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

Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 6 to 9, in accordance with the first stage of the programme established by the Economic and Social Council in its resolution 1988 (LX)

POLAND*

[12 December 1985]

INTRODUCTION

1. In the view of the Government of the Polish People's Republic, the maintenance and consolidation of world peace, limitation of the arms race and disarmament, respect for the right of peoples to self-determination, peaceful co-operation among States with different social and economic systems, respect for national sovereignty and non-interference in the internal affairs of other States are indispensable to the implementation of human rights. Aimed at the realization of these goals, the policy pursued by the Polish People's Republic aids in implementing the provisions of the International Covenant on Economic, Social and Cultural Rights and other United Nations instruments on human rights, as well as the conventions of the International Labour Organisation.

2. The implementation of human rights is one of the cornerstones of Poland's socio-economic policy. It is manifested, inter alia, by the fact that all the

* The initial report concerning rights covered by articles 6 to 9 of the Covenant submitted by the Government of Poland (E/1978/8/Add.23) was considered by the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights at its 1980 session (see E/1980/WG.1/SR.18 and 19).

fundamental human rights contained in the International Covenant on Economic, Social and Cultural Rights found their reflection in the Constitution of the Polish People's Republic and other legislative acts and are consistently realized in everyday practice.

3. Unity of the Constitutional provisions and practice is based on the socialist system, marked by the political authority of the working people, social ownership of the means of production, elimination of exploitation of one man by another, free development of human personality and the participation of citizens in the decision-making process at all levels of management.

4. It should be stressed that full employment is guaranteed for all citizens of the Polish People's Republic. All Polish citizens have full possibilities of education and raising their qualifications, and working people as well as old age pensioners have access to free medical care and retirement benefits. Considerable progress has been achieved in all important spheres of social policy, particularly in providing assistance to working women, environment protection, working conditions and leisure.

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5. Implementation of the provisions contained in articles 6 to 9 of the Covenant is guaranteed by basic legal acts, that is, the Constitution of the Polish People's Republic and, with respect to questions of employment and conditions of work, the Labour Code* and executive regulations issued on the basis thereof. The annex below contains a list of the basic regulations ensuring the implementation of each and every article of the Covenant.

6. The socio-economic policy of Poland is based on, and pursued in full compliance with, legislative provisions. With regard to rights covered by articles 6 to 9 of the Covenant, the following should be stressed:

(a) Poland has based its relations with other countries on the principles of peaceful coexistence and co-operation (art. 6 of the Constitution of the Polish People's Republic), with full respect for the right of nations to self-determination. The implementation of the right of peoples to free determination of their political status, unhampered economic, social and cultural development and free use of their own natural resources is one of the fundamental guidelines of Polish foreign policy. Poland has never possessed and does not possess any dependent territories;

(b) The Constitution of the Polish People's Republic (art. 67, item 2) provides that: "Citizens of the Polish People's Republic have equal rights irrespective of sex, birth, education, profession, nationality, race, religion or social origin";

* The text of the Polish Constitution was enclosed with the initial report (E/1978/8/Add.23). The Labour Code was published by the International Labour Office, Geneva, in English, French and Spanish, in Legislative Series, 1975, No. 2 (March-April).

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(c) The situation of aliens is identical to that of Polish nationals with the exception of some political rights and rights connected with the country's defence (for example, the right to vote, to be elected and military service). According to the Polish Labour Code, aliens enjoy the same employment privileges with the exception of access to the posts in public service requiring Polish nationality (judge, prosecutor, civil administration servants etc);

(d) Guarantees for women's equality are provided for in article 78, paragraph 1, of the Constitution which states that: "Women in the Polish People's Republic have equal rights with men in all fields of public, political, economic and cultural life";

(e) The Labour Code (section XIII) provides for penal sanctions for the violation of employees' rights. The provisions of the Penal Code also envisage penalties for the violation of these rights (arts. 190 and 191).

ARTICLE 6: THE RIGHT TO WORK

A. Principal laws

7. During the period covered by the present report the following major legal acts were issued:

(a) Ordinance of the Council of Ministers of 17 July 1981 on special regulation on the retirement of employees of public establishments, valid until 31 December 1981 (Journal of Laws of 1981, No. 19, item 5; No. 28, item 145; and Journal of Laws of 1982, No. 25, item 177);

(b) Ordinance of the Council of Ministers of 17 July 1981 on maternity leave (Journal of Laws, No. 19, item 97);

(c) Ordinance of the Council of Ministers No. 169 of 17 August 1981 on additional services for employees changing employment (Official Gazette, No. 21, item 195);

(d) Act of 25 September 1981 on State enterprises (Journal of Laws, No. 24, item 122);

(e) Act of 25 September 1981 on workers' self-government in State enterprises (Journal of Laws, No. 24, item 123);

(f) Ordinance of the Council of Ministers of 31 December 1981 amending the ordinance on some of the rights and duties of employees working abroad on construction works and providing services connected with exports (Journal of Laws of 1982, No. 2, item 14);

(g) Ordinance of the Council of Ministers of 27 January 1982 amending the ordinance on maternity leave (Journal of Laws, No. 5, item 34);

(h) Act of 14 December 1982 on the employment of graduates (Journal of Laws, No. 40, item 270);

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(i) Council of Ministers decision No. 263 of 23 December 1982 on the raising of qualifications of the employees of public work establishments, and entitlements due to these employees (Official Gazette of 1983, No. 1, Item 6);

(j) Council of Ministers decision No. 20 of 28 February 1983 amending decision No. 169 of 1981 (Official Gazette, No. 10, item 54);

(k) Act of 26 October 1982 on proceedings with regard to persons avoiding employment (Journal of Laws, No. 35, item 229);

(l) Ordinance of the Council of Ministers of 28 February 1983 on payment entitlements and welfare services for persons doing public works (Journal of Laws, No. 13, item 64);

(m) Act of 29 June 1983 on the improvement of enterprise management and on enterprise's insolvency (Journal of Laws, No. 36, item 165);

(n) Act of 21 July 1983 on special legal regulations during the period of overcoming the socio-economic crisis and amendment of some laws (Journal of Laws, No. 39, item 176, amended in Journal of Laws, No. 71, item 318);

(o) Ordinance of the Council of Ministers of 8 August 1983 on obligatory mediation in the employment in some regions and obligatory employment of some categories of persons in the territory of the whole country for social reasons (Journal of Laws, No. 48, item 215);

(p) Ordinance of the Council of Ministers of 31 August 1983 on the employment of graduates (Journal of Laws, No. 53, item 234);

(q) Act of 29 December 1983 on the State Vocational Activation Fund (Journal of Laws, No. 75, item 334);

(r) Ordinance of the Ministry of Labour, Wages and Social Affairs of 25 April 1984 on comprehensive rules of financing and granting funds from the State Professional Activation Fund (Journal of Laws, No. 27, item 140).

B. Detailed information on employment

8. The systematic and methodological information covered in paragraphs 1 to 6 of section B of article 6 of the initial report (E/1978/8/Add.23) are still valid for the most part. The information contained in the present report illustrates phenomena and steps taken by the Polish Government during the period covered by the report with regard to employment.

9. New processes in the field of employment are influenced by two factors: the first is the economic crisis of 1980 and the second is economic reform and new economic mechanisms, including those concerning employment. Since 1 January 1981 enterprises have been enjoying full freedom with regard to employment, confirmed by the Act of 25 September 1981 on State enterprises. The decision was aimed at rationalizing employment through the use of appropriate economic mechanisms, leaving the State administration with the obligation to organize an effective

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system of distributing the surplus work force, the employment of graduates, creation of additional and urgent jobs, creation of conditions stimulating a change of profession and finally the duty to ensure proper living conditions for citizens searching in vain for adequate jobs.

10. In connection with the prognosis of a decrease in employment, a number of decisions were made to provide for proper utilization of the work force dismissed from jobs and to ensure social security to persons who upon losing their jobs would be temporarily unemployed.

11. For that purpose the Council of Ministers took, in 1981, a number of actions targeted against unemployment in Poland, inter alia, decision No. 169 of 17 August 1981 on additional services for employees of State-owned enterprises changing jobs (Polish Gazette, No. 21, item 195). That decision was designed to ease the effects of surplus of persons seeking jobs and also to create legal and administrative conditions facilitating and stimulating a change of workplace in justified cases. Decision No. 169 granted employees dismissed from work due to the abolition of posts or reduction of employment the right to receive six months' paid leave if the employee:

(a) Failed to get a job due to lack of appropriate work opportunities;

(b) Resigned from a job with a State-owned enterprise, intending to take up remunerative activity on his own account in agriculture, crafts or services.

12. An employee who would undertake remunerative activity on his own account is eligible also for a tax reduction and credit facilities. Since the current situation in employment has changed dramatically, there are many jobs available but at the same time there is a lack of those willing to take them. Decision No. 169 was amended by the Council of Ministers in decision No. 20 of 28 February 1983 - amended decision No. 169 provides for the possibility of receiving six months' leave with pay only by those employees who are released from their duties due to abolition of a given job or decrease of employment and only when such employees have resolved to take up occupation on their own account, if such a resolve is documented, and the office of State administration at a provincial level deems such an occupation well proved. Employees undertaking remunerative occupation on their own account still enjoy the right to credit facilities and a tax reduction on particularly advantageous terms.

13. During 1982-1984 new regulations were issued, the major purpose of which was to provide the State administration with a material basis for intervening in favour of persons seeking job training or retraining or employment, as well as to provide such persons with the means of existence in the period of vocational training or application for a job. These were the Law of 29 December 1983, on the State Professional Activation Fund, which waived resolution No. 18 of the Council of Ministers of 20 January 1982 on the Professional Activation Fund (Official Gazette, No. 3, item 14) and the rules of execution of the Law, dated 25 April 1984, concerning the comprehensive rules of financing and granting funds from the Fund.

14. Pursuant to the Law in question, the resources of the Fund shall be used for financing:

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(a) Welfare allowances for workers of State-owned enterprises who undergo vocational retraining to meet the changing needs of enterprises and for all juvenile workers employed on the basis of a work contract for the purpose of vocational training;

(b) Financial equivalents paid to students of all vocational schools for non-working persons for the period of practical vocational training in work establishments;

(c) Equalizing bonuses to those workers who, after retraining, receive wages lower than in the previous work establishment;

(d) Additional jobs in areas where no possibilities exist of providing employment for the existing labour force, people temporarily remaining without work or changing jobs, handicapped or disabled people or pregnant women;

(e) Wages, allowances and social security for people temporarily remaining without work, who are given temporary employment in public works;

(f) Allowances paid to people temporarily remaining without work in the period of job retraining or remaining without work, and for vocational training of such people;

(g) Allowances paid to juvenile workers undergoing vocational training - irrespective of wage - whose families are in a difficult material situation;

(h) Developing a system of job exchanges and counselling and transfer of job seekers to other locations.

15. In addition to the above, people eligible for allowances from the Fund are also granted, according to the rules applicable to job holders:

(a) Public health care;

(b) Price compensation for the increasing cost of the basic means of subsistence, on general terms.

16. The period of eligibility for an allowance from the Fund is included in the period of employment. Therefore its recipient may obtain or retain the benefits of the job.

17. Furthermore, in order to meet postulates of the people and at the same time to relieve the negative effects of an eventual abrupt reduction in employment, certain categories of employees have the right, on temporary basis to early retirement (decision of the Council of Ministers of 17 July 1981; Journal of Laws, No. 19, item 95, and subsequent amendments). The possibility of early retirement refers mainly to people nearing retirement age, persons with a long professional record or persons with a limited capacity to work due to the state of their health.

18. Introduction of unpaid leave by virtue of a decision of the Council of Ministers (No. 158 of 24 May 1968) is an important privilege for women who want to

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and can, take care of their child's education and upbringing but who do not want to give up their professional ambitions. In keeping with the provisions of the decision, the right to take a year's leave was vested in working mothers who have been employed for at least 12 months and are bringing up children of up to two years of age. Under the terms of decision No. 13 of the Council of Ministers of 14 January 1972, the duration of maternity leave was extended to three years, while at the same time raising the age to four years for children for whom the entitlement may be claimed. The ordinance of the Council of Ministers of 29 November 1975 has preserved all previous rights as regards unpaid leave for mothers raising minor children while adding some additional entitlements - for example, strengthening the lasting nature of work contracts (the work establishment cannot terminate the work contract with a woman employed during the unpaid leave). Unpaid leave is also available for women raising adopted children, if they have applied for adoption. New privileges and increased assistance for working women with minor children have been introduced by means of an ordinance of the Council of Ministers of 17 July 1981 concerning educational leave. The most important amendments refer to:

(a) A decrease in the term of employment from 12 to 6 months with a work establishment to become eligible for educational leave;

(b) An increase in the categories of persons entitled to such a leave by vesting such a right - in specific life situations - in the father or other persons;

(c) The opportunity of taking extended maternity leave - of up to three years - if the child in question is handicapped, until it reaches the age of 7;

(d) The introduction of a maternity allowance payable for a period of 18 months commencing with the end of the maternity leave or rest leave falling just after the maternity leave or for a period of 36 months in the case of a multiple birth, or if the child is handicapped or a woman is raising her child alone.

19. The amount of the maternity allowance is dependent on the average per capita income of the family and corresponds to a specific percentage of a minimum pay, which allows for an automatic increase in the allowance depending on the level of the minimum pay and for its adjustment to the changing living situation of the family taking advantage of such maternity leave.

20. Single mothers raising children are entitled to a 100 per cent increase in the maternity allowance.

21. Effective 1 February 1982, upon ordinance of the Council of Ministers of 27 January 1982, other favourable changes for working women have been introduced as regards this matter, in particular:

(a) The duration of payment of the maternity allowance was extended from 18 to 24 months;

(b) The age of a handicapped child for whom prolonged maternity leave may be taken was extended from 7 to 10 years, i.e., by an additional 3 years;

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(c) Expectant mothers and those on maternity leave, as well as women released from work due to the closing down of the work establishment, acquire the right to a maternity allowance although they may not take advantage of the maternity leave rights.

22. Against the background of the economic situation of the country and problems stemming therefrom in the area of employment, the question of employment of school graduates acquired particular importance.

23. As a result of efforts undertaken, all graduates who applied for work in 1982 were employed. A vast choice of work opportunities for all, including those seeking accommodation, is included in a monthly information bulletin which, since August 1983, has been expanded to include an insert for high school graduates.

24. In December 1982 a basic change was introduced in the system of graduates' employment. The law of 1964 on planned employment of high school graduates was annulled (Journal of Laws, No. 8, item 48, of 25 February 1964) and substituted by a new law on graduates' employment (Journal of Laws No. 40, item 270, of 14 December 1982). The new system of graduates' employment has entered into force by way of an ordinance of the Council of Ministers of 31 August 1983 on graduates' employment (Journal of Laws, No. 53, item 234). Introduction of a new system of graduates' employment is connected with the change in the management of the economy, and thus with the need to adjust this system to the principles of economic reform. The new law and executive acts introduced a uniform system of employment of all graduates, which replaced the administration methods applied previously, and introduced important economic incentives to influence graduates' decisions when choosing work. Rules dealing with the employment of graduates relate to:

(a) The application of regulations of the labour law with regard to all graduates;

(b) Departures from the economic orders and prohibitions used hitherto;

(c) The institutions responsible for work offers for graduates;

(d) The application and execution of scholarship agreements and preliminary contracts;

(e) Duties of work establishments with regard to graduates;

(f) The definition of the graduate's status and of appropriate employment for a graduate;

(g) Efficient economic instruments encouraging graduates to take up employment in and to commit themselves personally to localities where skilled personnel is in short supply, e.g., settling down credits, building credits, access to home building lots etc.;

(h) The conditions guiding the access of high school graduates to the private sector of economy.

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25. To allow employees to raise their qualifications, the education system for employees has been expanded. Schools cater for working people of various levels of education. There are primary schools, basic vocational schools, secondary vocational schools and general grammar schools, post-grammar schools and also schools of higher education.

26. Employees may also upgrade their professional skills through post-graduate studies or on-the-job courses organized by enterprises for which they work and by different specialized training institutions.

27. Council of Ministers decision No. 263 of 23 December 1982 on raising the qualifications of employees in nationalized work-places and the benefits to which they are entitled as at 1 January 1983 lays down modified principles for educating and improving the education of employees, bearing in mind an enhanced standing and role of enterprises operating in the conditions of economic reform and the requirements of the employees themselves. The motivation of employees to pursue their education is positively influenced by the modified scope of the rights enjoyed by such persons. Under these new regulations the employees nominated for education in schools for workers are entitled to paid educational leave, paid absence for part of the working day and also travel, board and lodging costs from the workplace, should the education process be pursued outside the place of employment and residence. The extent of the education leave depends on the level of the school and the system of education pursued.

28. Those who have not been nominated for vocational training can participate in lessons on their own account and claim travel, board and lodging costs, when lessons are held outside their place of work and residence, from the management of the enterprises where they work.

C. Statistical and other available information

29. Statistical data on employment in Poland can be found in the Year Book of Labour Statistics, published by the International Labour Office, and Poland's report to the International Labour Organisation concerning the implementation of the conventions ratified by Poland.

ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

30. The Central Council of Trade Unions, an organ of the Trade Unions Association, ceased its activities in 1980. This stemmed from a decision by the trade unions which were then operative to opt out of the Trade Unions Association. The new union structure, operating on the basis of the Act of 8 October 1982, at present performs the functions of representing working people's interests vis-à-vis Government and management, which were performed by the Central Council of Trade Unions up to 1980.

31. The 1982 Act, the Labour Code and other legislation allow the unions to influence the setting of remuneration for labour and other benefits employees can

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claim, by granting these unions specific powers in laying down and applying legal provisions. Of the greatest significance among these are the powers enjoyed by the unions to conclude collective labour agreements which are an important source of wage systems, and the definition of working conditions. In areas of work outside collective agreements, work and remuneration conditions are defined by legislation issued after consultation with the trade unions.

32. Two important acts of legislation were approved during the reporting period: Council of Ministers decision No. 135 of 28 June 1983 on adapting certain remuneration principles for employees to the economic reform (Polish Gazette, No. 17, item 138), which did not violate the provisions of collective labour agreements where remuneration is concerned, and the Act of 26 January 1984 on the principles of creating workplace remuneration systems. Under this Act the proper organ of the workplace union organization on the one hand, and the workplace manager on the other, can conclude - under the conditions and principles laid down in the Act - an agreement on introducing within the workplace a system of remuneration of greater motivation adapted to the financial, potential, organizational and production requirements of the workplace. Such an agreement, after registration by the Minister for Labour, Wages and Social Affairs, will replace the remuneration regulations defined in the Act, including a number of Labour Code rules concerning the manner of remuneration for the duration of stoppages not caused by the employee, and the conditions applicable to overtime remuneration. This offers the workplace substantially wider scope for manoeuvre in these issues. It will also replace the regulations presented in collective labour agreements and those concerning branch industrial benefits.

33. Such agreements are entirely voluntary. Before they are concluded, the workplace manager must request the workers council for its opinion and win the approval of a general meeting of all employees or their delegates.

B. Safe and healthy working conditions

34. the following basic legislation was introduced during the reporting period:

(a) The State Labour Inspection Act of 6 March 1981 (Official Gazette, No. 6, item 23);

(b) Council of Ministers Order of 11 December 1981 on enhancing certain benefits stemming from work accidents and occupational diseases (Official Gazette, No. 31, item 174);

(c) Council of Ministers Order of 11 December 1981 on working time and additional paid leave for persons qualified as group I and II invalids (Official Gazette, No. 31, item 175);

(d) Council of Ministers Order of 22 March 1983 on the principles of co-operation of organs supervising and controlling working conditions with the State Labour Inspection (Journal of Laws, No. 19, item 83);

(e) Social Labour Inspection Act of 24 June 1983 (Journal of Laws, No. 35, item 163);

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(f) Council of Ministers Order of 18 November 1983 on occupational diseases (Journal of Laws, No. 65, item 294);

(g) Resolution No. 25 of the Council of Ministers of 6 February 1984 on assigning trade marks and safety marks to manufactures of State-owned industries and on economic responsibility for improper quality (Official Gazette, No. 6, item 45);

(h) Resolution of the Council of Ministers of 5 September 1984 amending the resolution on the register of jobs prohibited for women (Journal of Laws, No. 44, item 235);

(i) Resolution No. 134 of the Council of Ministers of 8 October 1984 on the rules of providing wholesome and nutritious food for workers exposed to hazardous or difficult working conditions (Official Gazette, No. 25, item 168);

(j) Order No. 43 of the Minister of Labour, Wages and Social Affairs of 26 September 1984 on the rules of training, retraining and vocational advancement of state-sector workers in the area of industrial safety and health (Official Journal of the Ministry of Labour, Wages and Social Affairs, No. 8, item 34).

35. The information presented in this regard in the 1978 report is still valid.

36. A number of steps were taken during the reporting period to improve the principles and methods of the supervision of working conditions. Specific work was done to update and systematize the regulations concerning technical requirements for work safety and health conditions. This led to the publishing by the Ministry of Labour, Wages and Social Affairs on 22 December 1982, of an order concerning the maximum admissible density and concentration of factors harmful to health in the specific work environment. It defines, inter alia, the measurement of harmful factors and the principles for updating the list of harmful factors. Such a list is included as an appendix to the order and defines the measurement requirements for 213 harmful factors. In addition, in accordance with article 8 of Convention No. 148 of the International Labour Organisation (ILO), an interministerial committee has been established to act as an opinion-making body in setting the criteria and defining the limits of densities and concentrations of factors harmful to health. A draft order of the Ministry of Labour, Wages and Social Affairs has been drawn up on general work safety and health principles. It will replace the regulations introduced in 1946 and 1959. Once this order is issued, the detailed and branch industrial rules on work safety and health will be amended. This should take place before the end of 1987.

37. The register of jobs prohibited for women issued in 1979 was amended in 1984 to include the latest scientific findings in the field of protection and physiology of work. Among other things, as at 1 January 1986, the employment of women under 35 years of age in conditions of exposure to asbestos dust will be prohibited. It should be emphasized that the register of prohibited jobs existing since 1979, apart from substantially reducing the standards contained in the 1951 register concerning admissible weights to be lifted, introduced a standard limiting a woman's physical exertion related to the lifting of weights, to 1,300 calories per work day.

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38. Work is proceeding on amending the register of jobs banned for juveniles. This should be concluded in 1986.

39. To ensure that work safety, health and ergonomic requirements are met by machinery and technical equipment, work is under way on a general system of certificates stating whether an item of machinery or technical equipment meets these requirements. This work should also be concluded in 1986.

40. Council of Ministers resolution No. 25 of 1984 on marking machinery and technical equipment as meeting the standards of industrial safety and ergonomics has provided a basis for initiating a programme of activities to that effect.

41. The work at present pursued on expanding the means of protecting the health of persons employed on jobs in conditions harmful to health has resulted in several new acts of legislation being issued, expanding the number of persons who are entitled to reduced working time, additional leave and early pension in connection with employment in onerous or jobs harmful to health. The right to curtailed working time, to the extent of 7 hours daily and 35 hours per week and to an additional 10 days' leave per year was granted to workers qualified as group I and II invalids, as at 1 January 1982.

42. The measures of economic reform and the resultant changes in national economy management have required the Government to draw up and introduce principles to relate the system of work protection with economic reform. They include tax relief for workplaces pursuing investments to improve working conditions; tax relief for plants introducing technological and scientific concepts to improve working conditions and tax relief for plants manufacturing equipment, apparatus and personal devices necessary for work protection. Production plants can also claim credit preferences to improve working conditions.

43. Under the Order of the Council of Ministers of 11 December 1981, the value of individual damages awarded for work accidents and occupational diseases has been enhanced by 100 per cent. The Order of 18 November 1983 on occupational diseases, which replaced that of 20 November 1974, introduced a new list of occupational diseases extended by additional illnesses. The present list contains 20 items compared with 14 in the previous one.

44. A programme has been drawn up on work protection of self-employed farmers, laying down legal regulations in connection with work protection on privately owned farms, on the issues of improving knowledge of health protection and work safety and on the creation of a system for control and supervision of work conditions in private farms not employing hired labour.

45. The State Labour Inspectorate was created by an Act of Parliament on 6 March 1981 to enhance the supervision of working conditions, and replaces labour inspection operating within the trade union framework. This Inspectorate enjoys wide powers to control, to issue workplaces with decisions concerning the improvement of working conditions and respect for labour legislation, and to impose fines of up to 20,000 zlotys for violations of labour laws and of requirements of work safety and health.

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46. Furthermore, a resolution of the Council of Ministers has been drafted to further improve industrial safety and health (adopted on 4 March 1985) which, pursuant to the rules of economic reform, defines the responsibility of founding bodies of enterprises for industrial safety and health.

47. There also exist other State supervisory and control organs to look after work safety and health in workplaces; for example, the State Sanitary Inspectorate, Mining Offices and the Technical Supervision Office. Hence the Chairman of the Council of Ministers issued an order on 22 March 1983 laying down ways in which those organs should co-operate with the State Labour Inspectorate. The Polish Parliament approved, on 24 June 1983, a new Act concerning social labour inspection, replacing that of 1950. This Act extends the powers of the social labour inspectorate, granting it the right to supervise how labour legislation and working conditions are respected. Workplace social labour inspectors currently enjoy the right to issue orders to halt the operation of technical equipment or to halt work, should the danger of a work accident exist.

48. The new rules for training and promotion of industrial safety and health, introduced in 1984, provide a closer relationship between the knowledge of the rules and professional qualifications and the existing training and vocational advancement. They also increase the responsibility of instructors.

49. The information in the initial report (E/1978/8/Add.23, art. 7, sect. B, para. 3) is still valid.

50. Statistical data on work accidents are published by the International Labour Office in the Year Book of Labour Statistics.

C. Equal opportunity for promotion

51. No substantial changes have been noted in the legal regulations during the reporting period. The only exception is that the Council of Ministers approved resolution No. 172 of 2 February 1982, modifying the 1978 resolution on personnel services in State organizational units (Official Gazette, No. 19, item 165).

52. While maintaining the existing principle of equitable and non-discriminatory treatment of employees in issues of professional promotion, these rules impose a duty on the workplace personnel service to co-operate with the employees' direct superiors, the trade unions and the workers' self-management in such issues as:

(a) Creating a system for the evaluation and promotion of employees and also for ways of honouring them;

(b) Creating and making rational use of reserve personnel earmarked for management and specialist posts.

53. The information contained in the initial report (E/1978/8/Add.23) under article 7, section C, paragraphs 2 and 3 has not changed.

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D. Rest, leisure, limitation of working hours, and holidays with pay

54. On the basis of Labour Code provisions, during the reporting period the Council of Ministers annually sets the maximum weekly working time (nominal) and the principles for introducing additional work-free days in nationalized workplaces. The most recent Council of Ministers Order on this matter was issued on 8 October 1984 and is valid for 1985 (Journal of Laws, No. 51, item 263).

Weekly rest

55. The number of work-free Saturdays increased in the reporting period from 14 days in 1979, to 16 in 1980 and to 38 from 1981 to 1984 and up to 52 in 1985 according to a system of working-time management.

Work on Sunday

56. No substantive changes have occurred in this respect since 1978 (see E/1978/8/Add.23, art. 7, sect. D).

The normal working time and work in overtime

57. The nominal working time in nationalized workplaces at present amounts to 8 hours daily and 42 hours weekly, that is, 4 hours less than in 1978 (46 hours). The sole exceptions are those plants which are responsible for particularly important economic tasks and where the weekly working time may be extended to 46 hours under the Act of 21 July 1983 on special legal regulations in the period of overcoming the socio-economic crisis (Journal of Laws, No. 39, item 176). However, working time exceeding 42 hours weekly is rewarded by appropriate wage bonuses.

58. The continuing difficult situation in Poland and the need to undertake all possible means to halt any drop in material production by the nationalized sector of the economy have led to a decision that no further curtailment of working time will take place until economic stability is attained, and that a 42-hour working week will be generally obligatory throughout the nationalized economy providing, however, for the possibility of applying in 1985, more flexible systems of working-time management than before.

ARTICLE 8: TRADE UNION RIGHTS

A. Principal laws

59. Under the Constitution of the Polish People's Republic, people have the right to organize, inter alia, into trade unions (art. 84, paras. 1 and 2). Article 85 lays down that: "In the Polish People's Republic an important social role is performed by the trade unions which are a universal organization, participating in shaping and carrying out the tasks related to national social and economic development; the trade unions represent the interests and the rights of the working people and are a school of civic activity and commitment in constructing a socialist society."

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60. The Labour Code affirms this constitutional principle, stating in article 19, paragraph 1, that "employees have the right to organize into trade unions" and goes on to define their particular functions (arts. 19 and 20): "The trade unions participate in shaping and carrying out tasks in the social and economic development of the country, the improvement of working conditions and the living standards of the working personnel, and also in acting on the state of social awareness and socialist human relations. In particular, the trade unions work jointly with pertinent State organs on elaborating and applying labour legislation and also work to strengthen respect for the law, where the workers' rights and duties are concerned."

61. A fundamental change occurred in the trade-union movement's legal situation in Poland during the reporting period, registered in the following major acts of legislation:

(a) The Trade Unions Act of 8 October 1982 (Journal of Laws, No. 32, item 216), replacing the Act of 1 July 1949;

(b) The Act on Farmers Social and Professional Organizations of 8 October 1982 (Journal of Laws, No. 32, item 217);

(c) Council of State resolution of 12 December 1982 on the principles and mode of creating trade union organizations in workplaces (Journal of Laws, No. 34, item 222);

(d) Council of Ministers Order of 15 October 1982 on the trade union registration procedure (Journal of Laws, No. 34, item 225);

(e) Council of State resolution of 30 December 1982 on the rules of procedure before social arbitration councils (Official Gazette, No. 1 of 1983, item 1);

(f) Council of Ministers resolution No. 23 of 4 March 1983 on the scope and manner of consultation with the trade unions (Official Gazette, No. 12, item 74);

(g) Council of State resolution of 12 April 1983 on the principles and manner of creating national union organizations (Journal of Laws, No. 21, item 92).

62. The Trade Union Act recognizes the right of employees to form and organize within trade unions, basing this on four fundamental principles:

(a) Independence, meaning that the trade unions are not subject to supervision or control by any of the State administration and economic management bodies;

(b) Self-management, meaning that the unions have the right freely and independently, within the law as it exists in Poland, to establish their own statutes and by-laws, freely to define their action programmes and guidelines, to form their organizational structure, to create their own administrative apparatus, to link up into trade union central bodies and to join international trade union organizations;

(c) Voluntary participation, i.e., joining or resigning from a union freely, without any negative consequences;

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(d) Democratism, under which union managements are created by elections and all union members are assured active and passive voting rights by statute.

B. Right to form and join trade unions

63. Valid legislation has been given in section A above.

64. Under the Trade Union Act of 1982, the right to create and organize within trade unions can be limited due to the specific character of the workplace, the specific kind of employment and the employee's function (see sect. F below). The principle of stage-by-stage building of trade union structures has been accepted under the provisions of the new Trade Union Act. The Act laid down the following timetable:

(a) Workplace union chapters to start operating after 31 December 1982;

(b) National union organizations to start operating after 31 December 1983;

(c) National inter-union organizations to start operating after 31 December 1984.

Under the powers bestowed upon it in the Trade Union Act, the Council of State issued a resolution on 12 April 1983 on the principles and methods of forming national union organizations (Journal of Laws, No. 21, item 92) which envisaged the possibility of national union organizations commencing activity prior to the above date. To do this, however, Council of State accord was required. The agreement to commence the said activity prior to 31 December 1983 was granted by the Council of State to more than 80 national union organizations, encompassing employees in a given branch of labour, a given type of employment or a specific profession, or to trade unions in workplaces within a specific branch of labour, one type of employment or profession. As at 1 March 1985, 129 nation-wide trade unions were registered.

C. Right of trade unions to create national federations or confederations or the right of the latter to form and join international trade union organizations

65. In accordance with article 20 of the Trade Union Act, unions have the right to form inter-union associations and organizations. The single and temporary restriction is the suspension to the end of 1984 of the right to form national inter-union organizations, for instance, associations or federations, as mentioned in section B above. On 12 April 1983 the Council of State approved a resolution on the principles and mode of forming national union organizations encompassing trade-union chapters in workplaces within a given branch of the economy, one kind of employment or profession. In accordance with those principles, the date laid down in the Act, 1 January 1984, was brought forward. That decision was taken bearing in mind progress in normalization of the national situation and taking into account the demands of factory union chapters.

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66. On 24 and 25 November 1984 the trade unions held a general meeting to map out a programme for Poland's labour movement. At the meeting, attended by delegates of 108 nation-wide trade unions, the All-Polish Trade Union Consensus was adopted. The meeting also passed a resolution, inter alia, on the aims and programmes of activities of the Consensus and on the position of the unions towards economic matters. It also elected the leadership of the Consensus. The Council of State has resolved that the Consensus may initiate its activities on the date of its foundation, i.e., earlier than provided for by the law on trade unions. The trade unions' right to join international trade union organizations is guaranteed by article 8 of the Trade Union Act, which presents no conditions or hindrances.

67. On 24 February 1985 the All-Polish Trade Union Consensus joined the World Federation of Trade Unions, based in Prague.

D. The right of trade unions to function freely

68. Existing law and practice ensure the existence of all requisite conditions for the unions to perform their activities freely. This freedom of activity is, above all, expressed in the fact that the unions are independent of State administration and economic management bodies and may not be controlled or supervised by the State administration.

69. In Poland the unions are autonomous, shaping their goals and action programmes on their own; they approve their statutes and other internal legislation and define organizational structures and the principles under which statutory leadership is elected. The principle of autonomy is not undermined in any way by their respect for the laws laid down by the State in particular in such areas where the unions have taken over specific functions from the State. The creation of unions, the acquisition of union membership, and the merging and disbanding of existing registered unions are not subject to State control.

70. All union bodies are responsible for their actions to their constituencies.

71. The unions' principal purpose is to represent and defend employees rights as far as their working conditions and wages, social, living and cultural conditions are concerned. Unions co-operate in the shaping and substantiation of plans of social and economic development, acting to enhance the national product and to divide it justly. An important task facing the unions is education to form professional ethics, the conscientious and honest performance of their contractual duties by employees, and also to respect the principles of social coexistence.

72. The unions are a major party in the social consultation and control process in Poland. That was evidenced by the provisions of Council of Ministers resolution of 4 March 1983 on the scope and mechanism of consultations with the unions and in the guidelines relating to working people's rights and interests and those of their families.

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E. Right to strike

73. The freedom of union action is not in conflict with duty of unions to respect the Constitution and existing Polish laws, as laid down in article 8, paragraph 1, of ILO Convention No. 87 concerning union freedom. These provisions can be found in the statutes of emerging unions, which are approved by the courts during the registration procedure.

74. The new Trade Union Act filled a significant gap which existed in earlier legislation on collective conflicts, how they should be resolved and how to define the scope, principles and procedure of organizing strikes. A three-step procedure for resolving collective labour conflicts is defined in articles 33 to 35 of the Act: direct negotiations between the respective union and management bodies; conciliatory procedures and arbitration.

75. It was accepted as a rule that in case of conflict, negotiations must be initiated immediately by the union and administration bodies concerned. If the negotiations fail, the principle is that the remaining procedural steps, mentioned above, should be followed. The union has the right to hold a strike, should the conflict not be resolved in the statutory manner (see arts. 36-45 of the Act). The Act further defines the conditions governing the admissibility of a strike, the subjective scope of the right to strike, the right to organize and hold a strike under the accepted rules (agreement by a majority of the staff to hold the strike, notification to the manager and acceptance by the union superior organ), and the remuneration to be given to the strikers. It also enumerates those enterprises and institutions which are barred from striking for reasons of national defence and security and the need to ensure the functioning of basic community services (food supplies, health care, water supply, electric energy, heating, gas etc., according to art. 5 of the Act).

F. Restrictions in the rights enumerated in sections B to E above
for the armed forces, police and State administration

76. The following do not have the right to form or organize in trade unions (art. 40 of the Act):

(a) Soldiers on active service, and officials of the civic militia (police) and the penitentiary service;

(b) Persons employed in military units and in enterprises subordinate to the National Defence and Internal Affairs Ministries;

(c) Civil servants, court and bank employees holding high posts or whose duties are of a highly confidential nature.

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G. Factors and problems influencing the degree of implementation of trade union rights in various aspects and progress made

77. Martial law was decreed throughout the whole territory of Poland as at 13 December 1981, its purpose being to eliminate the danger of civil war, to restore internal peace and law and order, to ensure the efficient functioning of the State administration and to prevent the collapse of the national economy. Within the framework of the means employed, all trade union activity was temporarily suspended, including that of Solidarność, registered by the Supreme Court on 10 November 1980. The major reason that this decision was taken was the non-statutory activities pursued by that union, which had set out on a road of political campaigns by its extremist leadership, with the ultimate purpose of overthrowing the constitutional political system and taking over the Government of the country. Apart from its gradual transformation into a political movement, Solidarność wielded the strike-threat weapon to win a series of wage and social concessions, demanding the curtailment of the working week and the like. In doing so, and in ignoring national economic realities, Solidarność provoked a colossal economic crisis.

78. Detailed information presented by the Polish Government in this connection can be found in the 1982 and 1983 reports of the ILO Committee on Freedom of Association relating to case 1097.

79. According to figures for 31 December 1984, 25,000 new trade union organizations in firms, 5 million members strong, are in operation, including 21,713 registered separately by the Courts. Up to the end of 1984, 124 national trade union organizations were registered (including 12 national unions affiliating employees of a given branch of work or the same type of job or profession), the majority of which had held founding congresses or assemblies.

ARTICLE 9: RIGHT TO SOCIAL SECURITY

A. Principal laws

80. The following legislation of basic significance was introduced during the reporting period with respect to the right to social security:

(a) Order of the Minister for Labour, Wages and Social Affairs of 22 December 1981 on family allowances (Journal of Laws, No. 32, item 191);

(b) Act of 14 December 1982 on pensions for employees and their families (Journal of Laws, No. 40, item 267);

(c) Act of 13 December 1982, amending the Act on pensions for war and military invalids and their families (Journal of Laws, No. 40, item 269);

(d) Act of 1 February 1983 amending certain regulations on social security benefits and pensions (Journal of Laws, No. 5, item 33);

(e) The Miners and Miners' Families Pensions Act of 1 February 1983 (Journal of Laws, No. 5, item 32);

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(f) Council of Ministers Order of 7 February 1983 on the pension age and an increase in old-age and invalid pensions for persons employed in special conditions or whose job has a special character (Journal of Laws, No. 8, item 43);

(g) Council of Ministers Order of 6 June 1983 on the principles of calculating social insurance allowances and financing such allowances (Journal of Laws, No. 33, item 157);

(h) Act of 26 January 1984 on acceleration of the payment of the last instalment of the increase of the old age and disability pensions (Journal of Laws, No. 3, item 12);

(i) Decision No. 7 of the Council of Ministers of 16 January 1984 on financial benefits for some old age and disability pensioners (Official Gazette, No. 2, item 9);

(j) Ordinance of the Minister for Labour, Wages and Social Affairs of 17 February 1984 amending the ordinance on deductions from old age and disability pensions of persons staying in social security homes, medical institutions, or invalid training institutions (Journal of Laws, No. 14, item 68);

(k) Ordinance of the Minister for Labour, Wages and Social Affairs of 22 February 1984 on the principles of payment of old age and disability pensions overlapping with disability benefits from foreign institutions (Journal of Laws, No. 17, item 81);

(l) Ordinance of the Council of Ministers of 1 October 1984 amending the ordinance on child-rearing leave (Journal of Laws, No. 15, item 261);

(m) Ordinance of the Minister for Labour, Wages and Social Affairs of 15 October 1984 on allowances to old-age and disability pensions for scientific and research work (Journal of Laws, No. 51, item 266);

(n) Ordinance of the Council of Ministers of 29 December 1984 on social security for some persons involved in earning activity in the sphere of folk art and artistry (Journal of Laws, No. 60, item 308).

B. Some important modifications in the system of social security

Health care

81. There has been no change in the information on health care provided in the initial report (E/1978/8/Add.23).

Sickness and maternity benefits

82. As at 1 January 1983 a maternity allowance was introduced within the social insurance system for self-employed farmers. The allowance can be claimed for 8 weeks after the birth of one child and for 12 weeks in the case of a multiple

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birth. This allowance period will be extended every two years by 2 weeks (by 3 weeks in the case of a multiple birth) and, as at 1 January 1991, to 24 weeks for a multiple birth. This will almost bring the social insurance system for self-employed farmers into line with that for wage earners.

83. Professionally active self-employed farmers and old-age and professional pensioners claiming a pension in return for transferring their farms to their successors are entitled to a single funeral allowance. The value of this allowance for self-employed farmers is three times the value of the basic pension and for pensioners, six times its value.

84. As at 1 July 1981 a new type of benefit called the child-rearing allowance has been introduced (see the legislation on maternity leave in paras. 7 (b) and (g) above). Child-rearing allowances can be claimed by employees who, after exhausting their right to a maternity allowance, benefit in their workplace from child-rearing leave, to allow personal care to be given to an infant. This allowance is paid for a maximum of 24 months, or 36 months if the person caring for the infant is a single parent or if at least two infants born at the same time have to be cared for or if the infant is physically disabled. The allowance depends on the family per capita income and may amount to 50 per cent, 75 per cent or 100 per cent of the employee's basic monthly wage. Persons bringing up children on their own can claim an allowance of 100 per cent of their basic monthly wage. No such allowance is granted in cases where the per capita family income exceeds 3,600 zlotys.

85. As a result of the grave shortage of technical personnel in the health service, a principle was introduced as at 1 October 1984 under which the child-rearing allowance is due, regardless of the wage earned during child-rearing leave, to nurses, midwives and hospital-ward attendants (under work-agreements in the day health centres, socialized health centres). This applies also to afternoon and night shifts, Sundays and public holidays.

Pensions

86. A number of steps were taken during the reporting period, prior to 1 January 1983, to improve the material situation of old-age and professional pensioners. These included:

(a) Implementing the increase in pensions granted before 1975, which had originally been planned for 1977-1980;

(b) In 1981, further increases in these pensions, together with pensions awarded before 1980, in cases where their value did not exceed a specified sum;

(c) Increasing the value of the smallest pensions on a regular basis;

(d) Increasing family allowances, paid together with pensions;

(e) In 1981 and 1982, compensating pensioners for price increases in some articles used daily;

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(f) In 1982, an additional cash payment to the families of pensioners in the worst material situation;

(g) An increase in the amount that may be earned without forfeiting pension benefits.

87. Reform of the pensions claimed by wage earners and other professional groups was undertaken as at 1 January 1983. New regulations were introduced at the beginning of 1984. The greatest changes concerned the pension remuneration for self-employed farmers, and brought their pensions within reach of the remuneration system for wage earners. This reform of the pensions system, implemented from 1 January 1983, is geared to achieve the following major targets:

(a) The elimination of the existing disproportions between pensions granted at various periods: there was a strict relationship between the pension value and the date it was granted, which meant that the earlier pensions, calculated on the basis of lower wages, were automatically lower. To eliminate these disproportions, the calculation basis for pensions awarded before 31 December 1983 has been revalued upwards to correspond to the increase in the national average wage, from the date the pension was granted until 1982. The resulting pension increase was introduced gradually in 1983-1984;

(b) The introduction, in 1986, of a continuous upward revaluation of pensions by annual adjustments to the basis of calculation, corresponding to the increase in the average wage in the previous year, but no more than 150 per cent of that sum;

(c) Automatic increases in the lowest pensions and certain benefits, paid together with pensions, in the wake of increases in the lowest wage;

(d) The simplification and systematization of the legislative aspect and the greatest possible unification of methods applied in pension systems valid for various social groups. Remaining divergencies stem solely from the inherent characteristics of a given industry.

88. Obligatory social security was expanded as at 1 January 1985 for persons in private business and working for the Commercial Centre for Folk Arts and Crafts, and took into account the length of time they had worked before 1 January 1985.

89. The ultimate result of the pension increases introduced so far is that the average monthly pension rose from 1,700 zlotys in 1976 to 7,000 zlotys in 1983. In the same period the number of pensioners increased from 3.3 million to 5.9 million.

90. Over the period from January 1984 to June 1984 the last instalment of the old-age and disability pension increases, which were originally scheduled to be paid from 1 January 1985, was paid. That constituted the end of the re-evaluation of pensions. The lowest paid old-age and disability pensioners (up to 7,200 zlotys) received between February 1984 and 30 June 1984 a one-time allowance ranging from 1,200 to 3,600 zlotys. This allowance was intended to weaken the impact on the economically weakest groups of the price hikes which took place at the beginning of 1984. As at 1 March 1984 the old age and disability pensioners living in homes of social care assistance were guaranteed at least a 2,500 zloty allowance after deduction of the costs of staying in these homes.

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Invalidity pensions

91. The modifications related to invalidity pensions described below were introduced in the reporting period.

92. The groups of persons entitled to wage-earners' invalidity pensions were extended, granting the right to such pensions to certain groups of persons not wage earners, namely:

(a) Persons paid sports stipends to pursue competitive sports;

(b) Students of post-primary schools, higher-education students, participants in Ph.D. courses, should they have become category I or II invalids during their period of education or studies.

93. Qualifications for invalidity pensions in the social security system for self-employed farmers have been extended to include:

(a) Family members of professionally active farmers and other persons working on farms;

(b) Former farmers who transferred their farms, without remuneration, to their legal heirs before the introduction of the system of pensions for self-employed farmers, and who were able to claim only small financial allowances under existing regulations; invalidity pensions for this group were introduced on 1 July 1983, while supplements to those pensions, i.e., family allowances, nursing allowances, allowances related to the possession of civil orders, were paid as at 1 July 1984.

94. The increase in the number of persons qualifying for invalidity pensions occurred in the wake of a change in the concept of pensions within the social security system for self-employed farmers, specifically by renouncing the principle of "one pension per farm", in favour of the principle that each person employed on a farm (the farmer and his family) has the potential right to an invalidity and an old-age pension.

95. Some of the conditions required to qualify for an invalidity pension have been modified:

(a) The condition absolutely applied to date, namely, that the invalidity must have arisen during employment or when performing an activity envisaged under social insurance or in a fixed period after the termination of these dates, has been waived in certain specific cases. At present, persons who were category I or II invalids prior to taking up their first employment or activity envisaged under social insurance, and also persons who became invalids 18 months or more after such employment or activity ceased, can obtain an invalidity pension when they have the registered period of employment or insurance required for their age group, i.e., one to five years;

(b) The category of invalidity on which the granting of a pension to self-employed farmers depends has been lowered under their social security system;

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under current legislation, farmers and members of their household can obtain a pension even for category III invalidity, should they be wholly unable to work on the farm.

96. The period of employment or activity required for social security has been extended from 5 to 10 years for persons taking up first employment after the age of 40. This is also valid for persons above 40 years of age who have resumed employment or such activity after a prolonged period - i.e., more than 10 years since the conclusion of the previous employment or activity.

97. The value of the invalidity pension has been increased. Groups I and II invalidity pensions were established at the level of old-age pensions and amount to 100 per cent of income up to 3,000 zlotys per month plus 55 per cent of the remaining income. The group III invalidity pension, i.e., for partial disablement limiting the capacity to work, amounts to 80 per cent of income up to 3,000 zlotys and 50 per cent of the remaining income.

98. The lowest group I and II invalidity pensions may not be less than 90 per cent of the lowest wage and not less than 75 per cent of the lowest wage for pensions in group III. An automatic rise in these pensions related to an increase in the lowest wage is constitutionally guaranteed by the parametric linking of the value of the lowest wages to the lowest invalidity pensions.

99. A nursing allowance for invalids requiring constant care and for persons of advanced age, i.e., above 75, has been increased to 30 per cent of the lowest old-age pension.

100. The value of an invalidity pension for self-employed farmers has been enhanced in the social security system in a different way. A basic pension value for those concerned amounts or will amount to:

- (a) 80 per cent of the lowest wage earner's pension as at 1 January 1983;
- (b) 90 per cent of the lowest wage earner's pension as at 1 January 1985;
- (c) 100 per cent of the lowest wage earner's pension as at 1 January 1986.

The basic invalidity pension is further enhanced, inter alia, in relation to the value of farm produce sold to State-run purchasing centres.

101. Pensions which were granted under the previous regulation of "one farm - one pension" have been divided and are paid to the farmers and their spouses in equal parts but never less than the pensions awarded under the new rules. Cash allowances granted to former farmers under previous regulations were replaced on 1 July 1983 by invalidity and old-age pensions (see para. 93 above).

Old-age benefits

102. Significant modifications to old-age benefits introduced in the reporting period are described below.

103. Several requirements with regard to old-age pensions were modified:

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(a) The qualifying age was reduced for persons employed in unusual circumstances or in a special capacity. Employment in unusual circumstances was described as work extremely harmful to health or of great arduousness, and included jobs requiring high psycho-physical efficiency related to the safety of the worker or his environment; for example, work underground, in aluminium manufacture, in shaping glass products, on board ships and aeroplanes and so forth;

(b) A general legal guarantee was given of the right to early pension schemes under which a person with group I or II invalidity - total work disablement - can go on full pension 5 years earlier in the case of men, and after 30 years employment in the case of women. Persons on early pension can take up employment under conditions valid for all pensioners;

(c) Partial pensions have been granted to persons of pensionable age (65 for men and 60 for women) who have an employment period shorter than required but no shorter than five years. A partial pension is 90 per cent of wages up to 3,000 zlotys and 50 per cent of the remainder.

104. A self-employed farmer's household members and persons who gratuitously transferred a farm to their heirs before farmers became entitled to old-age pensions, are now entitled to pensions within the self-employed farmers social security system.

105. The information presented above on invalidity pensions for those who are already entitled to allowances and on dividing an invalidity pension between a farmer and his spouse applies also to old-age pensions.

106. The value of the old-age pension was increased to 100 per cent of wages up to 3,000 zlotys and 55 per cent of the remainder. The present rule is that the lowest old-age pension may not be below 90 per cent of the lowest wage, thereby ensuring automatic increases in the lowest pensions as the lowest wage rises. The age qualification for a nursing allowance paid with the old-age, invalidity and family pension has been reduced from 80 to 75. This allowance has been increased to 30 per cent of the lowest pension.

107. The social security system for self-employed farmers has been supplemented with a basic old-age pension, whose value is set in the same way as the farmers' invalidity pension.

108. On 1 April 1984 uniform principles were introduced with regard to Polish citizens working in foreign institutions and establishments abroad during the time necessary to obtain a pension. Persons returning from abroad are no longer required to be employed for any length of time in Poland. It is possible to calculate a pension for persons who have not been employed in Poland based on pensions received by persons with similar qualifications employed in Poland.

109. The lump sums used to determine the size of allowances for foreign service employees were increased by an average of 50 per cent. Besides that, Polish pensions shall not be decreased should they coincide with payments for invalidity allowances from foreign institutions, as long as the allowance is not higher than 7,500 zlotys.

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110. On 8 November 1984, allowances for scientific and/or research work were added to old-age and disability pensions.

Survivors' benefits

111. The value of survivors' benefits has increased in the reporting period. The present family pension amounts to 85 per cent of income up to 3,000 zlotys, and 50 per cent of income exceeding 3,000 zlotys. A pension thus calculated is further increased by 1 per cent of the total income for each year over 20 years that the deceased person was employed in Poland, and by 5 per cent for each further person entitled to a pension. The family pension for orphans is further increased by an increment for this category amounting to 30 per cent of the lowest family pension. It is granted to each orphan entitled to a pension.

112. The family pension may not be less than 90 per cent of the lowest income and not more than the deceased person's total income. Under the social security system for self-employed farmers, the family allowance is calculated from the old-age or invalidity pension which the deceased farmer, a household member or pensioner claimed or could claim, with the appropriate application of the percentage rates, using the calculation basis and adjustments indicated previously for a wage-earner's family pension, taking into account the right of orphans to an extra payment.

Allowances for work accidents and occupation diseases

113. The value of financial benefits has also been raised for accidents at work and occupational diseases:

(a) Group III invalid pensions, i.e., for partial disablement, have been increased by 10 per cent of the assessment basis, from 65 per cent to 75 per cent;

(b) The family pension for one person has been increased by 10 per cent (from 60 per cent to 70 per cent) of an employee's wage;

(c) The single damage allowance, which a person can claim for permanent injury to health caused by an accident at work or an occupational disease, has been increased by 100 per cent; this is also valid for damages for the family members of a person who suffered a fatal accident at work or from an occupational disease.

114. Bearing in mind the interests of lower-paid employees and the family members they leave behind, the minimum-pension assessment basis has been set at 150 per cent of the lowest monthly wage in nationalized workplaces.

115. The self-employed farmers social security system has been modified as follows:

(a) The requirement for payment of a sickness allowance during disablement and to a work-related accident or occupational disease has been decreased from 30 to 15 days of uninterrupted disablement. This allowance may be paid for no more than 180 days and amounts to 1/30 of the basic monthly old-age pension for each day of disablement;

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(b) Periodic invalid pensions have been introduced for farmers who, though they are invalids because of a work-related accident, continue to run their farm with the intention of transferring it later to an heir. This transitional pension is paid until the heir comes of age but not longer than for 10 years, and amounts to 50 per cent of the basic old-age pension;

(c) The assessed family pension for the family members of a farmer deceased while working on a farm or due to occupational disease is increased by 10 per cent;

(d) The single damage allowance has been increased to the same level as that for wage-earners.

Unemployment benefits

116. There has been no change in unemployment benefits since the initial report (E/1978/8/Add.23).

Family allowances

117. Family allowances, to which families in the lower income brackets are entitled, have been improved. Greater diversity in their value was introduced, depending on the size of the family and the per capita income. The following table indicates the present value:

<u>Average monthly per capital income in a family</u>	<u>Value of monthly family allowance per entitled person</u>
(zlotys)	(zlotys)
Up to 3,000	1,800
3,000-5,000	1,500
Over 5,000	1,300

Children up to 19 entitled to additional ration cards for health reasons are granted increased family allowances depending on age: children up to 7, by 900 zlotys; from 7 to 11, by 1,800 zlotys; from 11 to 19, by 2,700 zlotys.

118. The additional nursing allowance, which can be claimed for invalid children up to 16 or older who are group I or II invalids, currently amounts to 1,500 zlotys. As at 1 January 1982 this allowance can also be claimed for a spouse who is a group I invalid.

119. It is envisaged that self-employed farmers will be entitled to family allowances as at 1 July 1986. These will be paid to low-income families and the required funds will be covered by the Rural Social Fund.

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Payments from the alimony fund

120. Payments from this fund have been increased from 500 to 2,000 zlotys per month. At the same time, the monthly income ceiling above which no payments are made has been raised from 1,400 to 4,000 zlotys. In 1983, 97,000 persons received payments totalling 1.6 billion zlotys.

Organization of the social security system

121. There has been no change in the organization of the social security system since the initial report (E/1978/8/Add.23).

Financing the social security system

122. Social security contributions have been increased to 43 per cent of total wage payments for nationalized workplaces; 33 per cent of employee's wages for privately owned workplaces.

123. A Farmers Social Security Fund has been established within the self-employed farmers social security system, financed from farmers' contributions and state subsidies. It is assumed that the Fund will be used for making cash payments to self-employed farmers but that one third of their value will be accounted for by farmers' contributions. The Fund is managed by the Social Insurance Institution.

C. Factors and difficulties

124. No hindrances have been encountered in implementing the right of the citizens of the Polish People's Republic to social security.

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Annex

LIST OF REFERENCE MATERIAL*

The most important legal acts concerning the issues presented in articles 6 to 9 of the International Covenant on Economic, Social and Cultural Rights are listed below.

Article 6

1. Council of Ministers Order of 17 July 1981 on the special principles of pensioning of employees of nationalized workplaces in the period up to 31 December 1981 (Journal of Laws of 1981, No. 19, item 95, and No. 28, item 145, and Journal of Laws of 1982, No. 25, item 177).
2. Council of Ministers Order of 17 July 1981 on child-rearing leave (Journal of Laws, No. 19, item 97).
3. Council of Ministers resolution No. 169 of 17 August 1981 on additional benefits for employees of nationalized workplaces who change work (Official Gazette, No. 21, item 195).
4. The State Enterprises Act of 25 September 1981 (Journal of Laws, No. 24, item 123).
5. The Act of 25 September 1981 on workers self-management in state enterprises (Journal of Laws, No. 24, item 122).
6. Council of Ministers Order of 31 December 1981 amending the Order on certain rights and duties of employees nominated to work abroad to implement building export contracts and services connected with export (Journal of Laws of 1982, No. 2, item 14).
7. Council of Ministers Order of 27 January 1982 modifying the Order on child-rearing leave (Journal of Laws, No. 5, item 34).
8. The Graduates Employment Act of 14 December 1982 (Journal of Laws, No. 40, item 270).
9. Council of Ministers Order No. 263 of 23 December 1982 on raising the qualifications of employees of nationalized workplaces and benefits to which these employees are entitled (Official Gazette of 1983, No. 1, item 6).
10. Council of Ministers Order No. 20 of 28 February 1983 modifying resolution No. 169 of 1981 on benefits for employees of nationalized workplaces who change work (Official Gazette, No. 10, item 34).

* The reference material is to be forwarded by the Government of Poland and, upon receipt, will be available for consultation in the files of the Secretariat.

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11. The Work Shirkers Procedures Act of 26 October 1982 (Journal of Laws, No. 35, item 229).
12. Council of Ministers Order of 28 February 1983 on financial benefits and social security benefits for persons performing public works (Journal of Laws, No. 13, item 64).
13. The Act on improving an enterprise's economy and on its insolvency (Journal of Laws, No. 36, item 165).
14. The Act of 21 July 1983 on special legal regulations in the period of surmounting the socio-economic crisis and on modifying certain Acts (Journal of Laws, No. 39, item 176, amended in Journal of Laws, No. 71, item 318).
15. Council of Ministers Order of 8 August 1983 on obligatory employment through labour exchanges in certain districts and the duty of employing certain categories of persons throughout the whole country for social reasons (Journal of Laws, No. 48, item 215).
16. Council of Ministers Order of 31 August 1983 on employing graduates (Journal of Laws, No. 53, item 234).
17. The State Professional Activation Fund Act of 29 December 1983 (Journal of Laws, No. 75, item 334).
18. Ordinance of the Minister for Labour, Wages and Social Affairs of 25 April 1984 on detailed principles of financing and granting of allowances from the State Professional Activation Fund (Journal of Laws, No. 27, item 140).
19. Council of Ministers decision No. 18 of 20 January 1982 on the Professional Activation Fund (Official Gazette, No. 3, item 14).

Article 7

20. Council of Ministers Order of 28 June 1982 on adapting certain principles of remunerating employees to the economic reform (Official Gazette, No. 17, item 138).
21. Act of 26 January 1984 on principles of creating workplace remuneration systems (Journal of Laws, No. 5, item 25).
22. The State Labour Inspection Act of 6 March 1981 (Journal of Laws, No. 6, item 23).
23. Council of Ministers Order of 11 December 1981 on enhancing certain benefits stemming from work accidents and occupational diseases (Journal of Laws, No. 31, item 174).
24. Order of 11 December 1981 on the working time and additional paid leave for persons qualified as group I or II invalids (Journal of Laws, No. 31, item 175).

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25. Council of Ministers resolution No. 172 of 2 August 1982 amending the resolution on personnel services in State organizational units (Official Gazette, No. 19, item 165).
26. Council of Ministers Order of 30 December 1982 on working time and the principles of introducing additional work-free days in 1983 in nationalized workplaces (Journal of Laws, No. 45, item 297).
27. Council of Ministers Order of 22 March 1983 on principles of co-operation of organs supervising and controlling working conditions with the State Labour Inspectorate (Journal of Laws, No. 19, item 83).
28. The Social Labour Inspection Act of 24 June 1983 (Journal of Laws, No. 35, item 165).
29. Council of Ministers Order of 18 November 1983 on vocational diseases (Journal of Laws, No. 65, item 294).
30. Council of Ministers resolution No. 25 of 6 February 1984 on the assigning of State quality marks and safety marks to commodities and economic consequences of the inadequate quality of these products (Official Gazette, No. 6, item 45).
31. Ordinance of the Council of Ministers of 3 September 1984 amending the ordinance on the list of jobs prohibited for women (Journal of Laws, No. 44, item 235).
32. Council of Ministers resolution No. 134 of 8 October 1984 on the principles of providing wholesome and nutritious meals to those working in conditions harmful to health (Official Gazette, No. 25, item 168).
33. Ordinance of the Council of Ministers of 8 October 1984 on a maximum weekly work-time and principles of setting days off work in socialized work establishments (Journal of Laws, No. 51, item 263).

Article 8

34. The Trade Unions Act of 8 October 1982 (Journal of Laws, No. 32, item 216).
35. Act on farmers' social and professional organizations of 8 October 1982 (Journal of Laws, No. 32, item 217).
36. Council of State resolution of 12 October 1982 on the principles and manner of creating trade union organizations in workplaces (Journal of Laws, No. 34, item 222).
37. Council of Ministers Order of 15 October 1982 on trade union registration procedure (Journal of Laws, No. 34, item 225).
38. Council of State resolution of 30 December 1982 on rules of procedure before social arbitration councils (Official Gazette, No. 1, of 1983, item 1).

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39. Council of Ministers resolution No. 23 of 4 March 1982 on the scope and manner of consultation with the trade unions (Official Gazette, No. 12, item 74).
40. Council of State resolution of 12 April 1983 on the principles and manner of creating national union organizations (Journal of Laws, No. 21, item 92).

Article 9

41. Order of the Minister for Labour, Wages and Social Affairs of 22 December 1981 on family allowances (Journal of Laws, No. 32, item 191).
42. Act on pensions for employees and their families of 14 December 1982 (Journal of Laws, No. 40, item 267).
43. Act on social security for self-employed farmers and members of their families of 14 December 1982 (Journal of Laws, No. 40, item 268).
44. Act of 14 December 1982 amending the Act on pensions for war and military invalids and their families (Journal of Laws, No. 40, item 269).
45. Act of 1 February 1983 amending certain regulations on social security benefits and pensions (Journal of Laws, No. 5, item 33).
46. The Miners and Miners' Families Pensions Act of 1 February 1983 (Journal of Laws, No. 5, item 32).
47. Council of Ministers Order of 7 February 1983 on the pension age and an increase in old-age and invalid pensions for persons employed in special conditions or whose job has a special character (Journal of Laws, No. 8, item 43).
48. Council of Ministers Order of 6 June 1983 on the principles of calculating social insurance allowances and financing the allowances (Journal of Laws, No. 33, item 157).
