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Abstract of doctoral dissertation

## **SOCIAL AGREEMENT AT WORKPLACE LEVEL**

The aim of the dissertation is to present the institutions of collective labour law, namely the agreements concluded by social partners at workplace level, which cannot be included in the category of collective agreements as understood in Art. 9 of the Labour Code. Such agreements have been functioning in legal transactions for a considerable time. They define, to a greater or smaller extent, the rights and obligations of parties to the employment relationship, sometimes when the issues directly connected with the process of teamwork are regulated. These agreements are permanently connected with the functioning of collective employment relationships at the workplace, i. e. in the immediate surroundings of employees and employers. The agreements which constitute the subject of the dissertation are not reflected in Polish legal order, although they contribute to democratisation of the teamwork process. They do not comply with the criteria defined in Art. 9 of the Labour Code, which would allow for their inclusion in the category of Codex collective agreements, constituting autonomous sources of labour law. The status of these unregulated agreements has not been fully explained, either in the literature on the subject or in the case law. Lack of regulations also generates other problems, which can be seen, for example, in interpretation disputes concerning the provisions of Art. 300 of the Labour Code.

Collective agreements concluded at workplace level, other than the Codex collective agreements, have been defined in the dissertation as workplace social agreements. The dissertation provides a comprehensive analysis of such agreements. It does not only present the mere idea of workplace social agreements, but also describes the mechanisms of their functioning, with special reference to objective and subjective aspects, rules of interpretation, termination and amendment of contents, as well as the legal character of such agreements. Social agreements are a natural supplement of regulations ensuing from collective relationships and other collective agreements, as well as from regulations in force at particular workplaces, and sometimes, in absence thereof, constitute the only source of rights stipulated for employees.

The thesis of the dissertation amounts to the statement that conclusion, by social partners, of agreements other than those described in Art. 9 of the Labour Code is not forbidden by law, while compliance with such collective agreements and pursuance of claims resulting therefrom may be enforced with the use of means prescribed by binding provisions of law.

Lack of rules concerning workplace social agreements, generating interpretation disputes, indicates the urgent need for their regulation in codified provisions, in conformity with the general principle that institutions functioning in legal transactions should not remain outside the legislator's area of interest. Therefore, *de lege ferenda* proposals have been presented in the conclusion of the dissertation.

Key words: social agreement, collective agreements, autonomous source of labour law, legal vacuum, rules of interpretation.

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