Addendum 3

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Summary of Professional Accomplishments

1. Full name

Aneta Kowalczyk

2. Diplomas and academic degrees, including the name, place and year they were obtained, as well as the title of the doctoral dissertation

A master of law degree obtained in 1997 from the Maria Curie Skłodowska University of Lublin, Rzeszów Branch, Faculty of Law and Administration; field of study: Law

A doctor of laws degree obtained in 2005 from the Maria Curie Skłodowska University of Lublin, Faculty of Law and Administration, after a public defence of the doctoral dissertation prepared under supervision of Prof Jerzy Wratny, PhD. Title of the dissertation: ***The notion and legal effects of the principle of trade union representativeness in Polish law***.

3. Information on the previous employment in research or higher educational institutions.

From 1 October 1997 to 31 August 2001: research and teaching employee holding the position of Assistant Lecturer at the Maria Curie Skłodowska University of Lublin, Rzeszów Branch, Faculty of Law and Administration, Division of Civil Law and Labour Law.
From 1 September 2001: research and teaching employee at the University of Rzeszów, Faculty of Law and Administration, Division of Civil Law and Labour Law.
From 1 January 2006 ongoing: research and teaching employee holding the position of Assistant Professor at the University of Rzeszów, Faculty of Law and Administration, Division of Civil Law and Labour Law (later transformed into the Division of Labour Law and Social Insurances).

4. Indication of the achievement under Art. 16 (2) of the Act of 14 March 2003 - Law on Academic Degrees and Title and Degrees and Title in the Arts (Dz.U. [Dziennik Ustaw = Journal of Laws] of 2016, item 882 as amended)

a) Title of the scientific achievement

"The notion of collective dispute and peaceful methods of its settlement in Polish law"

b) (author, title of publication, year of publication, name of publishing house, editorial reviewers)

Aneta Kowalczyk, *The notion of collective dispute and peaceful methods of its settlement in Polish law*, Rzeszów 2017, Wydawnictwo Uniwersytetu Rzeszowskiego pp. 226; editorial reviewer: Prof. Jerzy Wratny, PhD.

c) Elaboration on the scientific objective of the above work and on the results achieved, together with a discussion of their possible use

The above monograph is dedicated to the notion of collective dispute and peaceful methods of its settlement, or negotiation, bargaining, mediation and social arbitration in Polish law.

Disputes are an inherent element of social relations, also of legal relationships, including employment relationships. Whereas collective disputes are one of the most important legal instruments that allow trade unions to fulfil their basic obligations and, at the same time, to exercise their entitlements, i.e. to defend the rights and interests of employees and other people concerned. It should be noted, however, that social dialogue and ensuring a social order are among the main objectives of collective labour law. These objectives are not always attainable without having to employ the procedures for collective dispute settlement.

Because, due to their extent, collective disputes concern very touchy subjects. Regulations stipulating the principles for settlement of such disputes are intended to help the parties involved in the dispute reach a consensus in conflictual situations. It should be

remembered, however, that even establishing optimal statutory conditions for reaching compromises will not ensure social peace in employment relationships because it is the parties that are responsible for the dispute. Anyway, excessive casuistry in laws can hinder constructive dialogue between the parties in dispute.

The choice of the subject of the monograph was dictated by the role and significance of peaceful methods of dispute settlement in the stabilisation of collective employment relationships. The additional reason for this choice was that there is no comprehensive study on the subject matter in question, except for an item by B. Cudowski, titled *Collective disputes in Polish labour law* and published 18 years ago.

The dissertation mentioned above aims to attempt to answer to the question about the efficiency of the laws concerning collective dispute settlement assuming that the fundamental role of the peaceful methods is to prevent strikes.

Chapter **one**, *The notion and typology of dispute* explains the terms 'conflict' and 'dispute', as a conflict may evolve into a dispute if it is externalised. This chapter also discusses the criteria for differentiating disputes, in particular disputes over rights versus disputes over interests and individual disputes versus collective disputes.

Interpersonal relationships involve multiple conflicts that should be considered natural phenomena accompanying the development of the civilization. There is no consistent view on both the definition of conflict and its typology. In the context of collective disputes, the adequate typology of conflict seems to be the one in which a dispute arises at the time when the conflict is externalised. This will be when the demands formulated by the trade union party are presented to the employer. The employer's acceptance of the demands will mean that no dispute has begun. The act on collective dispute settlement does not define collective dispute but limits itself to outline, even in a general way, possible subjects of dispute. Dictionaries define a dispute from the angle of the procedure for its settlement. However, the lack of consistency in the legislator's use of terminology raises doubts about whether employees' rights, and not only their interests, can be the subject of a collective dispute. It seems that they can. The inconsistency in the legislator's use of terminology can underpin the assumption that the notion of interests introduced to most laws is to be interpreted broadly, without establishing any clear boundary between the protection of the latter and the protection of employees' rights.

Chapter **two**, Collective dispute settlement standards under international and European law and constitutional standards presents international and European regulations governing freedom of association, the right to collective bargaining resulting from that freedom and the

International Labour Organisation's standards on collective negotiation and constitutional standards on freedom of association and negotiation.

Employees' and employers' right to form associations represents the cornerstone of collective labour law. The right to collective bargaining results from the freedom of association. The collective bargaining issues are complex and thus entail problems of interpretation of the term "bargaining" or "negotiations". Because the question arises whether bargaining or negotiations should be considered a method of settling a specific dispute or a labour market instrument being a common ground for agreement between the representatives of employees and those of employers. Overall, it needs to be assumed that negotiations an instrument for attaining a social order in different areas of life. But in terms of collective labour law, negotiations, more commonly referred to as bargaining, are first and foremost an instrument used for ensuring a social order and, among other things, a statutory method of resolving collective disputes. The international standards on negotiations point out their voluntary character, raising questions about to what extent the standards correlate with Polish law. Because, according to Polish law, negotiations are mandatory in resolving collective disputes. There are two aspects of negotiations (bargaining) that can be referred to collective disputes. The first aspect refers to a form of dialogue between the parties that can come up in any stage of the dispute, including a strike campaign. In such a case, there is no doubt about the voluntary character of bargaining. The other aspect relates to one of the methods of resolving collective disputes. In such a case, doubts might possibly arise as to whether the national regulations correlate with the international standards. However, it is not possible to state definitely that negotiations between social partners are devoid of the voluntary character, for instance for the reason that conflicts not encompassed by the statutory definition of collective dispute can be resolved in a way agreed on by both parties.

Another issue is the correlation of the national laws guaranteeing a monopoly to trade unions on representing employees in collective disputes. Because the international standards permit non-union representations of employees to enter into negotiations, assuming that measures are implemented to prevent the undermining of the position of trade unions. However, the trade union monopoly introduced by the national legislation is permitted according to the European standards if the requirements for forming trade union organisations, arising out of the national legislation, are not very excessive. The relevant requirements arising out of Polish laws and regulations are not excessive in the opinion of the European Committee of Social Rights. As for the constitutional regulations, the degree of generality of the constitutional standards does not allow me to unambiguously answer to the

question whether or not the constitutional regulations guarantee trade unions a monopoly on representing employees in collective bargaining. However, the Constitution of the Republic of Poland does not appear to be an obstacle to developing non-union forms of employee representation.

Chapter **three**, *Parties in collective dispute* addresses issues that stir up the greatest controversy, particularly the question of trade union monopolies in employee representation, the justification for the legal solutions adopted and the prospects for change in the legal situation. Trade union monopolies are mandatory both in the case when an employer has at least one active trade union organisation and when no such organization is active in a given work establishment. This solution is undoubtedly supported by considerations relating to tradition, so far as the Polish solutions are concerned. Despite the tradition-related factors and the lack of contradiction to the international standards, the solutions guaranteeing trade unions a monopoly in the representation of employees' rights and interests currently arouse controversy among Polish scholars. The controversy is partly dictated by the evident decline in the rate of unionisation which we observe in Poland and which is a consequence of the lack of trade unions in a number of companies. The decline in the rate of unionisation undoubtedly justifies the seeking of solutions enabling as many employees as possible to take part in social dialogue. On the other hand, however, alternative solutions for trade union representation in collective disputes involve certain risks due to the sensitive nature of interpersonal disputes, and specifically collective disputes. First of all, due to the fact that such disputes touch upon the employer's financial sphere, the employees' representation in dispute must demonstrate substantial autonomy and independence of the employer. Secondly, as regards relevant regulations, the tradition may hinder and impair the functioning of other representations because of the habits of the employees themselves. It should be noted that representations appointed ad hoc for the purposes of resolving a specific collective dispute will not exercise adequate autonomy. Independence and self-governance are the two most important statutory warranties that are to ensure autonomy. But, meanwhile, the legislator introduces individual protection covering designated trade union activists. The protection, which is a manifestation of special protection for the permanence of the employment relationship, is to prevent situations where termination of the relationship is a sanction for the trade union activity. It seems like it is advisable to liberalize the regulations concerning trade union monopolies, albeit the liberalization should be considered very carefully, in such a way that, when developing an alternative to trade union representations, the relative balance between the parties in dispute is not disrupted. This can be achieved through adopting protective

regulations to strengthen non-union representations.

Trade union pluralism involves the need for introduction of laws enabling a greater number of trade unions to cooperate and exercise their entitlements. The admissibility of appointment of representations or common action by trade unions is a standard solution for this issue. An analogous solution has been introduced with regard to the employees' side in collective dispute. But doubts may arise as to how far it is sufficient when it comes to optimizing legal solutions. Despite the common goals that are the defence of employees' rights and interests, trade union organisations may have different opinions, for instance on priorities. Moreover, the common goals yet do not mean a community of interests, and in such a case, cooperation is not only hindered but it can simply turn out to be impossible. Trade unions may compete with each other if they contend for the same areas of influence. There is therefore a need for introduction of legal solutions which, on the one hand, will prevent discrimination of trade unions and, on the other, will, however, limit the number of those unions which can represent employees. This objective is pursued by representativeness that should be intrinsic to a trade union representing employees in collective dispute. *De lege lata*, there is no such solution in the Act on the Resolution of Collective Disputes. The optimum solution is a situation where it is the electorate that appoints a representative of trade union organisations, for example by referendum, but it is not always feasible or reasonable. The reason may be, for example, the costs involved in conducting a referendum at a level extending beyond work establishments which may be disproportionate to the "profits". It is sometimes difficult for employees to assess the effectiveness of the activities conducted by trade union organisations due to their level of operation. Therefore, in the case of supra-institutional trade union organisations, the most efficient solution seems to be quantitative criteria for representativeness.

Referring to the employees' side in collective dispute, one cannot ignore the problem of possible admissibility of the right to initiate a collective dispute by a trade union prior to its registration. The registration requirement is an instrument enabling the application of the principle of social peace in collective employment relationships, also on the grounds of collective disputes and thus ensuring a more effective defence of employees' rights and interests. There is no doubt that a trade union is formed upon adoption of a resolution on its forming. However, it does not amount to the thesis that a trade union can start activity in its broad scope even prior to the registration, exercising its all entitlements. Following adoption of the resolution on forming a trade union, the union undoubtedly can exercise its entitlements related to the election of statutory authorities, the adoption of the statutes or the election of the

founding committee but it should put the exercising of the rights related to representation of employees on hold until the registration. This also applies to the representation of the employees' side in collective dispute. Because, since the legislator guarantees trade unions a monopoly in this respect, it seems essential to make sure that the entity which exercises the monopoly has a legitimacy to do so.

The greatest controversy concerning the employer's side in collective dispute is undoubtedly aroused by the management concept of an employer that has been adopted under the Polish labour law. Because, since the employer is, according to that concept, an entity having competence in managing employees irrespective of the property title, it may appear that in fact, it is not empowered to contract property obligations. However, the most frequent causes of collective disputes are employees' wage claims. It would be worthwhile to consider a return to the proprietary concept of an employer.

A change of the employer that may also bring about legal effects under the collective labour law, and, in particular, have an effect on the course of the collective dispute, is an important problem. But it should be stressed that the effect of a takeover of a work establishment by another employer on a collective dispute will be dependent on the degree of the organisational restructurisation of the employer and on the legal status of the work establishment trade union organisation. The latter in turn largely depends on the degree of restructurisation on the employer's side. If a work establishment is completely taken over by a new employer, the dispute will be in the continuation phase because no change in the employees' interests has occurred. Whereas the division of a work establishment between two or among more employers will result in the impossibility of continuing the collective dispute in the absence of a representative of the employees' side. It will thus be ended in consequence of the loss of legal existence by the trade union, and the crossing of the trade union off the registry will be enough to end the dispute.

Chapter **four** of the dissertation, *The material scope of collective disputes*, is dedicated to the statutory causes justifying initiation of a collective dispute and to the reasonableness of laws and regulations in their current state. The chapter explains the terms pay, social benefits and freedom of association, supplementing the theoretical discourse with statistics related to the frequency of occurrence of specific statutory prerequisites as the causes justifying initiation of a collective dispute. From the collective dispute dossiers collected in the Ministry of Family, Labour and Social Policy, Department of Social Dialogue and Social Partnership it appears that among the motives for collective disputes, wage claims are the dominant motives, making up the sole cause or one of a few causes of initiation of a collective dispute.

Trade unions' demands have most often been nothing but wage claims, including, first and foremost, claims for higher wages. It is also characteristic that pay conditions as the cause of dispute have taken different configurations with other statutory prerequisites, as a result of which disputes initiated for reasons not related to pay conditions have been marginal.

Chapter **five** is titled *The characterisation of peaceful methods of settling collective disputes* and addresses the essence and characteristics of these methods. The chapter describes the various stages of the peaceful procedure for dispute settlement, or negotiations, mediation and arbitration. It particularly analyses the notion and characteristics of negotiations that are not a mere method of settling collective disputes. Further, it presents the characteristics and types of mediation, attempting to answer to the question about the role played by the mediator in collective disputes. The method for the election of the mediator is also discussed. The legal nature of agreements ending collective disputes is analysed and the relevant shortcomings of applicable laws and regulations are identified. Further on, the proceedings before a board of social arbitration are discussed and a stance is taken on the legal nature of the awards ending that stage of dispute settlement. Conclusions regarding the need for change in the laws and regulations on the issues in question have also been presented.

Due to the gradual formalism, the various stages of settling collective disputes, from negotiation through mediation to arbitration are, as intended by the legislator, to create optimal conditions for the parties in dispute to end the dispute by reaching an agreement. Therefore, the procedure begins with the least formalized stage, that is, with negotiations, and then goes to a more formalized method, or mediation, and next, to the most formalized one, or the settlement of the dispute by a board of social arbitration.

Negotiations are an institution that appears in various contexts of collective labour law wherever the optimum effect of a given procedure is to be an agreement. So, negotiations are both a component of the procedure for settling collective labour disputes and an element of such a model of mutual relations between employees and employers that will ensure dialogue and compromise. But in terms of collective labour law, negotiations are first and foremost a form of social dialogue that enables achieving of a social order and at the same time, they make up one of the methods of settling collective disputes. *De lege ferenda*, it does not thus appear reasonable to single negotiations out as a separate statutory stage of dispute settlement. Because it is a natural way of resolving conflicts, and hence it is obvious that parties in dispute will not skip this stage.

Mediation, or the peaceful method following negotiations is geared towards joint communication of the parties, too, but it takes place with the aid of a mediator. Its essence is

thus the resolution of the dispute by the parties to it but with the involvement of a third party, or the mediator. The legislator has not specified mediators' competence in detail, limiting itself to mere general instructions. The fundamental question about the role of mediators comes down to whether they may or may not suggest solutions to the parties to a dispute. Since their role is not expressly specified in the relevant act, no unequivocal answer to that question can be provided. The answer will largely depend on the applied method of mediation and such method is chosen by mediators themselves. However, account should be taken of the fact that there is no common understanding about whether all the methods of mediation described in the literature can be employed to resolve collective disputes.

The parties in dispute are employees' representatives in the form of trade unions and not, as is the case with individual disputes, the parties directly involved in a conflict that later takes the form of a dispute. The specificity of the parties in collective dispute can, on the one hand, decrease the level of the emotional factor and on the other, it can heighten the parties' sense of responsibility for the course and resolution of the dispute and thus enhance the prospects for settling it by agreement. The specificity has also a bearing on the model of mediation as it is pointless to apply a part of the methods due to the parties' lesser emotional involvement or of their personal approach to the dispute. Other methods of mediation cannot in turn be applied on the grounds that parties in collective dispute strive to end it by agreement. Such mediation methods as transformative mediation or humanistic mediation which are aimed at resolving tension between the parties and at looking at the dispute with less intense emotions and not at reaching an agreement are not applicable either. Whereas, classic mediation can be applied in collective disputes. In this method, the mediator's role is to support the parties in the process of reaching agreement. The mixed mediation method, or classic mediation with some elements of evaluative mediation, is also worth considering. In the case of this kind of mediation, the mediator can aid the parties in mutual communication which is typical of classic mediation but, at the same time, the mediator can suggest the ways of resolving the dispute as is the case with evaluative mediation. However, this thesis can only be advanced with an assumption that we admit such mediation and, at the same time, we assume that it will not exclude the impartiality of the mediator. Because, if more active participation of the mediator goes beyond his or her impartiality that is also typical of mediation, it would not seem feasible to apply this method. Since, as for the mediator's role, the Act on the Resolution of Collective Disputes expressly requires mediators to be impartial. The possible admissibility of the mixed mediation method would therefore be only acceptable with an assumption that mediators will take into account the interests of both parties when

suggesting solutions. In practice, it may turn out to be very difficult. Therefore, it would be appropriate to introduce adequate legal solutions providing for admissibility of such mediation, assuming that evaluative mediation in its pure form, without any elements of mixed mediation, will rather not be feasible. This can be determined by the fact that in evaluative mediation, the mediator acts like an expert in a given field. Due to the complexity of the material scope of collective disputes it would be, however, difficult to expect the mediator to have this type of complex expertise.

As regards other types of mediation, mediation based on the interests of both parties may undoubtedly be helpful in settling collective disputes. In such a case, the role of the mediator is to take measures aimed at reaching a consensus by the parties. To this effect, the mediator can control the course of the mediation by, for example, setting out the rules to be followed and the issues to be discussed, or by motivating the parties to focus on the future, or on possible agreement. Although the essence of mediation is some little formalism, the institution of the mediator needs further clarification, at least with regard to the mediator's role. The question whether only natural persons or also legal persons can be mediators remains unanswered, too. It seems like the first suggestion is more correct. Admittedly, it limits the parties in dispute in respect of the mediating entity but it is in accordance with the fundamental requirement for mediators that is the parties' trust in the mediator.

Arbitration as a method of settling collective disputes does not appear to fulfil its role in its current state. This is in particular shown by the small percentage of disputes resolved by this method. Such a situation may be affected by the fact that this method is not mandatory.

Another issue is the legal nature of the agreements ending disputes. Even though the view on rating the agreements ending the peaceful stages of collective disputes among normative agreements seems to be *de lege lata* justified, Article 9 of the Labour Code, which specifies the sources of labour law, undoubtedly needs to be worded more precisely, especially with regard to the expression "based on the law".

As stated above, the aim of the monograph is to attempt to answer to the question about the efficiency of the laws concerning the peaceful methods, assuming that their fundamental role is to prevent strikes. When analysing statistical data, one cannot provide an unequivocal answer to the question about to what extent the aim has been achieved. The data are incomplete due to the fact that, while there is a statutory obligation to notify the State Labour Inspectorate of initiation of a dispute, the obligation of notification does not apply to the next stages of the dispute or to the number of agreements concluded or to the start of a strike. Basing on the data from GUS [Poland's Central Statistical Office] about the number of

strikes and referring them to the number of disputes, one can indirectly come to a conclusion about the effectiveness of the peaceful methods. (The average annual number of disputes is 300, the number of strikes - over 30 per year). The data on cases of mediation ended with an agreement do not provide any grounds for concerns. However, the data are incomplete as they are limited to the cases of mediation conducted with the participation of a mediator appointed by a minister. Given that most of the causes justifying initiation of dispute are wage claims that carry the greatest risk of conflict, the percentage of reached agreements, which is around 45.5%, seems not to deprecate mediation but to prove its relative effectiveness. However, the positive assessment of the effectiveness does not apply to arbitration which in its current state is a defunct institution.

But it should be noted that the problem of assessment of the effectiveness of the peaceful methods has to be looked at in a variety of aspects, also from the angle of evaluation of the laws and regulations on the resolution of collective disputes. What should lie behind the legislation on the resolution of collective disputes is one idea shaping all the relevant laws and regulations. Collective disputes should either be restricted for the sake of the principle of social peace or they should be admissible to a large extent, assuming that they will result in reasonably durable agreements. I believe that the laws and regulations should be shaped based on the first of the values, or on the restriction of disputes, hence the postulate of introduction of the requirement of representativeness.

My other scientific achievements also centre around the issues of collective labour law, as they have been the dominant area of interest in my scientific research, both before and after obtaining the doctor of laws degree. My scientific work has mainly addressed the problem of representativeness of trade unions, employers' organisations, the right of coalition and negotiating mandates of trade union organisations but the subjects of my interests have also included the issues of individual labour law related to protection of employees, including wages and salaries, protection of employment relationship for appointed university teachers and employment of disabled people.

The dominant area of my scientific research interests covers the issues of trade union law and can be divided into three research fields: **representativeness of trade unions, the role of trade unions in protecting employees and the rights of trade unions**. I have undertaken the research on representativeness of trade unions prior to entry to the PhD programme. After earning the doctor of laws degree, I have continued my interest in representativeness, in particular representativeness related to the rights of trade unions. The

results of my research have been presented in the following papers: *Główne założenia zasady reprezentatywności związków zawodowych w prawie polskim* [The main features of the principle of trade union representativeness in Polish law] [in:] *Aktuálne otázky práva v postmodernej spoločnosti=Current issues of law in the postmodern community.* Vol. 1: Zbornik z medzinárodnej vedeckiej konferencie konanej dňa 19.-21.4.2006 / Zostavovatel' Mária Kiovská; Univerzita Pavla Jozefa Šafárika v Košiciach. Právnická fakulta, Uniwersytet Rzeszowski. Faculty of Law, Košice: Published by Univerzita Pavla Jozefa Šafárika v Košiciach 2006, *Uprawnienia reprezentatywnych ponadzakładowych organizacji związkowych w zakresie desygnowania przedstawicieli związków zawodowych do organów dialogu społecznego, opiniodawczo-doradczych, kontrolnych* [The rights of representative supra-institutional trade union organisations to designate representatives of trade unions as members of social dialogue, consultative, advisory and review bodies], Zeszyty Naukowe Uniwersytetu Rzeszowskiego. Prawo, 5/2007, *Uprawnienia prawotwórcze reprezentatywnych ponadzakladowych organizacji związkowych na gruncie ustawy o związkach zawodowych* [The lawmaking rights of representative supra-institutional trade union organisations under the Act on Trade Unions], Studia z zakresu prawa pracy i polityki społecznej, Krakow 2007, *Polskie regulacje prawne reprezentatywności związków zawodowych w ujęciu historycznym* [Polish laws on representativeness of trade unions from a historical perspective], Ius et Administratio 1/2007, *Zdolność układowa reprezentatywnych związków zawodowych scientist* [Representative trade unions' capacity to reach agreements], Zeszyty Naukowe Uniwersytetu Rzeszowskiego. Prawo, 6/2008.

The core of my early research on representativeness has been made up of the issues related to recognition of representativeness, on account of the amendments to the Act on the Tripartite Commission for Social and Economic Issues and Provincial Commissions for Social Dialogue that involved the need for new application for recognition of representativeness after 4 years from the date on which the previous decision became effective. The amendments have prompted me to carry out, 10 years later, new research on the practice of recognition of representativeness of supra-institutional trade union organisations, primarily so as to establish the number of new applications for recognition of representativeness, in the context of my thesis that representativeness can only be used to the fullest extent when most of the employees are covered by trade union protection. The results of my research reflect the current rate of unionisation and have allowed me to conclude that the number of trade union organisations meeting the criteria for representativeness is not increasing since new applications are isolated cases (between 2004 and 2014, only 6 such

applications, out of the overall number of 100, were made, 2 of which were dismissed and other 2 were a consequence of the change in the regulations). In my PhD dissertation, I have attempted to answer to the question about how far my thesis about the need for looking for alternative solutions with regard to employees' representations should be verified. After 10 years of operation of works councils it is clear that they are too weak and do not constitute an alternative to trade unions. With the benefit of hindsight, it would have been better to strengthen the position of trade unions through introducing laws taking account of the decline in the rate of unionisation, since the introduction of the requirement of forming other employees' representations in the form of works councils will not determine their effectiveness. These conclusions have been presented in the monograph: *Pojęcie i skutki prawne zasady reprezentatywności związków zawodowych w prawie polskim* [The notion and legal effects of the principle of trade union representativeness in Polish law], Rzeszów 2014.

The role of trade unions in protecting employees is another field in the area of my scientific research. My interests in this field have particularly covered negotiating mandates of trade unions with regard to creating independent sources of labour law. The research has attempted to answer to the questions: What determines the role of trade unions in creating independent sources of law? and: How far does the exercising of their rights by trade unions protect the interests of employees, especially in laying down the remuneration criteria? The research has resulted in the two publications: *Rola związków zawodowych w negocjacjach w sprawach pracowniczych* [The role of trade unions in negotiations on labour matters [in:] *Prawo pracy czynnikiem skutecznego kierowania ludźmi*, edited by Andrzej Nowak, Radom 2013; and *Obiektywne kryteria ustalania wysokości wynagrodzenia a układy zbiorowe pracy* [Objective criteria for determining remuneration versus collective bargaining agreements], Zeszyty Prawnicze, 15.4/2015. The papers present the results of analysis of provisions of collective bargaining agreements for criteria for determining remuneration. The participation of social partners in concluding collective agreements should guarantee objectivity of the criteria for determining remuneration.

The analysis of selected collective agreements indicates that in many cases those sources repeat the general criteria laid down in the Labour Code. At the same time, however, additional supporting criteria are introduced to allow diversification of remuneration for work at specific positions. Collective agreements also provide an opportunity to allow exceptions to the rates of remuneration specified therein, for example for the reason of particularly high qualifications of an employee. So, the agreements introduce solutions which are more

customized in character, thus giving more freedom to the employer. Wage category and qualification requirement tables are of considerable importance in the objectivization of the criteria for determining remuneration. Collective agreements often contain criteria with hardly verifiable objectivity, for example, employees have to prove their abilities qualifying them for work at specific positions. The objective of collective agreements is thus to specify more precisely the criteria laid down in the Labour Code, however, such agreements often contain vague criteria which take on the assessing character and provide an opportunity to be more flexible in determining remuneration for individual employees.

In the field of trade unions' rights, my scientific interests have covered the right of coalition and the right to collective bargaining. These interests have resulted in the publication of the following papers: *Zasada monizmu i pluralizmu związkowego w prawie polskim* [The principle of trade union monism and pluralism in Polish law] , Zeszyty Naukowe Uniwersytetu Rzeszowskiego, *Prawo,* 4/2006, *Kształtowanie się regulacji prawnych dotyczących prawa koalicji w aktach prawa międzynarodowego* [The development of regulations on the right of coalition in instruments of international law [in:] *Państwo i prawo w dobie globalizacji*, edited by S. Sagan, Rzeszów 2011, *Prawo do rokowań zbiorowych jako konsekwencja wolności zrzeszania się* [The right to collective bargaining as an effect of the freedom of association], Prawa Człowieka. Humanistyczne Zeszyty Naukowe, 17/2014, *Monopol związkowy w zakresie prawa prowadzenia i inicjowania sporu zbiorowego a konstytucyjne prawo do rokowań zbiorowych* [Trade unions' monopoly in handling and initiating collective dispute *versus the constitutional right to collective bargaining,* Studia z zakresu prawa pracy i polityki społecznej. Krakow 2016.

Employers' organisations make up another field within the area of my research into collective labour law. The issues of representativeness of employers' organisations have been of special interest to me, especially when it came to the criteria for representativeness and for its recognition. The latter problem has been the subject of my analysis relating to not only laws and regulations but also to the empirical research that I conducted in the Regional Court of Warsaw. The research results have provided a basis for my conclusions about the need for amending the applicable laws and regulations with both provisions simplifying the criteria for representativeness and those allowing verification of representativeness earlier than upon lodging the subsequent application for its recognition. My interests in this field have led to the publication of the two papers: *Ustawa o organizacjach pracodawców* [Act on Employers' Organisations [in:] *Zbiorowe prawo pracy. Komentarz*, edited by J. Wratny, K. Walczak, Warsaw 2009, and *Organizacja pracodawców i jej reprezentatywność - wybrane problemy*

[An organisation of employers and its representativeness: Selected problems], Studia z zakresu prawa pracy i polityki społecznej, Krakow 2015.

The next field within the area of my research interests relates to the issues of **protection of employees and of diversification of their entitlements** under individual and collective labour law. I have focused on the protection of remuneration, and, more particularly, on answering to the questions whether the genesis of such protection can be sought in Roman law and whether labour remuneration has played a similar role in ancient Rome to that played today. The effect of my investigation is the publication *Ochrona wynagrodzenia za pracę. Prawo rzymskie a współczesne regulacje prawa pracy* [The protection of labour remuneration. Roman law versus contemporary labour legislation], Zeszyty Naukowe Uniwersytetu Rzeszowskiego, Prawo, 14/2014. The analysis of legislation regarding remuneration and its protection in Roman law and in today's Polish Labour Code allows me to conclude that the germs of protection of remuneration may have originated in Roman law.

The problem of diversification of entitlements is another interesting issue within the scope of my research, also in the context of protection that is one of the dimensions of the diversification. The groups of employees on which I have focused are appointed university teachers employed on the basis of appointment, disabled employees and local government employees. In the first case, I have addressed the trend in the change in protection of employment relationships of university teachers employed on the basis of appointment, presenting the evolution of this type of employment in the post-war period, with special emphasis put on the changes in termination of appointment-based employment relationships. The analysis of the changes in respect of the causes of termination of appointment-based employment relationships has allowed me to conclude about a gradual diminution of the protection of employment relationships of so employed university teachers by the legislator. As a result of these interests, I have contributed to the following paper as its co-author: *Tendencje zmian w zakresie stabilizacji zatrudnienia nauczycieli akademickich zatrudnionych na podstawie mianowania,* [The trends in change in the stabilisation of employment of university teachers employed on the basis of appointment] [in:] *Prawny model zatrudnienia nauczyciela akademickiego. Wybrane zagadnienia,* edited by A. Bocheńska, A. Musiał, Poznań 2016. In the second case, I have focused on one of the forms of professional activation of disabled people, namely, on professional rehabilitation. Within this scope, my investigation has been aimed at finding an answer to the question about how far professional rehabilitation enhances disabled people's chance of entering professional employment. My

conclusions have been included in the paper: *Bezrobocie a niepełnosprawność. Rehabilitacja zawodowa jako przejaw aktywizacji zawodowej osób niepełnosprawnych – wybrane zagadnienia* [Unemployment and disability. Professional rehabilitation of disabled people as an aspect of professional activation: Selected Issues], Zeszyty Naukowe Uniwersytetu Rzeszowskiego, Prawo, 21/2017. These conclusions have allowed me to advance a thesis that the problem of unemployment among disabled people is complex and it is difficult to unambiguously indicate its causes. But I can state without doubts that adequate laws and regulations on, for instance, professional activation will be the mechanism that will improve disabled people's chance of entering professional employment. Because analysis of relevant Polish legislation indicates that in some aspects the legislation is not sufficient, for instance, there are either no systemic regulations on supported employment or they are not fully applied by employers.

Local government employees have been of interest to me in the context of application of collective labour law to such employees. I have produced the following paper on this issue: *Regulacje prawne z zakresu zbiorowego prawa pracy dotyczące pracowników samorządowych a regulacje ogólne – podobieństwa i różnice* [Collective labour law regulations applicable to local government employees versus general regulations: The similarities and differences [in:] Samorząd Terytorialny (zagadnienia prawne), Vol. III, Zatrudnienie w samorządzie terytorialnym, edited by B. M. Ćwiertniak, Sosnowiec 2015. The paper presents standards for freedom of association in local governments and rights to collective bargaining and collective disputes in local governments. The conclusion has been that in many cases there are analogous regulations on the said rights, both for local government employees and other groups of employees, with account taken of the differences which manifested themselves in, among other things, that some collective labour law institutions, for example works councils, do not refer to local government employees.

The **issues of mediation** have played an important role in my research work, not only as a method of settling collective disputes but also as one of ARD methods. Since the universalism of mediation allows for its employment independently of the material scope of dispute and of the parties in dispute. My interests have particularly centred around the types and methods of mediation in settling the wider disputes as well as around the role of mediators in dispute settlement. These interests have resulted in the following publications: *Mediacja i arbitraż jako pokojowe metody rozwiązywania sporów zbiorowych pracy* [Mediation and arbitration as peaceful methods of settling collective labour disputes [in:] *Arbitraż i mediacja: aktualne problemy teorii i praktyki funkcjonowania sądów polubownych*

i ośrodków mediacyjnych, edited by J. Olszewski, Rzeszów 2009, *Rola mediatora w sporach zbiorowych* [The role of a mediator in collective disputes] [in:] *Prawo pracy. Refleksje i poszukiwania* by Prof. Jerzy Wratny, edited by G. Uścińska, Warsaw 2013, *Mediacja jako przykład pokojowej metody rozwiązywania sporów zbiorowych* [Mediation as an example of a peaceful method of settling collective disputes] [in:] Aktualne zagadnienia prawa pracy i polityki socjalnej, Vol. 3, edited by B. M. Ćwiertniak, Sosnowiec 2013, *Pojęcie mediacji i jej rodzaje z uwzględnieniem dopuszczalności metod mediacyjnych w świetle ustawy o rozwiązywaniu sporów zbiorowych* [The notion and types of mediation with regard to admissibility of mediation methods under the Act on the Resolution of Collective Disputes] *(in press)*.

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