

# SUMMARY

## The limits of trade union freedoms in the Polish legal system

The issue of the limits of trade unions freedoms functioning in the Polish legal system is the scientific problem of the monograph. Trade unions freedoms should be seen as a fundamental guarantees of solidarity, dialogue and cooperation between social partners in shaping realities of domestic model of the social market economy. The research undertaken and presented in the publication allowed me to conduct a comprehensive characteristic and evaluation of the manner in which the national legislator formalises and restricts free functioning of social partners. The results of the study are also helpful in identifying specific deficiencies of the Polish legal system that should be recognised as major barriers to effective functioning and desired development of the union movement.

The overall scientific goal of the monograph is to identify, systemise, characterise and evaluate limits of trade union freedoms in the context of the Polish legal system. In other words, the study presented in the publication aims at answering the question about how the national legislator restricts trade union freedoms and how such limitations should be formed in accordance with standards coming from biding international agreements. In order to reach the defined scientific objective it was necessary to analyse current legal system in terms of existing legal acts, actual judicature, literature and chosen statistical data regarding European and worldwide labour movements.

In order to comprehensively study the defined scientific problem it was necessary to adopt a complex concept of limits. The concept was based on the assumption that the issue of trade unions freedoms should be examined from two fundamental perspectives. The first perspective is focused on the field of legislative standards biding the legislator in the process of restricting legitimised freedoms. This perspective is defined as „the legislative limits”. On the other hand, the second perspective is related to the process of exercising trade union freedoms by its beneficiaries. In that case, the perspective is defined as “the material limits”.

The structure of the publication was determined by adopted hypotheses and pursued research goals. As a result, the monograph is divided into introduction, seven chapters and conclusion.

Chapter One contains an theoretical analysis that is focused on the essence of trade union freedoms and its limits. The chapter opens with an analysis of the origin and nature of studied freedoms. This part is followed by a presentation of the concept of “the meta-freedoms” and a characterisation of adopted in the research complex concept of the limits of freedom.

Chapter Two should be considered as an attempt to define constitutional formula of limiting trade unions freedoms in the Polish legal system. The chapter contains an critical analysis of the constitutional provisions relating to trade union freedoms and adopted in this field model of limitations.

Chapter Three provides an overview of the international system of legal acts defining permissible restrictions of trade union freedoms. The analysis of universal, specialised and regional systems of international acts allows for identification of fundamental legal standards that are necessary in order to evaluate current restrictions and shape future limits of trade union freedoms.

Chapter Four covers the issue of the limits related to the freedom of association. The chapter opens with a complex analysis of current reform of collective labour law implementing the new statutory concept of personal scope of the right to establish and join trade unions. This part also contains author's proposal of the constitutional definition of "working people". The chapter finishes with a critical analysis of a model of legal recognition of social partners' organisations. The author also evaluates various ideas of mitigating inflexible legal requirements and advances own proposal of making the right of coalition more accessible for working people engaged in the sector of small and micro enterprises.

Chapter Five discusses the issue of negative trade union freedom and its limits. This part of the monograph also contains a critical characteristic of various union security clauses. The author also attempts to assess possible correlation between adoption of a specific model of negative freedom (of association) and the level of unionisation of given labour market.

Chapter Six contains an analysis of the limits of trade union autonomy. The first section provides a critical study of the limits functioning in the field of trade unions' independence. The author discusses such issues as occurrence of "yellow unions" or political commitment of national union movement. This part is followed by a characteristic of the model of judicial supervision of trade union activities. The chapter finishes with an analysis of the limits of unions' self-governance in the context of determining internal structure, membership base or defining policies.

Chapter Seven presents an outline of the limits of social partners' equality. This part of the monograph presents an analysis of the concept of representativeness and its impact on the principle of equality. The author also discusses the issue of legal inequality of social partners. The final section contains author's view about the need to differentiate the legal position of individual categories of working people in terms of their collective labour law guarantees.