

Mariusz Liskowski
Nicolaus Copernicus University in Torun
Faculty of Laws and Administration
The Chair of Labour Law

Abstract of the doctoral dissertation entitled: „Protection of employee remuneration and the challenges of the contemporary labour market”

The main aim of this dissertation is to determine the legal regulations in force in the labour relations law that serve the protection of remuneration for work and to determine their practical significance. For this purpose, exegesis was carried out on both general labour law regulations and selected employee pragmatics narrowed down to three groups of employees: civil service corps, state office employees and local government employees. The axis of considerations was also referred to the analysis of changes occurring on the labour market and the most frequently revealed infringements in the area of protection of remuneration for work. The above made it possible not only to evaluate the existing legal instruments, but also to cautiously propose proposals for changes, where the protection of remuneration for work is insufficient.

Several research methods have been used in this dissertation. The basic method is the the legal and dogmatic method, based on the analysis of existing legal regulations. The use of this method made it possible to diagnose the most important institutions relating to the protection of remuneration for work, while using interpretative directives. The historical and comparative method was also used, which made it possible to show the changes occurring over the years. This method was helpful in establishing an understanding of the key terms of the dissertation: remuneration for work and protection of remuneration for work. Another method used in the dissertation is the statistical method, which was used to present the dynamics of changes occurring in the labour market that are significant for the protection of remuneration for work. The statistical method has also been used to present the scale of revealed violations of regulations in the field of protection of remuneration for work. The axiological method was also used in the study of the basic concepts of the dissertation.

This dissertation comprises five chapters. The first two chapters focus on establishing the meanings, the process of formation and the protective value of the basic terms of the dissertation: „remuneration for work” and „protection of remuneration for work”. For this purpose, the analysis is based, in particular, on the fragments of the original versions of the modern civil codes, the solutions proposed by the social doctrine of the Catholic Church, the doctrine of German law and the regulations of international law. The subject of separate inquiries are the provisions of the

Labour Code relating to remuneration for work in the context of its protection. The considerations carried out allowed to determine the meaning of remuneration for work in the context of its protection and the object scope of the protection of remuneration for work.

The third chapter is devoted to two issues. The first concerns the problem of changes occurring in the labour market over the 40 years of the Labour Code in force and having a significant impact on the protection of remuneration for work. It focuses primarily on the analysis of changes in the ownership structure of enterprises. The second issue concerns the analysis of the most frequently revealed violations of remuneration regulations, based on publicly available studies and data received from the National Labour Inspectorate.

In the fourth and fifth chapter a thesis is presented according to which the formation of remuneration for work is a manifestation of its protection. In order to justify this position, first the values comprising the content of the constitutional principle of a social market economy are examined. Then, the provisions of the Labour Code concerning the possibility of forming remuneration for work by the social partners through autonomous sources of labour law and the sides of labour relations have been subjected to legal analysis. A lot of space was also devoted to the analysis of the provisions of the Act on minimum remuneration for work. The undertaken considerations have realized the existence of a universal model of protection of remuneration for work.

In the fifth chapter the analysis was made of the provisions on the formation of remuneration for work on the example of public administration, narrowed down to selected employee pragmatics of civil servant law. An attempt has been made to present the most significant changes in relation to those occurring in the general model of protection of remuneration for work. At the same time an attempt has been made to look for a common ground present in both models of protection of remuneration for work.

The issues discussed in individual chapters have been analysed from the perspective of their protective value with reference to remuneration for work. Suggestions have been formulated for changes in the existing legal instruments in order to create a more coherent system which could ensure better protection of remuneration for work. The ending of this dissertation includes conclusions resulting from the deliberations as well as identification of the degree of accomplishment of targets assumed.

Keywords: remuneration for work, protection of remuneration for work, employee, employer, formation of remuneration for work.

Toruń, dnia 06 grudnia 2011.

Mariusz Stankiewicz