

SUMMARY

of doctoral dissertation:

**Shortening of the working time due to the kind of work or conditions of work
performance**

This dissertation is an attempt to comprehensively present the issues related to the shortening of the time of work performed in conditions that are particularly arduous or particularly harmful to health, as well as monotonous work and work at a predefined pace. So far these issues have not been analysed in full.

The purpose of the dissertation is, in particular, the analysis of the provisions of the Polish labour law on the shortening of the time of work due to its arduousness or harmfulness, as well as the indication of defects of the applicable regulations and the proposal of new legal solutions.

The first chapter of the dissertation presents regulations on shortened working time in Poland applicable from 1918 to 31 December 2003. The chapter is a historical sketch.

The second chapter discusses the theoretical issues related to the topic of working time. They include such notions related to working time as standards, time equivalent, working time systems and distribution, and solutions permitted in that respect by the Polish law. This chapter mostly plays the ordering function.

The third and fourth chapters present the issues related to the introduction and application of shortened working time on the basis of the currently applicable provisions of the law. Chapter three presents the premises for the shortening of working time, while chapter four depicts problems related to the procedure of implementing shortened working time. This chapter mostly includes deliberations that are to help to decide if the employer is obliged to shorten the working time on the basis of the currently applicable Article 145 of the Labour Code or if it is discretionary.

Chapter five focuses on issues related to the shortening of working time on the basis of selected special regulations. When analysing this area, I tried to determine the substantiation for the application of specific legal standards concerning shortened working time.

The sixth chapter is to show which violations of the provisions of the law related to the performance of work in shortened working time are treated by the Polish legislation as misdemeanour or crime against employee rights. The analysis refers to the violation

of the working time rules related to particularly arduous or harmful working conditions, monotonous work or work performed at a predefined place. The secondary problem that appears in the analysis of the above-mentioned violations of the law is the issue of permissibility of overtime when applying shortened working time.

Chapter seven presents the regulations on the shortening of working time due to harmful or arduous working conditions applied in the German and Ukrainian legal systems. The discussion of these regulations allowed for the comparison and assessment of regulations applicable in that respect in Poland. I chose those two legal systems due to close geographic and cultural proximity of the two countries, as well as different experiences in the formulation of the labour law.

The dissertation ends with the conclusion with the assessment of the current legal status and the proposal of *de lege ferenda* solutions.

The academic problem and subject of studies affected the adopted research methods. I chose the dogmatic-legal method as the leading tool whose essence is the analysis of legal texts and literature. The historical method and the comparative analysis method were used as auxiliary tools. The research procedures involved the search for and collection of data, preparation of the gathered material, and its later analysis, verification, relevant interpretation, necessary generalisation and synthesis of the research material that allowed for the formulation of conclusions leading to answers to the questions asked and verification of hypotheses.

Key words: shortened working time, kind of work, working conditions, particularly arduous, particularly harmful, hazardous, monotonous work, work at a predefined pace

Monika Ojog