The European Union, in its directives governing labour law which have been implemented into our labour legislation, likewise restrict freedom of contract of the parties in an employment relationship. In addition, this treatment tends strongly toward casuistry. Here, however, it is necessary to realise the fundamental difference between the “old” EU member states and those such as Poland. In the “old member states” of the EU, liberal regulation of the employment market was in place, into which the European Union started to gradually interfere with its directives. This means that the overall liberality of the labour legislation was merely modified by transposition of directives. In Poland, on the other hand, the anti-liberal legislation was strengthened even further by transposition of directives. If we become aware of the current scope of European Union directives in the field of labour law, it is evident that harmonisation of our labour legislation with EU law has not contributed to the flexibility of our labour law, but has done quite the opposite.

When it comes to the content of Labour Code (selected issues), it points out the types of an employment contract that can be concluded under Polish labour law. Essentially, we shall distinguish three types of employment contract: 1) for a trial period, 2) for an indefinite period of time (open-ended), 3) for a definite period (fixed term). The last one has been changed recently, thereby requiring a special attention. The amended Labour Code came into force on 22 February 2016 to bring new rules of hiring employees on fixed-term contracts and trial periods. The **relatively new regulation** provides for new rules of hiring employees for a fixed term which were introduced after an unfavourable ECJ ruling in case Nierodzik (C-38/13). The main flaw of the old system was the absence of a maximum duration of the fixed-term contracts. According to the new regulations, the term of employment on one fixed-term contract, as well as the total duration on several fixed-term contracts signed between the same parties, cannot exceed 33 months. Pursuant to the new Article 25 of the Labour Code, the same parties to an employment relationship can sign no more than three such contracts. If the period of employment on fixed-term contracts is longer, or if the number of contracts is more than three, the employee will be deemed to be hired on an indefinite contract. Exceptions to the above limitations on the total duration and number of fixed-term contracts will apply to contracts made: a) in order to replace an employee during his/her excused absence from work, b) for seasonal or casual work, c) for a term of office, d) if the employer shows a fair reason on his part – if such a contract satisfies a real, temporary demand and is necessary under all circumstances.

Further, the Labour Code stipulates manners of **termination of an employment contract**. An employment contract may be terminated: 1) by mutual consent of the parties, 2) upon a declaration of one of the parties observing the termination notice period (termination of an employment contract with notice), 3) upon a declaration of one of the parties without observing the termination notice period (termination of an employment contract without notice), 4) after the expiry of the time period for which it has been concluded.

Obviously, rights of an employee in case of an unjustified or unlawful termination of the employment contract by an employer are also covered by the Labour Code.

Another interesting issue connected with employment law in Poland are **sources of labour law**. We may characterize it as a strict hierarchy. Firstly, for the purposes of the Labour Code, labour law includes the provisions of the Labour Code and the provisions of other laws and subordinate legislation setting out the rights and duties of employees and employers, as well as provisions of collective labour agreements and of other collective agreements, regulations and statutes based on the law and determining the rights and duties of the parties to an employment relationship. Secondly, the provisions of collective labour agreements and collective agreements, as well as of regulations and statutes, may not disadvantage employees more than the provisions of the Labour Code and other laws and subordinate legislation. Thirdly, the provisions of regulations and **statutes** may not disadvantage employees more than the provisions of collective labour agreements and collective agreements. Finally, the provisions of **regulations and statutes** may not disadvantage employees more than the provisions of collective labour agreements and collective agreements.

In the context of the foregoing sources of labour law, **remuneration regulations (wage rules)** need a further clarification. Pursuant to the newest regulation (came into force on 1 January 2017), an employer with at least 50 (before the amendment it was 20) employees who are not covered by any single-establishment collective labour agreement or any multi-establishment collective labour agreement, **must** determine the conditions of remuneration for work in the remuneration regulations. Employer with fewer than 50 employees **may merely** determine the conditions of remuneration for work in the remuneration regulations. However, an employer with 20-50 employees again **must** determine the conditions of remuneration for work in the remuneration regulations if the enterprise trade union (trade union organization functioning in relation to the employer) requires it. When it comes to the establishing, the remuneration regulations are determined **by the employer**. If there is an enterprise trade union attaching to the employer, then the employer **must agree** the remuneration regulations with the trade union.

Furthermore, Labour Code includes the definition of a **business trip (article 77⁵§1)**. It is defined as performing an official task outside the area where the employer has its registered office, or outside the regular workplace, at the employer's request. Moreover, an employee's liability for a damage caused to an employer is also regulated in the Labour Code (with the most prominent provision setting up the limit of compensation to three months' remuneration due to the employee on the date the damage was caused).

May I also elaborate on basic provisions on working time (working hours cannot exceed eight hours in any 24 or an average of 40 hours within an average five-day working week in a reference period applied by the employer of no more than four months) and leave (the length of leave amounts to: 1) 20 days - If an employee has been employed for less than 10 years, 2) 26 days - If an employee has been employed for at least 10 years). Additionally, Labour Code covers some rules about health and safety at work. Finally, what is relevant for social dialogue, all rules connected with collective labour agreements are provided for in the Labour Code. **The sectoral collective agreement** shall be concluded: 1) on the part of employees – by a competent statutory body of a sectoral trade union organisation, 2) on the part of employers – by a competent statutory body of an employers' organisation in the name of the employers who are members of such organisation. **Company-level collective agreement** shall be concluded between an employer and company trade union organisation.

Social security law

The social security system in Poland is composed of: the social insurance and welfare system, health insurance system, unemployment and family benefits. Tasks in the sphere of social security are exercised by many institutions, including:

- **Social Insurance Institution (Zakład Ubezpieczeń Społecznych, ZUS)** – cash benefits and benefits in kind provided from the social insurance under the disability prevention,
- Agricultural Social Insurance Fund (Kasa Rolniczego Ubezpieczenia Społecznego, KRUS) – cash benefits and benefits in kind in the form of benefit payments made within the framework of benefit prevention from farmer's social insurance,
- Ministry of Family, Labour and Social Policy (Ministerstwo Rodziny, Pracy i Polityki Społecznej, MRPiPS) – benefits in respect of unemployment, family benefits and social benefits (from social assistance), t National Health Fund (Narodowy Fundusz Zdrowia, NFZ) – benefits in kind from health insurance,
- the Open Pension Funds (otwarte fundusze emerytalne, OFEs) – the depositing and investing of funds to finance a part of an individual's old-age pension under the new rules within the second pillar of the pension scheme,
- Occupational Pension Programmes (pracownicze programy emerytalne, PPEs) – the depositing and investing of funds to finance a supplementary (voluntary) part of an individual's old-age pension under the new rules within the second pillar of the pension scheme.

Many legal acts govern the legal obligation of insurance to function in the case of certain social contingencies and the guaranteeing of benefits on the occurrence of such contingencies, starting from the supreme legal act – the Constitution of the Republic of Poland. The detailed regulations governing individual areas of social security are contained in separate Acts of Parliament. The most important of them include:

- the Act of 13 October 1998 on the social insurance system²
- the Act of 17 December 1998 on pensions from the Social Insurance Fund³

Personal scope

Labour Code covers **exclusively employees** - individuals carrying out their work on the basis of employment contract. As a consequence, workers carrying out their work on the basis of civil contract (mandate, specific task), what is a popular phenomenon in Poland, are not protected by Labour Code.

Employee protection

In general, employees have a strong, protected legal position in the Poland. Detailed overview of Polish employment law has been already presented above..

b. Overview judicial system

The Constitutional principles of organization and functioning of the judiciary in Poland cover the legal and organizational status of court authorities, proceedings before courts and the legal status of the judge.

Art. 173 of the Polish Constitution of 2 April 1997 provides for dualism of the judiciary's authority. It is composed of courts and tribunals. Courts encompass:

- the Supreme Court
- common courts
- administrative courts, including the Supreme Administrative Court
- military courts.

As regards tribunals, the Constitution lists the Constitutional Tribunal and the Tribunal of the State.

Common courts are established and closed by the Minister of Justice after the opinion from the National Judiciary Council. Proceedings before Polish courts take place in two instances. Common courts are divided into:

- Regional courts
- District courts
- Appeal courts

In Poland there are the following types of common courts of law:

² Journal of Laws of 2015, item 121 as amended

³ Journal of Laws of 2015, item 748 as amended

Regional courts [Sądy Rejonowe] - they are courts of the first instance and they handle most cases, except cases reserved for other courts; their jurisdiction usually covers an area of several Communes.

District courts [Sądy Okręgowe] - they function as both first and second instance courts, handling serious cases and appeals; their jurisdiction covers an area of several district courts.

The decision whether a case should be handled by a district or a regional court of first instance depends on the type of the case.

Appeal (Appellate) courts [Sądy Apelacyjne] - they are the second instance courts and their jurisdiction covers a territory of at least two regional courts. The

Currently, there are 376 common courts in Poland - 11 appeal courts, 45 district courts and 321 regional courts.

Judges of common courts are appointed by the President of the Republic of Poland at the motion of the National Judiciary Council for an unspecified period of time. Judges in Poland are independent, they are governed solely by the Constitution and Laws.

c. Role of social partners

Social dialogue

Polish legal system fails to explain *expressis verbis* **what social dialogue is**, but in many acts, including the fundamental and systemic ones, legislature does refer to this very concept. For instance, according to art. 20 of the Constitution of the Republic of Poland “Social market economy based on the economic activity freedom, private ownership and solidarity, dialogue and co-operation of social partners, enacts the fundamental economic system of the Republic of Poland.” From the above provisions it results that social dialogue is not a tool of government which public authority may use when it wishes. On the contrary, such authority is constitutionally bound to avail itself of it. Thus, there is no doubt that social dialogue is of **normative** character.

The most prominent example of a social dialogue is the new Act of 24 July 2015 on **Social Dialogue Council**⁴.

The above-mentioned act was the basis for the establishment of the Council of Social Dialogue (CSD), a **forum for tripartite cooperation** of employees, employers and the government. The parties that participate in the CSD have broad competences. Firstly, they can conclude an agreement (not specified of what subject-matter). Additionally, each of the parties may issue an **opinion** on any matter relating to the social or economic policy and holds the right to bring to CSD the issues of significant social or economic importance.

⁴ Journal of Laws 2015, No 2140.

Furthermore, the **draft** underlying assumptions of laws and draft legal acts prepared by the CSD of Ministers in matters for which the CSD was appointed are submitted to the employees and employers for opinion. The employees and the employers in CSD have the right to prepare a commonly agreed draft underlying assumptions of laws and draft legal acts and deliver them to a competent minister.

The employees and employers in the CSD may apply for a public **hearing** to a party responsible for the draft normative act relating to the matters falling within the scope of responsibilities of the Council. They have also the right to **file joint requests** for the issuance or amendment of laws or other legal acts. What is relevant, they also adopt a common position of the underlying assumptions of the draft state budget.

Representative trade union organizations exercise the right to **deliver opinions** regarding the consultation documents of the European Union, in particular White Paper, Green Papers and communications and draft legal acts within the scope of competences of trade unions.

Social dialogue may be conducted also in matters pertinent to occupational health and safety. At the state level, an example of such dialogue is the Labour Protection Council. It is a body appointed for supervision in matters relating to compliance with labour law, including occupational health and safety, as well as the activity of the National Labour Inspectorate.

Generally, social dialogue entails the involvement of employers, employees and governments in the **decision-making process** regarding employment and workplace-related issues. This dialogue includes all types of negotiations, consultations and an information exchange between the representatives of the above-mentioned groups on the issues of common interest related to the economic, labour and social policy. The aim is to create a socio-economic cohesion, legitimised by the society as broadly as practicable. At the institutional level, **the irenic function** in the collective labour relations is fulfilled by entities appointed to support social dialogue.

Social dialogue may have a tripartite or bipartite form. The bipartite dialogue between social partners (i.e. the employees and employers) may take the form of a collective bargaining or any other form of negotiation, cooperation, preventing and solving of the disputes. The tripartite dialogue – engages the representatives of employees, employers and government in the discussion on public issues, projects of legal solutions and other decisions taken, concerning the interests of the employers and employees. The tripartite dialogue may be extended and applied to other entities (which does not change the term).

It is usually expected that social dialogue at the national level will be a guarantor of order and social peace. When we consider enterprise level, employees have a possibility to get acquainted with economic situation of an employer. When it comes to the Labour Code, legislator does not refer directly to a social dialogue. However, after a detailed analysis of provisions, we can point out that social partners are entitled to

conclude collective labour agreements and collective agreements. What is more, if there is an enterprise trade union attached to the employer, then the employer must agree the remuneration regulations with the trade union. Work regulations are also established in an agreement with an enterprise trade union. In other words, a **collective agreement is concluded through collective bargaining** which is triggered by proposing an initiative to conclude the collective agreement. Thus, each of the parties may propose such initiative. In the Polish labour law, the internal rules as sources of internal company law have been known for years. Under art. 9 of the Labour Code they are considered **normative sources** of labour law if they govern the rights and obligations of the parties to an employment relationship. The **wage rules (remuneration regulation)** set out terms and conditions of remuneration for work and other work-related benefits and the rules for their provision. The wage rules may determine, for example: the remuneration system, the amounts of base remuneration, the amounts of overtime pay and compensation for night work as well and other additional remuneration not provided for by the Labour Code such as bonuses or seniority allowances.

An employer may determine the **wage rules (remuneration regulation) independently** solely in two cases: if there is no company trade union organisation at the employer's establishment or there are several trade union organizations but they fail to present their consensus within 30 days from the date of receipt of the proposal to agree upon the contents of the wage rules.

Another form of social dialogue is **informing and consulting employees** pursuant to applicable Act of 2006. Informing is providing the employee council with data on issues concerning the employer, permitting to analyse the case in question. On the other hand, consulting is understood as exchanging views and commencing dialogue between the employer and the employee council. The main organization representing workers, which functions as a local/firm-level complement to national labor negotiations in Poland, is an employee council. The biggest advantage is the fact that employee council members are elected by the company workforce for a fixed term. However, employee council is mandatory only in company with 50 employees or more, what is rather a rarity in Poland. The number of members depends on the number of people in the company. The employee council agrees with the employer *inter alia* the rules and the method of informing and consulting, the manner of resolving contentious issues, the rules of incurring costs related to the election of employee councils and their activities, including the costs of preparing necessary expert opinions. The term of office of the employee council is four years from the date of elections.

The employer provides the **work (employee) council** with information concerning *inter alia* the activities and the economic situation of the employer and changes envisaged in relation thereto, the employment structure and anticipated employment changes, as well as activities aimed at maintaining the level of employment, activities that may lead to significant alterations in the work organisation or the employment basis.

The main problem is that employee councils began to disappear. In 2006 there were 1909, in 2012 there were only 89 employee councils in Poland.

Social dialogue has also been included in Act of 20 April 2004 on the promotion of employment and labour market institution. The social dialogue institutions on the labour market include: trade unions and organisations of trade union, employers' organisations, organisations of the unemployed, non-governmental organizations if their statutory tasks include implementation of tasks concerning employment promotion, mitigation of the effects of unemployment and vocational activation. An opinion of a social partner is necessary to enact Regional Action Plan for Employment that specifies the priority groups of the unemployed and other persons requiring support.

A characteristic feature of collective industrial relations in Poland **is their concentration on central and company levels with a simultaneous weak development of these relations at the branch level**⁵. At branch and central levels there dominates a model of formalised tripartition. Gradually, there also develops an autonomous dialogue, which should be mainly associated with a privatisation of the economy.

Polish system of collective industrial relations is based on two major types of actors: trade unions and employers' organisations. Apart from said main actors, there are other bodies that represent collective interests. In particular, work councils, worker (employee) councils, employee representatives sitting on the boards of companies controlled by the State Treasury, social health and safety inspectors nominated by trade unions and European Works Councils (EWC) deserve to be mentioned. They do not play such an important role as trade unions and employers' organisations as it was pointed above.

The Act on Trade Unions sets forth liberal conditions for the establishment of a new union at the company-level, which may be started up by at least 10 employees, and subsequently registered with the court of law. The same regards formalities because there is no formal union recognition procedure in place. Establishing the statute and entire structure of the union is created in bottom-up manner. As a result, company level remains up to this date at the foundation of the union's hierarchy in contrast to upper levels of unions, especially the supra-company and the sectoral ones, which are visibly weaker. Presented situation is conducive to a deep fragmentation of trade unions at company level, weak collective industrial representation at the supra-company, as well as the sectoral level.

Decreasing union density is another bad phenomenon in collective representation. **Union density is relatively low in Poland and has been continuously falling down since the early 1990s.** As of 2016, the unionisation level is about 10% of the employed, based on CBOS data, as no official, administrative data on that is available.

⁵ Z. HAJN, 'Collective labour agreements and contracts of employment in Polish labour law', in B. LEWASZKIEWICZ-PETRYKOWSKA. (eds.), *Rapports polonais présentés au Seizième Congrès International de Droit Comparé*, Brisbane, 14-20 July 2002, Wydawnictwo Uniwersytetu Łódzkiego, Łódź, 2002/1.

Table 1
Trade union density
in Poland
(survey data %)

Year	1991	2000	2002	2007	2008	2010	2012
Trade union density	28	20	18	14	16	15	12

Source:
CBOS data series

Road transport sector only confirms a described global tendency. Professional drivers in Poland very reluctantly organize within trade union structures at the company as well as the supra-company levels. Mostly, because of the fact that they are constantly driving and simply do not have time for such organization, secondly drivers are aware of consequences of their union's declaration. According to the declaration of the Chairman of the Solidarity Road Transport Sector there are **merely around 5000 drivers of several hundred thousand** associated in trade unions⁶.

Strong representation of both employees and employers in collective industrial relations is at national level within the Social Dialogue Council (see above). It could be regarded as kind of compensation for the absence of a sectoral social dialogue. Only unions and organisations presenting the feature of representativeness have a right to membership in Social Dialogue Council. Its role and competencies have been presented at the beginning of this memorandum. As of 2015, there are three nation-wide trade union organisations deemed representative in light of the Act on Social Dialogue Council and sitting on the Social Dialogue Council:

- The Independent Self-Governing Trade Union 'Solidarity' (Niezależny Samorządny Związek Zawodowy "Solidarnosc", NSZZ "Solidarność");
- The All-Poland Alliance of Trade Unions (Ogólnopolskie Porozumienie Związków Zawodowych, OPZZ);
- Trade Unions Forum (Forum Związków Zawodowych, FZZ).

Accordingly on employers' organisation part, there are four representative national level employers' organisations:

- Business Centre Club, BCC;
- Polish Confederation of Private Employers 'Lewiatan' (Polska Konfederacja Pracodawców Prywatnych "Lewiatan", PKPP "Lewiatan");
- Polish Crafts Association (Związek Rzemiosła Polskiego, ZRP);
- Employers of Poland (Pracodawcy Rzeczypospolitej Polskiej, Pracodawcy RP).
- Business Centre Club, BCC

⁶ *Collective agreement for drivers* - Interview of "Polish Tracer" with Tadeusz Kucharski, chairman of the National Road Transport Section of NSZZ "Solidarność", available at <http://www.netpolska.com/prasa-transportowa/uklad-zbiorowy-dla-kierowcow-04-15.html> (last accessed on 15/09/2017).

It is worth mentioning that all these collective representations are part of organisations at the UE level. None of them are connected strictly with road transport sector. However, it is admissible by law to be associated with this organisation as its part.

Polish system of collective industrial relations deteriorates due to a low rate of employers' organization density. The proportion of all employers (companies) joining an employers' association is not higher than 15%-20%. Only self-reported figures can be offered in this regard because there is no official statistic. What is important at this point, few associations of employers have a bad impact on the admissibility of concluding collective bargaining agreements at the supra-company as well as the sectoral level. If there is no party possessing legal capacity, then such collective bargaining agreement could not be reached.

Decreasing union density, fragmentation of unions and reluctant attitude of employers making collective agreement translate into low coverage rates of collective bargaining agreements. Some statistics reported **29 percent** employed covered by such agreements⁷. Unfortunately, the following statistics include data from the moment of registration of the collective bargaining agreement and have not been updated thereafter. Thus trade unions estimate that currently only **20 percent** workers are covered by collective agreements⁸.

- Collective labour agreement (i.e. definition, (statutory) requirements, consequences of a collective bargaining agreement).
- Social partners (statutory representative demands).

Collective bargaining is subject to regulation by Chapter 11 of the Labour Code. There are two types of collective agreements recognised by Polish law:

- collective bargaining agreements at company level
- collective bargaining agreements at the supra-company or the sectoral level

Collective bargaining agreements at company level might be made by and between a given employer and trade unions operating within establishment(s) controlled by this employer. Collective bargaining agreements at the supra-company or the sectoral level might be made between employer's organisation and representation of trade unions. Each collective bargaining agreement has the same weight as statutory provisions.

⁷ T. SCHULTEN (2014). Contours of a European Minimum Wage Policy, available at <http://library.fes.de/pdf-files/id-moe/11008.pdf> (last accessed on 15/09/2017)

⁸ M. TOMASZEWSKA, Poland Annex (in) *Study on wage-setting mechanisms and minimum rates of pay applicable to posted workers in accordance with Dir. 96/71/EC in a selected number of Member States and sectors*, available at ec.europa.eu/social/BlobServlet?docId=14965&langId=en (last accessed on 15/09/2017).

Collective bargaining agreements are highly decentralised, and they play a marginal role in the regulation of industrial relations in Poland. Consequently, there is no separate collective bargaining agreement governing working condition in road transport sector. Instead of this, a single employer is regulating working conditions at his/her place on work rules and regulations.

2. Implementation

a. Implementation of the parts from Module 1

i. Fundamental freedoms

Mostly fundamental freedoms apply without any further implementation. There are implementation acts on some topics relating to these fundamental freedoms – such as implementation acts based on the Directive 2006/123/EC on services in the internal market - although they do not bear relevance with regard to this project.

ii. Private international law

The Brussels I Regulation 1215/2012 on judicial competence as well as the Rome I Regulation 593/2008 on the applicable law can be directly implemented in the Polish legal order. No specific implementation laws need to be taken.

iii. Posting of workers directive (including Enforcement directive)

Polish legislator has recently decided to lay down rules pertaining to posting of workers beyond the Labour Code. Currently, it is **subject to Act of 10 June 2016 on Posting of Workers**⁹. As a result, an employer posting workers to Poland must, for work carried out in Poland, comply with the working conditions (including

⁹ Journal of Laws 2016, No 868, (hereafter referred to as 'Act on Posting of Workers').

the wage/salary and employment conditions) laid down by the Polish law (mostly Labour Code). The conditions of employment that should be observed to the posted worker in the territory of Poland refer to:

- ***Maximum work periods and minimum rest periods***

Working time may not exceed 8 hours per day and an average of 40 hours per average five-day working week for an established settlement period not exceeding 4 months (Article 129 § 1 of the Labour Code). In each system of working time, if justified by objective or technical or work-organisation related reasons, the settlement period may be extended up to 12 months, subject to compliance with the general principles relating to the protection of employees' safety and health. Labour Code ensures employees the right to daily and weekly rest.

Employees are entitled to at least 11 hours of uninterrupted rest in each 24-hour period. The aforesaid provision does not apply to: employees managing the work establishment on behalf of the employer, cases consisting in performing a rescue operation to protect human life or health, to protect property or the environment, or to repair a breakdown (article 132 §2 of the Labour Code). In the aforesaid cases, the employee is entitled to an equivalent period of rest, within the settlement period (article 132 §3 of the Labour Code).

- ***Minimum paid annual holidays***

The amount of leave depends on the overall length of service and shall be: 20 days, if the employee has been employed for less than 10 years, 26 days — if the employee has been employed for at least 10 years.

- ***The minimum rates of pay***

The minimum wage in Poland is regulated by the Act of 10 October 2002 on the Minimum Wage¹⁰. It came into force on 1 January 2003. The term “minimum wage” has an equivalent meaning as “minimum remuneration”. The definition of the term “minimum wage” should be understood as the lower limit of remuneration (salary) guaranteed to the employee for a full month of working time in full-time job (work). The Minimum Wage Act mentions "full monthly working time", without specifying any further details and number of hours.

The mechanism for determining the minimum wage amount is based **on indexation** mostly in line with changes in the prices of goods and services, information about average household spending and information on the standard of living of various social groups. The minimum wage amount is adjusted according to inflation on a quarterly basis. The minimum wage is in principle updated once a year in this

¹⁰ Ustawa z dnia 10 października 2002 r. o minimalnym wynagrodzeniu za pracę Act of 10 October 2002 on the Minimum Wage (Remuneration) for Work (Dz.U. 2002 nr 200 poz. 1679 Z PÓŻ ZM. Journal of Laws 2002, No 200, item 1679, with subsequent amendments).

procedure. However, if the price index, which constitutes one of the determinants of the minimum wage, exceeds a certain level (105% or higher), the minimum wage is updated (adjusted) twice a year. Since 1 January 2018, the minimum wage for work has **been PLN 2,100**. After reduction of contributions for social insurance, personal income tax and health insurance, the remaining net amount is approx. PLN 1530 (EUR 350). In case of mandate or other service contracts, the gross minimum hourly rate as from 1 January 2018 is PLN 13,70 (EUR 3,4):

When calculating the amount of remuneration of an employee one takes account of components of remuneration granted to the employee, as well as other benefits resulting from an employment relationship, included in personal remuneration, in line with the rules of employment and remuneration statistics as specified by the Central Statistical Office.

The following are not taken into account when calculating the amount of remuneration of an employee¹¹:

- anniversary reward,
- severance payment granted to the employee when he retires or leaves a job due to permanent incapacity to work,
- remuneration for overtime work,
- bonus for night-time work

- ***The conditions for hiring out workers***

The employment of temporary workers by an employer who is a temporary employment agency and management of such workers and individuals who are not employees of a temporary employment agency to perform temporary work to the benefit of an employer-user, shall be subject to the conditions provided for in the Act of 9 July 2003 on the employment of temporary workers.

iv. Social security

In this context, it is worth mentioning that in the social security sphere numerous regulations apply¹².

While regulations are directly applicable with no necessity of their ratification, there is no need to implement them.

¹¹ M. TOMASZEWSKA, M. SZYPNIEWSKI, *Are the minimum rates of pay of posted workers in compliance with the social market economy?* Studia Iuridica. - 2016, T. 68, s. 379-391.

¹² With the most prominent example: Regulation (EC) no. 883/2004 of the European Parliament and of the Council

v. European Social Dialogue

There are no implementation acts as to the national implementation of agreements reached within the European Social Dialogue. The agreements that are implemented by decision of the Council to date have all been the implementation of directives. These directives resulting from the European Social Dialogue have been implemented in the same fashion as other directives. Agreements that are to be implemented autonomously, have been implemented by the national social partners without needing a new legal basis.

b. Implementation of EU law on road transport (only a list, not in detail)

The Polish rules and regulations concerning road transport are largely determined by the relevant European rules and regulations. They also cover certain rights of employees in this sector. The most important of these are:

- Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organization of the working time of persons carrying out mobile road transport activities
- Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC
- Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonization of certain social legislation relating to road transport (rules on driving times, breaks and rest periods for drivers)
- Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator
- Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market
- Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport

In Poland these directives and regulations are implemented and specified by the following instruments:

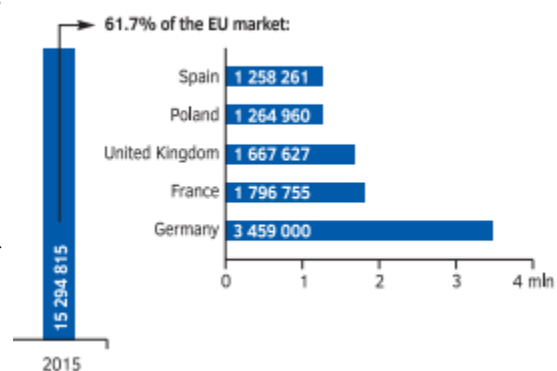
- Directive 2002/15/EC is implemented in Poland by Act of 16 April 2004 on working time of drivers
- Directive 2006/22/EC is implemented in Poland by Act of 6 September 2001 on road transport

3. National framework on transnational transport

a. Introduction and most important problems

The most pivotal problem experienced in the field of labour law related to international transport is minimum wage in other Member States. On 1 January 2015, the Minimum Wage Law (Mindestlohngesetz) came into effect, imposing on each employer in Germany and abroad the duty to pay a fee of no less than EUR 8.50 gross per hour to every employee hired in Germany. At the same time, as of 1 July 2016, a new minimum wage regulation came into effect in France, which also includes cabotage and international transport to and from France (excluding transit), the so called Loi Macron. The French regulation sets the minimum wage (SMIC) at EUR 9.68/hour initially and from 1 January 2017, at EUR 9,76/hour. It also introduces a number of barriers to economic activity in road transport, such as the need to appoint a representative in France to represent the company for inspection matters. Adding to this is keeping payroll documentation and order confirmations as well as employment contracts in French. All of the duties related to reporting employee(s) posted to work in France are managed electronically by SIPSI system, but a driver must still have analogous hard copy documents in case of inspection. Poland is the **fourth country in EU when it comes to road freight transport** (only after Germany, France and UK) :

Let me present some excerpts from the REPORT on The Impact of Regulation of the Road Transport Sector on Entrepreneurship and Economic Growth in the European Union¹³:

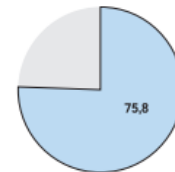


¹³ K. RACZKOWSKI, F. SCHNEIDER, F. LAROCHE, *Motor Transport Institute*, Warsaw – Linz – Lyon, February 2017.

1. Regulation of the road transport sector in accordance with the MiLoG and Loi Marcon minimum wage laws may result in a **significant reduction** of the volume of cabotage services provided in Germany and France, mostly to the disadvantage of: Spain, Lithuania, Poland, the Czech Republic, Latvia, Hungary, Romania, Slovakia and Slovenia.

2. 17 EU Member States have a minimum wage that is much below the minimum wage level adopted in MiLoG (EUR 8.50). In Bulgaria, the minimum wage is as much as 673% lower than in Germany, in Romania it's 554% lower and in Lithuania it's 372% lower. This means that we cannot speak of social dumping of the "new European Union" states, but of an attempt at state protectionism by the states of the so called "old European Union", which by introducing domestic legislation lower the competitiveness of other states, and might make it impossible to conduct transport operations in the territory of Germany and France for other states, including: Bulgaria, Romania, Lithuania, the Czech Republic, Hungary, Latvia, Croatia, Slovakia, Poland, Estonia, Italy, Portugal, Greece, Malta, Slovenia, Spain, Cyprus. One way of reducing asymmetric competition might be by differentiating labour costs according to purchasing power parity, which might involve the incorporation of travel, accommodation and boarding expenses in minimum wage rates within the framework of full harmonisation and liberalisation of the EU internal transport policy

Share of cabotage in Germany and France in total cabotage

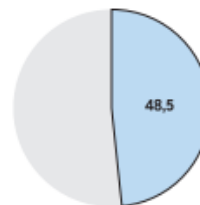


21. POLAND

Gross Domestic Product (EUR millions)	394,721
Road freight transport	
Turnover (EUR millions)	20,281
Share of GDP	5.1%
Volume of carriage (thousand tons)	1,300,608
Staffing (thousands)	293.6
Number of companies	77,141

Data for 2013; Source: Eurostat

Share of road freight transport in total revenues from transport



Minimum hourly rate (in EUR) compared to EU Member States in 2015

It is worth adding that Polish companies are exposed to **significant fines**. Infringement of the regulations in Germany is subject to a fine of at least EUR 2500 up to EUR 300 thousand or for non-payment of the wage on time or in the relevant amount a fine of up to EUR 500 thousand can be imposed. In France, fines are anticipated for minor offences. The sanctions in place are: a fine of no more than EUR 750 for not having a

certificate in the vehicle or if the certificate is made out incorrectly, and a fine of no more than EUR 450 for not having the employment contract in the vehicle.

For further discussion, it seems valuable to highlight that Polish companies are afraid of huge administrative burden obstacles connected with the provision of international transport. Dozens of required, usually different in every single MS, documents are illustrated as the truck with additional trailer exclusively for documents¹⁴.



b. Focus points:

i. Private international law (country of work and set of core rights)

The greatest interpretative disputes in the context of the application of this statute caused the determination of the driver's place of work. Workplace arrangements allow to differ working time associated with the regular performance of carriage from driver's business trip. Admittedly, business trip is included in the working hours, which means that the provisions of the Polish law do not violate EU rules on working time. However, the time on a business trip is paid in a form of allowances and lump sums by contrast to normal working hours paid in a remuneration (a wage).

The Constitutional Tribunal proclaimed a judgement at the end of 2016 (the signature K 11/15) in which the way of calculating allowances and lump sums for the driver's business trip was determined as unconstitutional. At the same time, the Tribunal pointed at the inadequacy of the standardization the article governing business trip. This judgement imposes obligation on the Polish legislator to make a profound amendment to the law on the working time of leaders.

ii. Posting?

¹⁴ *The end of Single Market???* Transport i Logistyka Polska, available at tlp.org.pl/en/the-end-of-the-uniform-market/ (last accessed on 15/09/2017).

Act on Posting of Workers stipulates that **international transport is excluded** (except performing a cabotage operation). Thus, we shall not apply the minimum social protection arising from Polish labour law to foreign drivers. **Exclusion cabotage is in line** with Regulation (EC) No 1072/2009 and Regulation (EC) No 1073/2009 pointing out.

Business trip?

In Poland, there is a dispute whether business trip [defined as performing an official task outside the area where the employer has its registered office, or outside the regular workplace, at the employer's request] might be considered posting. In the light of the strict rulings during the business trip employee is not allowed to perform the same work what agreed. However, practice shows liberal approach and as a consequence business trip is the most adequate national legal instrument to assign international task for Polish employers. *Vice versa*, business trip from sending country might be considered posting in Poland.

iii. Cabotage

Once again, In the Act on Posting of Workers, it is stipulated that **international transport is excluded** (except performing a cabotage operation). **Exclusion cabotage is in line** with Regulation (EC) No 1072/2009 and Regulation (EC) No 1073/2009 pointing out: The provisions of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers within the framework of the provision of services (8) apply to transport undertakings performing a cabotage operation.

iv. Intermediary

Temporary work agencies are a type of labour market entity, and more precisely a type of employment agency. Under the Polish law, these organisations must function in accordance with the Act on the Promotion of Employment and Labour Market Institutions of April 20th, 2004¹⁵ the Act on the Freedom of Business Activity of July 2nd, 2004¹⁶ , the Act on the Employment of Temporary Workers of July 9th, 2003¹⁷

¹⁵ Journal of Laws of 2008, No. 69, item 415 with further amendments

¹⁶ Journal of Laws of 2004, No. 173, item 1807, with further amendments

¹⁷ Journal of Laws of 2003, No. 166, item 1608, with further amendments

According to Polish law, temporary work shall be understood as: seasonal, periodic, or casual work; or work that the employees of the user-undertaking would not be able to perform on time; or work that falls within the scope of duties of an employee of the user-undertaking who is absent.

The activity of temporary work agency is regulated by Polish state. In order to conduct such activity each entity should register in the employment Agencies Register kept by the marshal of the voivodship. In order to be registered as a temporary work agency the following conditions shall be fulfilled: the entity cannot have tax, social security, health insurance and the Labour Fund and Guaranteed Employee Benefits Fund arrears, the entity cannot be criminally recorded, the entity cannot be subjected to bankruptcy or liquidation proceedings. The employment agency has an obligation to provide the marshal of the voivodship with a report on the activities of employment agencies - within January 31st of each year for the preceding year - containing in particular the number of persons assigned to perform temporary work. In the documents, announcements and offers the temporary work agency is obliged to disclose the registration number and label the job adverts for temporary employment as "temporary jobs".

v. Social security

Social security of workers performing international transport through Poland has not been subject to the court proceeding.

vi. Minimum wage

There are no specific rules governing minimum wages for the road transport sector (absence of any collective agreement). Thus, this issue is subject to statutory law.

Once again, the minimum wage in Poland is regulated by the Act of 10 October 2002 on the Minimum Wage¹⁸. It came into force on 1 January 2003. The term "minimum wage" has an equivalent meaning as

¹⁸ Ustawa z dnia 10 października 2002 r. o minimalnym wynagrodzeniu za pracę Act of 10 October 2002 on the Minimum Wage (Remuneration) for Work (Dz.U. 2002 nr 200 poz. 1679 Z PÓŻ ZM. Journal of Laws 2002, No 200, item 1679, with subsequent amendments).

“minimum remuneration”. The definition of the term “minimum wage” should be understood as the lower limit of remuneration (salary) guaranteed to the employee for a full month of working time in full-time job (work). The Minimum Wage Act mentions "full monthly working time", without specifying any further details and number of hours.

The mechanism for determining the minimum wage amount is based **on indexation** mostly in line with changes in the prices of goods and services, information about average household spending and information on the standard of living of various social groups. The minimum wage amount is adjusted according to inflation on a quarterly basis. The minimum wage is in principle updated once a year in this procedure. However, if the price index, which constitutes one of the determinants of the minimum wage, exceeds a certain level (105% or higher), the minimum wage is updated (adjusted) twice a year. Since 1 January 2018, the minimum wage for work has **been PLN 2,100**. After reduction of contributions for social insurance, personal income tax and health insurance, the remaining net amount is approx. PLN 1530 (EUR 350).

4. Monitoring and enforcement

a. Information and transparency

General information to employee

What is crucial, an employment contract shall be concluded **in writing and should be signed no later than the employee starts working** (before the work, not at the end of day). If no contract is signed, then the employee should be provided with written confirmation of the contract conditions before he is allowed to start work. An employment agreement should specify the parties of the agreement, the type of agreement, the date of its conclusion, as well as the work and remuneration conditions, including in particular: the type of work, the place where the work is performed, the remuneration corresponding to the type of work, with a specification of the remuneration components, the working time, the starting date of employment.

It is worth mentioning that pursuant to Art. 29¹§ 1 an employment contract with an employee who has been seconded to work abroad in a country **that is not a European Union Member State** for a period exceeding 1 month must determine duration, currency, benefits and other conditions of the employee's return to the country. Thus, in Poland the law implements Article 4 of Directive 91/533 concerning the obligation of the employer to inform the employee about the conditions that apply to the contract or employment relationship. Polish law obliges the employer to provide extensive information only in the case of posting (expatriate) of an employee to a third country. **There is no doubt that it is an improper implementation** (Directive states about working in a country or countries other than the Member State whose law and/or practice governs the contract or employment relationship - not about other countries than Member State) and it shall be changed in the nearest future.

The Polish national website where you can find information about working terms and conditions for workers posted to Poland can be found at: <https://www.biznes.gov.pl/przedsiębiorcy/biznes-w-polsce/prowadze-firme/pracownicy/delegowanie-pracownikow-do-polski>.

b. Monitoring (administration, notification)

1. Administrative measures

The Act on Posting of Workers includes several measures to ensure that the core terms of employment can be enforced more adequately. For example, while posting employees to work in Poland, employer should, inter alia, designate the person for cooperation with the National Labour Inspectorate (this institution is responsible for monitoring and control of compliance with labour laws, in particular the provisions and principles of health and safety at work, and the provisions concerning the legality of employment and other gainful work specified in the Act on the National Labour Inspectorate). Appropriate person should represent you during possible inspection.

However, as we indicated, the abovementioned duties **are not applied to international transport** (including cabotage - relevant art. 24 and 25 are excluded - exception to exception).

2. Notification system

A very important responsibility, which employer should complete at the latest on the date of starting the provision of services, is submitting a declaration to the National Labour Inspectorate. It shall contain information which is useful in case of the Labour Inspectorate control. Employer can submit a statement on the posting of a worker to the territory of Poland via biznes.gov.pl. If employer changes the data in the statement, shall complete and submit the notification - ia portal www.biznes.gov.pl. Submitting both the declaration and notification is obligatory.

However, as we indicated, the abovementioned duties **are not applied to international transport** (including cabotage - relevant art. 24 and 25 are excluded - exception to exception).

c. Enforcement

i. General

a. Inspection authorities

In Poland there are two Inspections that supervise the compliance with labour legislation in the transport sector. Firstly, National Labour Inspectorate (PIP) is an authority established in order to supervise and inspect the observance of labour law, in particular occupational safety and health rules and regulations as well as regulations on legality of employment and other paid work. National Labour Inspectorate is subordinate to the Sejm of the Republic of Poland. The scope of NLI's activity, competence and structure are currently specified by the Act of 13 April 2007 on National Labour Inspectorate¹⁹. The act is a new legal instrument which replaced the previous National Labour Inspection Act of 6 March 1981. The Act has significantly expanded the inspection competences of the National Labour Inspection, altered the principles of inspection procedures and supervisory competence of NLI's inspectors, it also increased the scope of fines for violation of rights of persons performing work. When it comes to the international transport, PIP is entitled to supervise and inspect compliance with labour law, including regulations and rules of occupational safety and health, regulations on employment relationships, remuneration for work and other benefits resulting from employment relationships and the most evident issue - working time.

Second competent control authority is General Road Transport Inspectorate (ITD). This body was established to monitor compliance with legislation on road transport and non-commercial domestic and international

¹⁹ Journal of Laws No. 89, item 589, as amended

road transport of motor vehicles. The tasks of the Inspectorate are *inter alia* examining and controlling a) documents relating to the road transport, b) enforcement of traffic regulations to the extent and on terms specified in the Act of 20 June 1997 r. – Road Traffic Law, c) compliance with regulations on driving times and mandatory breaks and rest time of drivers, d) compliance with the terms and conditions of carriage of dangerous goods by road, e) documents related to the exercise of public transport.

Finally, Police may check compliance with foregoing acts.

b. Sanctions, including public prosecution

Sanction imposed by PIP or ITD may be up to PLN 8000 - 10000 (if the road transport is performed without license). Minor penalties apply to non-compliance with working time provisions (if the driver exceeds for 1 hour - PLN 100).

c. miscellaneous

In Poland, there is no alternative dispute resolution in the transport sector in place yet.

ii. Minimum wages (working hours)

As already indicated above, sanctions for non-payment of the required wages and for violations of the rules on working time are laid down in the Labour Code or in special laws.

iii. Bogus work/postbox firms

Bogus self-employment and postbox firms do not cause significant problems in the field of international transport in comparison to other sectors, where are often abused (particularly bogus self-employment).

iv. Chain liability

In order to tackle fraud and abuse, the Act on Posting of Workers constitutes joint and several liability for direct subcontractor. Thus, Polish partner who ordered foreign company carrying out services connected with

construction in Poland may be held liable to the remuneration of posted workers. However, it refers **exclusively to construction sector**. There is **no such a provision in the field of international transport**.

v. **Social security (A1)**

An employed or self-employed person who works temporarily in the territory of a State to the social security system of which he/she is not subject, is normally given an A1 certificate by the social security institution of the State in which this person normally works. This is a document issued by the competent body of the sending State which proves that the persons concerned remain subject to the legislation of this Member State. In Poland competent authority to issue A1 is ZUS. Currently, ZUS has become reluctant to issue A1 for Ukrainian drivers, employed in Poland if they do not live in Poland. It seems to be a **consequence of very precise control** of Polish A1 in France and Belgium.

vi. **Redress: individual and collective (civil) redress**

Redress in civil procedures

The rights and obligations of employees are not only laid down in the abovementioned laws, but also in the Polish Civil Code. Thus, employees might sue employer not only based on Labour Code, but also Civil Code. This process is too sophisticated to elaborate it precisely (art. 300 of Labour Code is very famous). **It is safe to say that claims from Labour Code shall be applied prior** to those from Civil Code.

Collective redress

Currently collective redress exists only in the theory (in laws). Very low level of union-membership in Poland finds this point not worthy too much attention.

Naming and shaming

Nowadays many Ukrainian workers came to Poland as a migrant workers. However, they are considered as a remedy to shortages of Polish labour market caused by migration of Polish workers to Western Europe. It is said that **Ukrainians became Poles, as Poles had become English**.

5. PROBLEMS AND SOLUTIONS FOUND OR CONTEMPLATED

National problems were mentioned above - mostly they concern the **administrative measures in the host countries**. When it comes to the Polish law, it is unclear which legal instrument might be used to post worker abroad, whether it is necessary to change the employment contract. New Labour Code is already being projected and there is a chance to avoid these doubts in the future legislation.

Collective bargaining is commonly understood as a process of decision-making between parties representing employer's and employee's interests which imply the information, negotiation and continuous application of an agreed set of rules to govern the substantive and procedural terms of employment relationship. This process is characterized as highly decentralising approach including informal methods of cooperation. Massive administrative controls and obstacles imposed on Polish enterprises by some UE countries have triggered formal and informal methods of cooperation between social partners (unions and employers' organisations) of road transport sector. Recently proclaimed by France and Germany legislative acts governing the minimum rate of pay play a crucial role in this process.

As a result, **several seminars, meetings of experts, and conferences** or accepted common positions on transport and posting workers by social partners took place during the last year. Some of them were organised by National Commission of the Independent Self-Governing Trade Union 'Solidarity' and its transport section (seminar on December 2016, conference on 23 March and meeting of experts on 24 April 2017). Polish Transport and Logistics Association, which is a leader of transport employers' organisations, held an international conference on road transport and social aspects. All important actors in transport sector that had an opportunity to present opinions and positions were Polish Confederation Lewiatan, Solidarity Trade Union, European Transport Workers' Federation, Pierre Jean Coulon -President of TEN Section of European Economic and Social Committee, Section for Transport, Energy, Infrastructure and the Information Society . We were invited to each above-mentioned events as independent experts.

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M. TOMASZEWSKA, M. SZYPNIEWSKI, *Are the minimum rates of pay of posted workers in compliance with the social market economy?* *Studia Iuridica*. - 2016, T. 68, s. 379-391.

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Keywords: legal; Directive 96/71/CE; minimum wage; legal character

M. TOMASZEWSKA, *Wolność związkowa a delegowanie pracowników w ramach swobodnego przepływu usług (w:) Europa przedsiębiorców*, Warszawa 2011 [*Freedom of association and protection of posted workers in the the framework of free movement of services' in Europe of entrepreneurs*, Warsaw 2011]

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Keywords: legal; Directive 96/71/CE; minimum wage, working conditions of workers posted to Poland territory

M. PAZDAN, *International Private Law*, CH Beck 2014.

7. Case law

Supreme Court II PK 208/10.

Posted workers are entitled to receive at least the minimum wage that is received by employees in the country of performing work.

Supreme Court, 26.01.2011, II PK 168/10.

Case concerning posted persons performing a specific work (specific work contract).

Supreme Court, 02.02.2012, III PK 49/11

Polish posted workers are entitled to receive at least the minimum wage that is regulated by German collective bargaining bounding in construction sector. This conclusion is not undermined by the fact that Polish law applies to work performing in Germany in accordance with provisions of employment contract.

Supreme Court, 29.11.2005 r, II PK 100/05 and Supreme Court, 26.01.2011 r. II PK 168/10

Employment of Polish workers posted to work in Germany during the transition period were the same as working conditions during the pre-accession period regarding to minimum wage in construction sector. International agreement required from polish employer a special permission of the competent German body.

Supreme Court, 06.02.2013 I PZP 3/12

Admissibility of determining in employment contract the remuneration of posted workers on the net worth.

Supreme Court 9.07.2014 I PK 250/13

Differences between definitions: gross income, net income and minimum wage of posted workers

Appelate Court in Wroclaw, 27.03.2012, III APa 20/11.

Seconding workers cannot be treated, under no circumstances, as a business trip, what was raised by defendant.

Appelate Court in Wroclaw, 27.03.2012, III APa 49/11.

Case concerning minimum rates of pay in the Netherlands

