

**The position of the Government of the Republic of Poland on European Commission's initiative:
European Pillar of Social Rights**

A. Framework position of the Government of the Republic of Poland

Poland has carefully noted European Commission's initiative to establish the European Pillar of Social Rights. Poland supports active forms of cooperation on social rights (for example protection of employees' rights, in particular those related to atypical forms of employment). However, Poland believes that the concept of the Pillar of Social Rights calls for further in-depth discussion, both because of the connection between the new EC's initiative with a number of legal instruments already in place and because of the division of competences between the Member States and the EU in the area of social policy and employment. In this context, Poland wishes to emphasise that the initiative at the EU level should not result in an act of law, but should be of a non-binding nature.

In our opinion, taking into account large diversification of labour markets across Member States, a solution facilitating flexibility in adapting agreed measure to country specific conditions would work better. Therefore specific instruments of binding nature should be approved at the level of individual Member States.

We are concerned about the fact that the European social rights proposed by the EC are based on the pursuit to unify social standards in the EU and may be a justification of an attempt to impose certain specific solutions at the national level. Despite the fact that the Pillar is offered to the euro area countries and possibly other interested Member States, it should be emphasised that the social dimension is inseparably connected with competitiveness and is the subject of a justified interest of all EU Member States, and the solutions adopted for the euro area have a real impact on economies of the remaining countries (e.g. via spill-over effects). Moreover, EC communication and the questions drafted for the needs of the public consultation indicate that possible new legislative motions may pertain to areas affecting all Member States and having an impact on functioning of the EU internal market. Therefore Poland intends to actively participate in the efforts on the EU forum.

In case the adoption of the European Pillar of Social Rights is to lead to introduction of unified standards legally binding for the Member States, Poland shall oppose it. Designation of rigid social standards would result in a risk of distortion of competitiveness of Member States.

Poland believes that improvement of social standards should take place in a natural manner and not be imposed from the top. It should rather follow the convergence of the entire economy, so that it does not deteriorate competitiveness of Member States. Any activities carried out by the EC should also fully respect the agreed division of competences between the EU and its Member States.

The scope of the European Pillar of Social Rights described in the document is very broad and it practically includes social policy and employment in their entirety. The absence of clearly formulated priorities could lead to the loss of the vision of changes, domination of technical debates and could reduce the concept of the EPSR to a protracting overview of the *acquis*. It would be worthwhile to primarily address new challenges.

It should be pointed out that the Member States are already legally bound by international instruments containing a catalogue of social rights, such as the European Social Charter and the International Covenant on Economic, Social and Cultural Rights or fundamental ILO conventions. Social rights included in these documents or constitutional traditions of Member States are also

reflected in the European Union Charter of Fundamental Rights. Member States are also politically bound by the Community Charter of the Fundamental Social Rights of Workers, referred to in Article 151 of TFEU. Both the European Social Charter, the International Covenant on Economic, Social and Cultural Right and ILO conventions contain verification mechanisms. Therefore Member States are already bound by a solid pillar of social rights. While the EU represents 7% of global population and 25% of global GDP, its expenditure for social protection amounts up to 50% of the global expenditure. In such circumstances, the idea to design the European Pillar of Social Rights needs a very good justification, going beyond political rhetoric and pointing to the added value of the new initiative.

Poland shall get involved in the consultations process presenting answers to questions included in the Communication.

B. Answers to questions of the European Commission included in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Launching a consultation on a European Pillar of Social Rights (COM(2016) 127))

I On the social situation and EU social "acquis"

1. What do you see as most pressing employment and social priorities?

Activities in the area of **employment** should be designed in a manner facilitating transition from the economy based on low cost of labour to the innovative economy, competing with the quality of products and services. These actions should include creation of quality jobs, increasing productivity of labour, matching qualifications to the needs of modern economy and labour market, development of sectors with the highest potential for employment growth – ICT, *green economy*, *white coats*.

In this context it is particularly important to undertake activities aiming at reduction of the scale of labour market segmentation, including abuse of civil law based contracts.

Decisions on such activities, due to the large diversification of labour markets in individual Member States, should however be taken at the national level.

For Poland, the most important priority continues to be increasing of the employment rate, which still remains below the EU average (67.8% against 70.1 for the 20-64 age group, data for 2015). In line with the objectives of the national strategy "Europe 2020" Poland has declared achieving the employment rate for persons aged 20-64 at the level of 71% in 2020. It should be noted that the employment rate increases faster than envisaged in the path for achieving the national objective. The indicator for 2015 is 0.7 p.p. higher than originally assumed (67.1%).

In the context of the increased employment rate, its improvement in individual groups is of key importance. These groups include women (the difference between the employment rate of men and women in 20-64 age group is as high as 14 p.p.), persons over 50 and under 25, persons with disabilities.

The second most important priority is to develop an effective migration policy - but this would not be about development of a uniform solution at the EU level, but one adapted to specificities of each individual Member State.

As regards the growing phenomenon of economic immigration to Poland, from the Polish point of view the following premises remain important: economic migration should be complementary in relation to home labour resources, migrants should not be treated any worse than local workers, and employing migrants should not be accompanied by lowered standards in the labour market.

Furthermore, the desirable situation would be when migrants are able to function independently, not using the support of the state. It is important to develop, both in Poland and the entire EU, mechanisms for effective competition for talents on a global scale.

Labour market participation of the long-term unemployed is a serious challenge in the area of employment. As of the end of 2015 there were 880.3 thousand long-term unemployed registers in labour offices (a long-term unemployed is a person registered in the registry of a labour office for a total period of 12 months within the past two years, excluding any periods of internships or vocational preparation of adults). Thus, the long-term unemployed represented 56.3% of all registered unemployed. The period of remaining unemployed, when the upper limit is defined at 36 months, amounted to 12.6 months in Poland in 2015 (recording a decrease for the first time since 2009), however when the upper limit is defined at 60 months, this indicator increases to 15.5%. This demonstrates the phenomenon of permanent exclusion from the labour market.

Poland believes that the issue of migration processes in the context of the labour market is also important. Poland, which remains a country with intense emigration, believes it is expedient to promote mobility in the EU labour market, while retaining full rights of EU citizens in places of their settlement. At the same time Poland points to the necessity of ensuring mechanisms counteracting the phenomenon of "brain drainage", that is excessive outflow of high quality human capital.

In the area of social situation, we believe that it is a priority to introduce effective family policy tools in order to reverse negative demographic trends. However, such tools should not be imposed from the top, but should be effectively implemented at the national level and adapted to conditions of individual countries.

In order to counteract negative results of demographic changes, it is first of all necessary to identify incentives to change attitudes towards procreation and to improve the total fertility rate. For this, it is necessary to have better institutional conditions for children care, increased availability of affordable housing, effective and more flexible solutions facilitating reconciliation of professional and family lives. Effectively planned activities in this area shall facilitate increased level of professional activity of Poland's residents, with a particular focus of social groups most disadvantaged in the labour market, i.e. young people up to 30 years of age, long-term unemployed and 50+.

2. How can we account for different employment and social situations across Europe?

Deep, structural differences in employment and social situation in EU countries are a factor, which will continue to differentiate EU countries for many decades to come. Therefore it is very important to retain mechanisms of narrowing these disparities (including social ones) through structural funds. In subsequent EU budget perspectives it is necessary to secure substantial amounts of the European Social Fund, which is an important support for national funds in the area of active labour market policies, social participation or investments in human capital.

Upward economic development convergence should be pursued through removal of barriers to development and supporting of less developed Member States, including through:

- Unblocking of barriers to development mentioned in the Europe 2020 strategy, particularly in the part devoted to structural weaknesses of the EU.
- A reform of the euro zone, in order not to allow excessive imbalances in the trade exchange and speculation bubbles.
- Elimination of barriers to flow of services in the single market.

3. Is the EU "acquis" up to date and do you see scope for further EU action?

It seems it would be enough to focus efforts and actions on better application of existing legal solutions in practice, rather than to develop new regulations. Any possible action undertaken should be of a non-legislative and non-binding nature, primarily because of diversified socio-economic situation of Member States. Adoption of binding legislative acts - obligatory for the euro zone countries and voluntary for others - would on one hand pose a risk of further fragmentation within the EU along the practically already existing division axis, and on the other - due to the ties of the areas of social policy and employment with the internal market - risk of certain solution being imposed on countries, which shall not decide to join the Pillar initiative. Furthermore, in the context of attempts to encourage countries from outside the euro zone to join the Pillar, measure of a soft-law nature seem to be more attractive to them.

Moreover, any activities undertaken at the European level should be supported by reliable data. However, consultations on the Pillar of Social Rights have been launched in the absence of presentation of relevant data. Working document of the European Commission services (SWD(2016) 50 and SWD(2016) 51) contain the analysis of the present situation in the European Union, superficial data and a description of legal acts in force in a broadly understood domain of social rights.

At this point, it is worth to draw attention to the need for simplification of the system for implementation of the European Structural and Investment Funds (ESIF), while keeping them result oriented, taking into account the fact that the European Social Fund supports many of the assumptions indicated in the European Pillar of Social Rights.

II On the future of work and welfare systems

4. What trends would you see as most transformative?

One of the strongest trends seems to be **demographic processes**, which slowly but persistently change the age structure and size of European societies. It has a direct impact on the supply of labour, thus and indirect impact on the amounts paid to state budgets, including for social insurance funds.

The demographic change is a fundamental challenge for Poland and the entire European Union. The halted increase or slow decline in the size of populations of many EU countries calls for relevant adaptations in economies, labour markets and social security systems. On one hand, a decreasing level of births means decreasing inflows to the labour market resulting in improved occupational perspectives of those entering. On the other hand, the declining population in the working age in the light of increasing population in the retirement age means increased burden on public finances in the form of expenditure for social security. This could be addressed by incentives to extend the period of professional activity. The second trend, which strongly affects social and employment dimension of the European Union, is **legal migration**. They weaken the demographic pressure and may support the strength and innovativeness of economies, but if not managed properly, may result in negative social phenomena. From the point of view of the entire EU it is important to design an immigration system, which will facilitate sustainable supplementation of ageing labour resources of the EU and effective competition for talents in a global dimension. Another important issues is a threat to solidarity between generation (the social model is based on it), resulting from unsatisfactory civilisation and cultural **integration of immigrants**.

The technological progress is the third key issue from the point of view of the world of labour. **Automation and robotisation of manufacturing processes** are on one hand an opportunity to significantly increase productivity of labour, but on the other a risk to performing labour by certain occupational groups, particularly those not requiring highest qualifications.

Though some of the EU countries presently see record high employment rates and low unemployment rates, a number of forecasts envisage automation of a substantial majority of simple jobs. In as much as this phenomenon should be viewed positively, it is a challenge in the context of

persons with lowest qualifications. Thus, the concept of life long learning and continuous improvement of qualifications will continue to grow in importance.

5. What would be the main risks and opportunities linked to such trends?

Risks:

- Gradual increase of the number of persons in the social security system - without additional action it may result in an excessive burden to the state budget;
- Increased level of the burden in the form of social insurance contributions;
- Continued shortages in the labour market in specific sectors (e.g. ICT, health care);
- Inactivity of persons with low qualifications;
- Negative phenomena related to irregular migration (ghettoisation, social exclusion, increased criminal activities);
- In the context of the European Structural and Investment Funds (ESIF) - increased Euroscepticism in case of further complexity of procedure and absence of simplifications.

Opportunities:

- Sustainable, low-emission economic growth;
- Taking advantage of Europe's potential for development (high level of innovation and human capital), including benefits resulting from ensuring full freedom of provision of services;
- Taking advantage of the position in global competition for talents;
- Increasing quality and standards of work.

6. Are there policies, institutions or firm practices – existing or emerging – which you would recommend as references?

The fundamental strategy in Poland is the Plan for Responsible Development - Government's premises related to stimulation of economic growth (from the perspective of employment and social policy). The Plan identifies following developmental traps for Poland:

1. Middle income trap.
2. Lack of balance trap.
3. Average product trap.
4. Demographic trap.
5. Trap of weak institutions.

In order to counteract the traps, activities defined in the Plan are based on five pillars of economic growth of Poland:

1. Reindustrialisation.
2. Development of innovative companies.
3. Capital for development.
4. Foreign expansion.
5. Social and regional development.

In the area of employment and social policy, the Government of the Republic of Poland shall focus on actions in pillar 5: "Social and regional development". Therefore it intends to:

- Introduce the minimum hourly remuneration rate of more than PLN 12 gross, for persons working on the basis of certain civil law based contracts. This solution is primarily aimed at achieving a positive change in the labour market through counteracting abuse of civil law based contracts and introduction of protection for persons receiving remuneration at the lowest level. The minimum hourly rate shall be in place since 1 January 2017.
- Implement the “Family 500+” programme, under which families get a benefit in the amount of PLN 500 for each second child and subsequent children (also for the first one if the income criterion is met), which has a function mitigating the cost of bringing up children and provides families with income stability.
- Continue the Programme “Jobs for Youth – 100 thousand jobs” in regions with substantial difficulties in the labour market.
- Provide additional support for employment of persons aged 50+, particularly to long-term unemployed, in regions with substantial difficulties in the labour market.
- Develop instruments facilitating labour market participation of persons particularly disadvantaged in the labour market, i.e. young people up to 30 years of age, women, long-term unemployed, persons with disabilities or persons with low qualifications, including through effective use of the European Social Fund funds allocated to this purpose and available in Poland under 2014-2020 financial perspective.
- Support Polish employers in supplementing their human resources through the use of the potential of foreigners.

Changes planned in the area of employment should bear fruit in the form improved labour market situation of young persons (up to 30 years of age), persons aged 50 plus, and long-term unemployed. It is assumed that the support for employment of these groups shall also translate into stimulation of the economic situation in areas with difficult situation in the labour market. The idea behind the planned changes is enhanced labour market participation of the most difficult groups of the unemployed in the most regions.

The changes planned are also to facilitate increased control over short term migrations, which satisfy the needs of the labour market in sensitive sectors of the labour market (jobs in sectors and occupation not requiring high qualifications, with a high share of civil law based contracts) and thus contribute to mitigation of negative outcomes in the labour market (e.g. excessively low wages, deteriorating working conditions).

Further facilitation of employing highly qualified foreigners in sectors, in which Poland can gain competitive advantage, shall strengthen resources and opportunities for development of such specialisations.

In the area of other non-government solutions, it is worth taking note of the concept of the living wage, as a method for making remuneration of persons with lower qualifications more flexible, supplementing other labour market participation programmes. *MIT Living Wage Calculator* is used by enterprises employing workers with low qualifications to calculate equitable remuneration, adapted to local conditions.

III European Pillar of Social Rights

7. Do you agree with the approach outlined here for the establishment of a European Pillar of Social Rights?

The approach presented in the EC document, as well as the document itself, lack precision and go beyond the existing *acquis*. Of course, one should be aware of the fact that the level of generality of the document is determined by different legal systems of individual EU Member States.

The assumption that the Pillar shall be the right answer to social impact of the economic crisis and pertinent economic slowdown in the EU, is questionable. EU shall not recover its growth dynamics and the trust of citizens through decreeing upward social convergence.

In the study devoted to European Pillar of Social Rights Commission rightly indicates that a wise social policy should lead to increased productivity through removing inequalities and creation of a greater number of jobs. However, it should be pointed out that the source of disparities between EU countries in the areas productivity, efficiency of economies or social problems is not in different designs of social policies or labour markets. **The source of disparities** is of economic nature and is founded **on structural differences between EU economies** (countries importers-exporters, structure of production, exports), as well as on the level of wealth of Member States, expressed through GDP per capita.

Therefore one should bear in mind that the **improvement of the system of social and labour market policy shall be of secondary significance** to productivity and human capital, for example of new EU Member States in relation to the old ones. Social policy is a very important component of state's activities, however its planning should go hand in hand with solutions in the area of economy, rather than constitute autonomous action.

It is true, as indicated in the document, that countries with the best economic outcomes have more ambitious and more effective social policies - and though it is not a simple consequence of the advancement of economy, it could be achieved thanks to this advancement.

In the document, the authors refer to distortions of macroeconomic balances as symptoms of a crisis - these distortions should be the focus of diagnosis and the area to look for solutions to the problem of disparities between economies, which to a certain extent is already happening in the macroeconomic imbalance procedure (MIP).

8. Do you agree with the scope of the Pillar, domains and principles proposed here? Are there aspects that are not adequately expressed or covered so far?

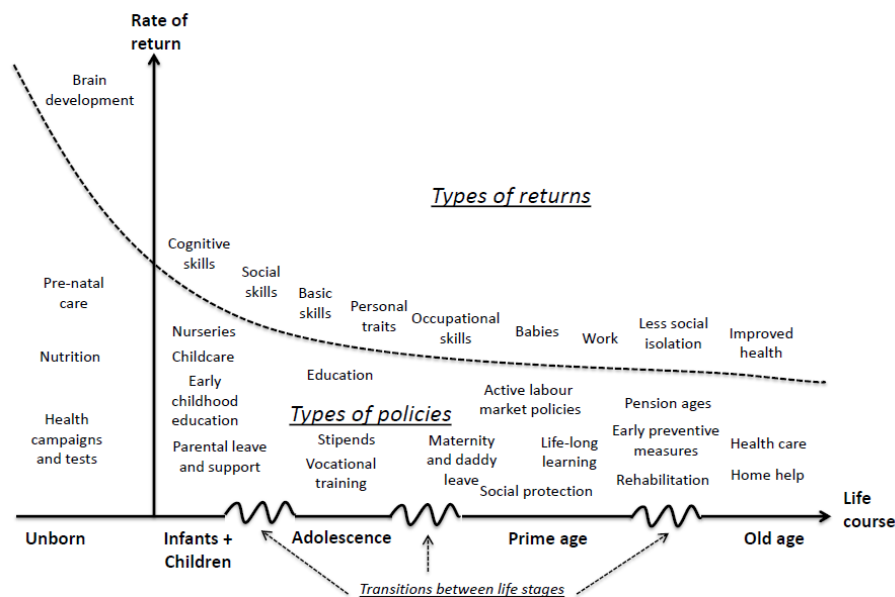
The scope, domains and the principles of the Pillar proposed in the communication are too broad and do not always consistently present the premises, on which they are based.

Poland believes that a modification of the proposed scope and structure of the Pillar should be considered. There are 2 reasons for this.

Firstly, presently it is not really clear, what the logic for the design of the principles of the Pillar is and what are its limits. One could for example wonder, why as many as two chapters pertain to the labour market, why some principles are duplicated (e.g. employment conditions cover *de facto* remuneration and occupational work and safety described separately).

Secondly, social protection systems are designed in response to a variety of social risks, while when reading principles and the entire document, one could draw a conclusion that it is work (unemployment) and poverty, which are the most important.

Therefore we propose to **apply the life course perspective** (*life course, not life cycle*, see below for the example developed by Jon Kvist, presented at the Fourth European Convention of the Platform Against Poverty and Social Exclusion, which took place on 20-21 November 2014 in Brussels). Such approach focuses on the history and accumulation of events and identification of diverse transition periods.



The role of social protection systems normally consists in facilitation of going through different stages in life (e.g. from education to work) in order to build, retain and use human capital and to maximise opportunities in life, so that individuals can achieve good results in health, family and professional life, etc. Thus, such approach takes into accounts a variety of social risks.

Furthermore, it helps to see how hugely diverse situations of individuals may be and what is the interdependence of various policies and interventions. It also shows that the awareness of the process of accumulation of both positive and negative events in the course of life is important.

Such approach will show children and the elderly people more clearly, who are now not taken into account in a broader scope, as the Pillar focuses primarily of persons in the working age. Furthermore, it would be worthwhile to place greater emphasis on child care and education.

At the same time in this approach it is worth to remember that most of social principles and rights pertain to individuals, but in social protection system very often it is a family, which is a beneficiary or recipient.

Poland believes that the approach to the Pillar should be modified for one other reason.

The concept of the European Pillar of Social Rights is based on 4 main premises:

- demographic,
- technological,
- divergence,
- resilience to volatility of economic situation.

These premises are of course very important challenges faced by the Member States. However, in the documents drafted by the EC, it is hard to find explanations how proposed principles of the Pillar are to help to overcome these challenges, particularly with reference to the first two (demographics and technology).

Therefore we propose to investigate how these challenges may influence the life course and thus to analyse, if the proposed principles really help to address these risks.

At the same time we propose that the documents drafted be supplemented with clear allocation of the principles of the Pillar to premises/challenges (divergence, crisis, demography, technology) and show how a given principle shall contribute to achievement of expected results.

9. What domains and principles would be most important as part of a renewed convergence for the euro area?

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10. How should these be expressed and made operational? In particular, do you see the scope and added value of minimum standards or reference benchmarks in certain areas and if so, which ones?

We support the view expressed in the communication that its objective should not be creation of new legislation. Therefore it seems that any possible action should not be of legally binding nature.

IV. Possible detailed comments on each domain and principle of the proposed Pillar.

According to the Explanatory Note in the introduction to the Annex to the Communication *“First preliminary outline of a European Pillar of Social Rights”* (COM (2016) 127 final, ANNEX 1 - Annex, First preliminary outline of a European Pillar of Social Rights, the rights existing today shall continue to be in force within the Planned Pillar - **they shall not be re-stated or modified**. The objective of the Pillar is to complement them by detailing a number of essential principles which should become common to participating Member States for the conduct of their employment and social policy. Once established, the Pillar should become a reference framework to screen the employment and social performance of participating Member States, to drive reforms at national level and, more specifically, to serve as a compass for renewed convergence within the euro area.

Taking the above into account and following the analysis of the detailed part of the Annex, one should state however that there is a lack of consistence between declarations from the introduction discussed above and the content in the detailed part. The specific contradiction characterises the Commission’s strategy in the course of presentation of the very concept of establishing of the Pillar. Launching of consultations on the technical content and shape of the Pillar has been accompanied by the already drafted detailed proposal, which seems to be an anticipation of facts, particularly in the light of questions asked by the Commission on the very need for the existence of the Pillar and fine-tuning of the Community *acquis* in social affairs. We appreciate Commission’s efforts to streamline the discussion and put it in a relevant context. However, this does not alter the fact that such a comprehensive proposal of the Pillar, which - *nota bene* - is to be a preliminary proposal, makes some of the questions posed by the Commission inexpedient and suggests some answers to be provided in the course of consultations.

2. Flexible and secure labour contracts.

The introduction to this part emphasises that flexible contracts can facilitate entry to the labour market and promote career transitions. They also allow employers to respond to shifts in demand. Employment conditions may greatly vary depending on the type of a contract.

EC indicates that moving towards types of contracts that have comparable guarantees and costs can allow temporary employment to become a stepping stone towards stable and secure employment. It is also to increase the resilience of labour markets to shocks. Therefore it is proposed that “the transition towards open-ended contracts shall be ensured”.

With reference to the analysis and proposal presented in this item, it is unclear what contracts it refers to. This is because both employment contracts and self-employment are mentioned here. There is also a mention of uncertainty of employment, “grey zone”, while at the same time moving towards open-ended contracts is proposed. One should bear in mind that entering into employment contracts other than open-ended contracts is legal within the limits defined by the law. The question

thus arises, whether this is about transition from any precarious contracts (employment contracts and civil law based contracts) to open-ended contracts (i.e. employment contracts?). Furthermore, there are doubts as to whether the Commission in fact proposes to unify right, costs and “guarantees” for all contracts, which are not open-ended contracts and whether the Commission also considers efforts on drafting provisions on a single open-ended contract.

It is important that there is an adequate protections for persons working on a variety of bases and that open-ended contracts represent a larger share in the labour markets of Member States. With this in mind one should conclude that the EC proposals are useful, but should be of a non-binding nature.

Furthermore, when defining flexibility of a given labour market, the unemployment rate should be taken into account, particularly among young people, and the wealth of residents (GDP per capita).

5. Gender equality and work life balance.

The European Commission points to underrepresentation of women in full time employment and the fact that they continue to receive lower hourly wages. At the same time, in many countries there is a lack of adequate leave and care arrangements for children and other dependent family members. It discourages women with caring responsibilities from continuing their jobs or re-entering employment. Then, access of self-employed or workers who are not on full time and permanent contracts to paid family-related leave or insurance schemes remains uneven. Men are not sufficiently encouraged to take leaves, they may also lack satisfactory opportunities to take advantage of them.

Therefore, the Commission proposes - inter alia - that all parents and people with caring responsibilities shall have access to adequate leave arrangements for children and other dependent relatives. An equal use of leave arrangements between sexes shall be encouraged, e.g. through measures such as the provision of remunerated leave for parents, both men and women.

With reference to this proposal, following doubts should be raised:

Under the Polish system leaves are intended for workers, while remaining persons may have access to benefits from social insurance. It seems that the Commission makes a similar distinction in the discussion of this item, however the proposals themselves only point to leaves. The sole indication of leaves as an available tool for ensuring care - is not full and satisfactory, as Member States have different systems in place. Furthermore, it is not founded in the Directives in place (Directive 92/85/EEC and Directive 2010/18/EU refer to employees, while Directive 2010/41/EU refers to persons other than workers, self-employed and regulates the issue of maternity benefits).

Secondly, presently there is no binding act at the European level, which would put an obligation on Member States to ensure a relevant leave for care over dependent persons. Therefore the wording proposed by the Commission intends to change the existing law, which is inconsistent in the light of the premises of the Pillar.

At this point it should be explained that the Polish labour law also does not provide for leaves to provide care over dependant persons. There is a similar institution in the form of a cash benefit regulated by the Act of 25 June 1999 on cash benefits from the social insurance in case of sickness and maternity (i.e. Dz. U. of 2016, item 372). Pursuant to Article 32 of the above mentioned act a caregiver benefit is paid to the insured who are exempt from work owing to the necessity to take personal care of a family member listed in the Act (who is not a child under 14) for a period of 14 days in a calendar year.

7. Conditions of employment.

The European Commission has noted that new forms of flexible employment required additional care to specify the nature, volume or duration of work, to identify the employers as well as the associated level of social protection and to avoid abuses in periods of probation. Workers have lower awareness of rights and there are unclear information requirements for employers. Complex and uncertain regulation governing the termination of open ended contracts makes firms reluctant to hire.

Therefore the Commission proposes that every worker shall be informed in written form prior to the start of employment on the rights and obligations derived from the employment relationship. The probation period should be of a reasonable duration; prior to its start, workers shall receive information on its conditions. Furthermore, dismissal of a worker is to be motivated, preceded by a reasonable period of notice. It should also be connected with an adequate compensation attached to it as well as access to rapid and effective appeal to an impartial dispute resolution system.

With reference to these proposals the following should be noted:

Pursuant to the Polish Labour Code the information on employment conditions pertains to all types of employment contracts and includes information on: daily and weekly work time, frequency of payment of remuneration, leave entitlement, period of notice, collective labour agreement by which a worker is covered. Furthermore, if an employer is not obliged to draft work rules - he or she should additionally inform a worker on: night time, place, date and form of payment of remuneration and the manner of confirming arrival to and presence at work, as well documenting excused absence at work. Such information should be presented to a worker in writing, not later than 7 days after conclusion of an employment contract. That is not prior to the start of employment, as the Commission proposes. The requirement to provide workers with information prior to the start of employment is not supported by the Directive of the Council (91/533/EEC) of 14 October 1991 an employer's obligation to inform employees of the conditions applicable to the contract or of the employment relationship.

One should bear in mind that the review of Directive 91/533/EEC does not give a direct indication of efforts being targeted towards earlier provision of information on conditions of employment to workers. Under the review of implementation of the Directive 91/533/EEC in the Member States, the Commission contracted an external entity to carry out the analysis of implementation of this regulation. The contracted study had been planned for the period between April 2015 and February 2016. The analysis covered 31 countries of the European Economic Area (28 Member States, Norway, Lichtenstein and Iceland), since the time of adoption of the Directive 91/533/EEC (i.e. 1991) to present times, taking into account changes in conditions of employment expected in the future. The analysis was founded on three questions:

1. In which direction should Directive 91/533/EEC be amended?
2. Should the administrative burden resulting from Directive 91/533/EEC be reduced?
3. Should Directive 91/533/EEC be applicable to new/atypical forms of employment?

In January 2016 the EC also launched public consultation on employers' obligations related to informing workers on conditions applied to employment contract or employment relations.

The questions in the EC's questionnaire pertain to the following issues:

- general knowledge of respondents on the content of the Directive and opinions on the direction of changes in this area,
- the scope of information that should be provided to a worker,
- the scope of protection, which the Directive provides or should provide, to new categories of workers or performing work in conditions of employment,
- the effectiveness of protection guaranteed by the Directive and its impact on conditions of employment and functioning of the market.

As regards the period of probation, the Labour Code stipulates that an employment contract for a probation period shall be concluded for a period not exceeding 3 months, for the purpose of verification of worker's qualifications and the possibility of employing such worker for the purpose of provision of the specific type of work. Subsequent conclusion of a contract for a probation period with the same worker shall be possible:

- if a worker is to be employed to perform a different type of work,
- following at least 3 years from the day of termination of expiry of a previous employment contract, if a worker is to be employed to perform the same type of work; in this case it is admissible to conclude another employment contract for a probation period once.

As regards dismissal of a worker - notice periods for fixed period and open-ended contracts have recently been unified. However, the Labour Code does not envisage justification of all cases of dismissal. Generally, each case of termination of an employment contract without notice shall be justified. As regards termination, the requirement for its justification depends on the type of the terminated employment contract. Only termination of open-ended employment contracts require justification.

In case of termination of an employment contract, a worker has the right to claim compensation in court (Article 44 and following of the Labour Code). Furthermore, the compensation shall be paid in specific cases stipulated by specific provisions of the Labour Code and other Acts. For example, compensation shall be paid in case an open-ended or fixed term employment contract is terminated because of bankruptcy or liquidation of an employee or for other reasons not lying with employees and for the purpose of termination of the employment contract the employer has shortened the 3 month notice period (to the minimum of 1 month). In such cases a worker is entitled to compensation in the amount of remuneration for the remaining part of the notice period. The Act of 13 March 2003 on special principles for terminating employment with employees for reasons not attributable to employees provides for the obligation to pay a severance payment to a worker in connection with termination of the employment relationship for reason not attributable to a worker.

11. Integrated social benefits and services

It should be emphasised that the area of social assistance should in particular not be subject to Community legally binding acts, and all forms of cooperation in this area at the EU level should be characterised by possibly large flexibility, facilitating adaptation to significantly diversified socio-economic conditions and traditions of social policies of individual Member States.

In the context of EC's questions it is important to inform the analysis with the EU social acquis, mechanisms and forms of cooperation developed so far in the area of social policy, particularly in the framework of policy for combating poverty and social exclusions - such as the Open Method of Coordination or the European Platform Against Poverty and Social Exclusion.

13. Pensions

Poland opposes the recommendation linking the statutory retirement age to life expectancy. The change of a parameter as important as the retirement age should each time be subject of a broad public debate and agreement with social partners. Introduction of changes related to the statutory retirement age must take into account the health status of the population and must be correlated to employment opportunities existing in the market. Only such changes shall be able to bring real and substantial social and economic benefits.