

Poland
(1948)

SOCIAL LEGISLATION IN POLAND

March 1948

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This is the Polish Research and Information Service's second release dealing with social welfare in Poland. The first release was on trade unions in Poland, and the next ones will cover public welfare and private welfare organizations in Poland.

Poland's record in the field of social legislations is particularly worthy of attention because of the initial difficulties that the country had to overcome. During the years of occupation the Nazis destroyed labor organizations and abolished all protective legislation. In spite of this Poland not only rebuilt its pre-war social legislation but advanced beyond it.

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INTRODUCTION

In examining the state of social welfare in Poland today one must bear in mind the great devastation brought about by the German invasion. Trade unions were liquidated during the German occupation. All protective legislation and social insurance was abolished. Working hours mounted to 60-72 hours a week or more.

It was with this in mind that the Polish Committee of National Liberation in its first Manifesto (1944) to the Polish people included as one of its main objectives the rebuilding and advancement of social legislation. "The reconstruction and enlargement of the Social Insurances will begin immediately", said the Manifesto. "The agencies of Social Insurance will be based on the principles of democratic autonomy. Modern legislation for the protection of workers will be passed. The housing crisis is to be alleviated."

These objectives have been realized with the re-establishment and pronounced improvement of the social agencies which existed before the war. To implement the 1944 manifesto a substantial part of the national budget has been spent on this social program. Fifty-one per cent of the 1948 budget, for example, has been allocated for expenditures on public welfare.*

Many changes have occurred in the field of social legislation, although the basic structure is the same as that which existed before the war. These changes are frequently pointed to in this report. Nevertheless, in order to obtain a general picture, it may be advisable to point out these changes beforehand.

1. Before the war all social insurance dues were paid jointly by the employers and workers. After the war the trade unions conducted a vigorous campaign to free the workers of this burden. As a result changes were made in the social insurance system in 1945. All dues are paid by employers, which results in an average increase of $8\frac{1}{2}\%$ in the take-home pay for the workers.
2. In contrast to pre-war conditions social insurance today embraces agricultural workers also.
3. All persons covered by social insurance are entitled to the newly instituted "family bonuses." These bonuses are added to the workers' wages in accordance with the number of dependents (See p. 16).
4. Unemployment insurance now has a much broader meaning than it had before the war. It includes not only cash allotments, but also job training (See p. 15).
5. Although the social legislation in pre-war Poland was very advanced, in practice it was frequently violated. For example, even though an eight-hour day was guaranteed by the social legislation, there were numerous strikes in small enterprises by workers whose working day consisted of 10, 12, or more hours daily. Today violations are very rare. Because unions are much stronger today and play a considerable role in the social structure of the country, they can more effectively guard against such violations.

* This includes expenditures for education

6. Before the war there were sharp differences between the social legislation provisions for laborers and white collar workers. They received different vacation periods and different pensions. (See p. 6 & 14) After the war the labor unions and other socially conscious groups and individuals criticized this differentiation between white collar and other workers as an anachronism in the present social structure of Poland. Numerous steps were taken in the direction of eliminating these differences. For example, uniform old age pensions now prevail. It is predicted that in the near future all such legislative differentiations will be removed. A special committee has recently been established to further these aims. The time by which equalization can be effected is dependent upon the country's national income, since equalization means raising vacation periods and pensions of workers. Nevertheless, equalization is spreading.

Polish protective legislation falls into the following broad categories:
 1. legislation dealing with the rights of workers to organize and bargain collectively; 2. legislation defining terms of employment; 3. the social security system.

THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

Freedom to organize The right of workers to organize is based on the legal provisions of the Declaration of Rights and Liberties which guarantees the freedom of association to all citizens.

Although this right existed since 1921, actually much was done by the pre-war regime to discourage organization. Trade union leaders were often arrested and sent to the notorious "Bereza Kartuska" concentration camp* without trials, and strikes were broken by the police under all kinds of pretenses. In addition, there were internal rifts in the ranks of labor which prevented effective and large scale trade union organization. Nine trade union federations existed in Poland, ranging from the Christian Trade Unity, (a conservative federation of Catholic trade unions) to the leftist Central Committee of Trade Unions. In addition there was the government sponsored Union of Trade Unions. Their energies were often spent in fighting each other instead of improving the conditions of the workers.

In contrast to the pre-war picture, trade unions today are united within one central organization, the Central Trade Union Committee. Largely because of this new unity, and because of more favorable conditions for labor organization, there are today three times as many organized workers as there were before the war.

Collective Contract Collective bargaining is a legally recognized institution in Poland. The collective agreement cannot exclude individual contracts, but Polish legislation provides that no private agreement may contain clauses involving conditions of work less favorable than those laid down by the collective agreement. Furthermore, no collective agreement may contain provisions less favorable than those established by the social legislation and those which existed in the enterprise previous to the signing of the contract. A collective agreement is legally valid only when signed between representatives of a bona-fide trade union or federation on one side and an individual employer or an employer's association on the other. The contract must then be registered with the inspector of labor in order to be recognized as legally valid. (See p. 9). The employer is bound to apply the provisions of the contract to unorganized as well as organized employees.

Polish law does not define how long a contract must remain in existence. A contract may carry a provision defining its period of existence or may be signed for an indefinite period of time. In the first case, if either party wishes the contract to expire at the end of the designated period, it must give notice a month before its expiration date. If this does not occur, the contract continues in force for an indefinite period of time. A contract for

* Established in 1935

an indefinite period of time may be dissolved by notice from either party of the termination of the entire contract or parts thereof. The contract, or parts thereof, go out of existence a month after the notice of termination of the contract for laborers, and three months after the date of notice where it covers white collar and professional workers. Any contract can be immediately voided if both sides agree to the termination.

Shop Committees Shop committees, which today play a very great role in the trade union structure, had no legal basis for existence in pre-war Poland, except in that part of Poland which before World War I was under German occupation. Their legality was established on the basis of the decree of February 6, 1945. This decree delegates the right of representing the workers of the given factory to the shop committee of that factory. Until January 1947, the above shop committees were rather loosely bound to the trade union organizations. The January 1947 amendment of the act established the shop committees as part of the trade union structure. The above decree also defines the method of electing the shop committee. The committee is to be elected by all workers in the given factory, including those who are not union members. The elections, conducted by the union local in whose jurisdiction the factory belongs, are free, secret, and direct. The union, political organizations, or any other group of workers can put forth their own candidates, but a given candidate can appear only on one list. Workers may also write in names which do not appear on the list of the candidates. These various groups are represented at the shop committee in proportion to the number of votes they poll. In each group the seats go to the candidates who poll the highest number of votes. The results of the elections must be posted immediately in a visible place in the factory.

Management may not make a decision without consulting the shop committee in the following matters:

- a. hiring or firing of employees;
- b. establishing new regulations of work;
- c. establishing overtime work;
- d. regulating safety and health measures;
- e. providing special facilities such as nurseries and libraries;
- f. distributing vacation periods.

The shop committee also actively participates in planning and promoting production. In this sphere its activities resemble the labor-management committees which existed in America during the war.

The Right to Strike Workers have the right to strike and they occasionally exercise this right. In case of a strike the workers are entitled to full pay while out on strike if the strike was of a defensive nature and was provoked by the employer. Defensive strikes have not as yet been strictly defined.

PUBLIC REGULATION OF TERMS OF EMPLOYMENT

Individual contracts of employment

According to Polish legislation a contract of service is one concluded either verbally or in writing, and in the case of laborers, by simple admission to work. The probationary period of employment may not exceed seven days, with the exception of white collar and professional workers whose probationary period may extend to three months. Different rules govern different kinds of terminations of contract.

There are the following cases:

1. When both employee and employer agree to the termination it can occur at any time, even before the contract expires.
2. When the contract was made for a definite period or for a definite job no notice of termination is necessary. Employment automatically terminates with the completion of above period or job.
3. When hiring for an indefinite period employment can be terminated by either employer or employee by means of a notice. This notice must be given two weeks in advance, and in the case of white collar and professional workers, three months in advance. The employer, however, is precluded from giving such notice during the worker's vacation, while he is serving in the army, or while he is sick if the sickness does not exceed 4 weeks. On the other hand, the employer may give notice to the worker for any reason without the necessity of justification. Of course, where collective agreements exist, they usually provide that the employer is not allowed to fire without consent of the union. An individual or collective contract may provide for longer terminating notices but under no circumstances may they shorten them. A worker dismissed without due notice is entitled to full wages in lieu thereof. This payment cannot be reduced even if the discharged worker secures employment elsewhere.
4. Where a contract which has been entered into for a definite period is terminated without due cause (due cause being, i.e., insult committed by either party, or theft by employee) full wages are payable for the unexpired portion. Where due cause does exist it must be taken advantage of within 7 days from the time of the occurrence of the incident, and in the case of white collar employees, within 2 months. After this period the incident ceases to be recognized as a due cause.

Regulation of Hours Poland, as early as 1918, proclaimed an 8 hour day and 46 hour week for workers, and in a law passed the following year defined time and a half and double time pay for overtime work. However, in 1934 the weekly hours were increased to 48, overtime from time and a half to time and a quarter, and double time to time and a half. This was received unfavorably and met with opposition, particularly from organized labor.

On May 16, 1945 overtime pay was increased to that which existed before 1934 even though the national income of the country was lower than it was in pre-war Poland. For overtime up to two hours per day the worker now receives time and a half. For additional overtime, night work, work done on Sunday or holidays, he receives double pay.

In 1946, in spite of the great shortage of manpower, the 46 hour week was restored in Poland. It is predicted that working hours will be cut further as heavy machinery which will increase the hourly productivity of labor becomes more available to Poland.

Remuneration for Work It is the duty of the employer to pay at regular intervals of time. The worker is entitled to pay for days on which he was ready to work and work was not provided by the employer, as for example, because of a machinery breakdown or lack of working material.

Free Lunches Since the end of the war an emergency provision for free lunches has been incorporated into the protective labor legislation. Every enterprise was to provide a free hot meal to its employees.

This provision was enacted because of the great difficulties in obtaining food. With the passing of the emergency situation lunches are no longer free in a number of enterprises but are provided on a cost basis.

Paid Vacations The right of every worker to a vacation is based on Article 10 of the Declaration of Rights and Liberties which guarantees "the right to work and to periods of rest." The pre-war protective legislation now in existence provides that all workers receive 8 days vacation with pay after one year, and 15 days after three years of employment. White collar and professional employees are entitled to a yearly 30 day vacation with pay. The trade unions and other socially conscious groups and individuals are raising their voices against this division between laborers and white collar workers. Although recent collective agreements of the Civil Service Union and other unions have eliminated this differential, the trade unions are pressing for a change in the total legislation.

In order to help the workers receive the full benefit of their vacation period the trade unions strive to provide them with comfortable rest homes in mountain and seaside resorts. As early as May 1945 the trade unions created a special "Workers Rest Fund" for that purpose. The union rest homes maintain numerous recreational and entertainment facilities. Many of them are former mansions of landowners and government officials which are gifts of the government to the trade unions. One of the most beautiful is the Presidential Mansion in Spala which is known for its extensive hunting grounds.

The government also makes large money grants for the maintenance of rest homes. In spite of great financial and economic difficulties the government designated 20 million zlotys for this purpose at the beginning of 1945. In 1946, 525 million zlotys were granted, and in 1947 the figure rose to 647 million.

The worker who spends his vacation in a union rest home receives free transportation as a gift from the Ministry of Transportation. He contributes only 30 per cent of the cost of room and board while 35 per cent of the cost is paid by the employer and 35 per cent by the union of which he is a member.

Direct Safety and Health Measures The 14th Article of the Declaration of Rights and Liberties adopted by the Constituent Diet in 1947 guarantees to the citizens of Poland the right to the protection of health and working capacity. To insure this a number of decrees exist which make it compulsory for employers to provide safe and healthy conditions of employment. Specific regulations for the protection of workers from bodily injury or injury to health cover exact specifications for guarding dangerous machinery, the use of protective devices against dangerous gases, protection against the hazards of fire and explosion, and protection against extremes of temperature. The actual provisions and regulations would fill volumes. However, the new directive in this field should be mentioned. The directive makes it the duty of management to provide protective devices and safety equipment and the duty of workers to use them. It also includes provisions for lunch rooms, cloak rooms, and wash rooms. It is forbidden that workers eat lunch at their machines. Special lunch facilities must exist in every enterprise and enterprises employing more than 20 workers must have special dining rooms equipped with an adequate number of tables, chairs, and facilities for heating food. Those enterprises which employ more than a 100 workers must provide bathing facilities either on the premises or arrange for free weekly baths outside.

The same regulation also provides that unless the work requires standing, workers should have the right to sit at work and comfortable stools be provided. Where the work requires standing, sitting facilities must still be available in order that workers may take advantage of them during short rest periods or during breaks in work.

Employment of Women Special protective legislation designed to further the position of women in industry exists in Poland. First of all there is a list of harmful occupations where the employment of women is prohibited. Women are not permitted to work underground or in places where they would come in contact with poisonous chemicals such as white lead, mercury and arsenic. Certain types of heavy work such as loading and unloading ships, transport of heavy objects, laying underground cables, paving, stone quarrying, are also closed to women. All night work is outlawed for women. The principle of equal pay for equal work is firmly established and its strict observance and adherence is closely watched by the trade unions. Every worker is also assured maternity care as part of the social insurance system of Poland. (See Social Security System- page 12) This care includes medical treatment before and after confinement.

A measure of utmost importance to women workers is the provision for factory nurseries. The law requires that factories employing 100 or more women maintain nurseries where children can be left during working hours. This is a great help to the women, especially since the law also assures nursing mothers two half-hour breaks in the working day in addition to the regular lunch period. The women can thus spend all their free periods with their children in the factory nurseries. It is the aim of the Ministry of Social Welfare to encourage the formation of factory nurseries where less than 100 women are employed and they hope that in the near future every factory with 10 women workers will maintain a nursery.

Employment of Minors The minimum age limit for the employment of minors is 15. Any person who employs a younger child is liable to fine and imprisonment. The employment of minors between the ages of 15 and 18 is conditioned on a written permission of a parent or guardian and a doctor's certificate

stating that employment will in no way injure the health or growth of the minor. There is also a long list of occupations forbidden to young persons. Minors are not allowed to work overtime. It is strictly forbidden to employ minors without remuneration or to receive pay from them for learning. According to the decree of September 29, 1945, minors are exempted from work for 18 hours during which time they must attend school. They are paid for these 18 hours at their regular hourly rate. Thus minors work 28 hours but receive pay for 46 hours. Every factory must employ a certain number of needy minors in proportion to the factory personnel.

MACHINERY FOR CONTROL

The administration of social legislation rests with the Ministry of Labor and Social Welfare. This Ministry is not a new institution for the first modern Polish Government in 1918 included a Ministry of Labor and Social Welfare. The Ministry embraces in its activities today, as it did since 1918, not only labor problems and social insurance, but also social welfare. In this respect the Polish Ministry of Labor and Social Welfare differs from similar agencies in other countries. The scope of its activities is unusually broad.*

Labor Inspectors The main organ under the Ministry of Labor and Social Welfare which regulates the application of social legislation and watches for violations is the Office of Labor Inspectors, established in 1919.

Specifically, this office deals with the following matters:

- a. registers collective contracts;
- b. insures strict observance of the laws and regulations relating to the conditions of work and the provisions of the collective contract wherever it is in existence;
- c. inspects working premises with regard to conditions of hygiene, safety and welfare;
- d. insures the smooth working of the machinery of collective agreement and arbitration;
- e. mediates in individual and collective disputes, and particularly in stoppages of work;
- f. imposes penalties for violations of legislative provisions relating to labor protection and acts as prosecutor in these matters before the Labor Court.

These functions are performed by the District Inspectors (who are mainly social workers, doctors and engineers) acting under the Regional Inspectors. At the head of them stands the Chief Labor Inspector who is directly responsible to the Minister of Labor and Social Welfare. In connection with performing the above functions the inspectors have a right to enter at any time the place of work and inspect the premises and books. In case of violation of safety and health provisions the inspector issues a written order. Employers who violate such orders are subject to fine or arrest up to six weeks.

* The Ministry is headed at present by Kazimierz Rusinek, a former President of the Central Trade Union Committee. Before the war Rusinek was active in the Trade Union movement and in the Polish Socialist Party. In 1930 he founded the Socialist weekly, "Walka Ludu" (People's Struggle.) During the war he was active in the underground. For this he was put in the Mathausen concentration camp. He continued his underground work among the prisoners.

Labor Courts Labor Courts became legalized in Poland in 1933 because, as the law pointed out, experience in Poland showed that a proper execution of labor legislation can be assured only if disputes arising from it are handled by special judicial organs. Nevertheless, in pre-war Poland Labor Courts embraced only cases in which the subject under dispute did not exceed 10,000 zlotys. During September 1947 a new law was passed which broadened the jurisdiction of the Labor Courts. They are now to deal with all disputes arising from employment.

Each Labor Court consists of a professional judge and two moderators, one representing the employer and the other the workers. The moderators are selected from lists submitted by trade unions and employers associations. At the hearing the judge presides, but in deciding the case the moderators have the same voting power as the judge. The decisions of the Labor Courts may be appealed at a regular district court.

Arbitration of Disputes Arbitration and mediation, although recognized methods of dealing with disputes, are not generally compulsory in Poland. Some collective agreements include provisions for arbitration as well as machinery for its enforcement. Where such provisions do not exist arbitration may take place at the initiative of both parties.

Labor inspectors often act as mediators and arbitrators. If the labor inspector fails to bring about a settlement the parties may turn to one of the network of arbitration boards which exist throughout Poland. These boards consist of a labor inspector and representatives of employers and workers.

Where voluntary arbitration does not take place and yet the dispute endangers the public interest, the Minister of Labor and Social Welfare has the right (Decree of October 27, 1933) to submit the dispute to an arbitration board. The arbitration board then consists of a representative from the Ministry of Labor and Social Welfare acting as chairman, a representative of the Ministry of Justice and an equal number of representatives of employers and employees alike. If the representatives of employers and employees refuse to participate, the delegates of the ministries can act alone as a board. It is the duty of all arbitration boards to take into consideration both sides involved in the dispute as well as the welfare of the public. They must also determine the length of time for which their decision is binding. The decision of a board is binding if accepted by both parties. Where both parties do not accept the decision voluntarily it may still be declared binding if the Minister of Labor and Social Welfare declares its acceptance indispensable to public welfare.

SOCIAL INSURANCE SYSTEM

The social insurance system of Poland is compulsory, broad, and unified. It includes a number of distinct programs, all with the same basic objective of providing security to workers and their families. As Sir William Beveridge pointed out, Poland is one of the few countries with a wide range of insurance. "Three countries only in thirty," says Sir William Beveridge, "New Zealand, Bulgaria, and Poland, make provision against all three risks of sickness, old age and unemployment." (Report, Appendix F.) The range of social insurance in Poland is wide and includes the following categories:

- a. Sickness and Maternity
- b. Occupational Incapacity and Disease
- c. Invalidity of Old Age
- d. Death of Breadwinner
- e. Unemployment
- f. Family bonuses

All these insurances are compulsory and cover all manual and non-manual workers employed in industry, mining, commerce, transport, communications and offices, and domestic servants. While before the war agricultural workers were excluded from the social insurance scheme, the decree of January 8, 1946 extended social insurance to all agricultural and forest workers with the exception of relatives and short term workers.

Both treatment and cash benefits are uniform throughout the country and no means test of any kind accompanies payment of benefits to the insured person or his dependents. They are administered solely by local and central social insurance institutions under the supervision of one public authority, the Ministry of Labor and Social Welfare which also supervises public assistance. Thus it may be said that the unification of administration of social insurance so strongly recommended in the Beveridge Report is a reality in Poland.

All insurance benefits are paid out from the Family Insurance Fund established in October 1947. The administration of the Fund rests with the Social Security Institute. In addition to that the Social Security Institute is concerned with prophylactic action on a large scale. It takes measures against the rise and spread of diseases among the insured and their families, especially the children. For this purpose, the Social Security Institute maintains a number of sanitariums in various Polish resorts.

Research work covering the field of public health is another task of the Social Security Institute. Moreover, the Institute issues a number of periodicals and other publications which carry contributions by Poland's most prominent scholars and scientists.

The Institute is represented in the provinces by 61 local insurance offices which are autonomous within their respective districts. They receive applications for insurance benefits, conduct initial investigations of accidents at work, and issue health certificates.

Sickness and Maternity Insurance Compulsory sickness insurance was introduced in all Poland in 1919. Later it was modified and finally established by the Act of March 28, 1933. This Act excluded agricultural workers from the general Sickness Insurance Scheme. A recent enactment extended compulsory sickness insurance to agricultural workers also. Thus, today all employees, no matter how high their income or the nature of their employment, are insured against sickness. The insurance fee which before the war was shared by employee and employer today is covered entirely by the employer.

Sickness insurance benefits are paid out in money and in kind. Benefits made in kind include, first and foremost, medical assistance. In 1933 a token fee was introduced for such assistance. As early as September 1944 the Committee of National Liberation passed a provisional decree abolishing these fees and former medicine charges. Medical assistance consists of doctor's care, (general practitioners, specialists, surgeons, obstetricians, etc.), hospitalization and medicines. This assistance is not only extended to the insured person but also to dependent members of his family.

In addition to medical benefits, insurance against sickness also pays cash benefits to persons whose earnings cease as a result of absence from work due to sickness. Originally the cash benefits amounted to 60% of the weekly wage of the insured. In 1933, however, these benefits were lowered to 50%.

At the end of 1946, sickness pensions were raised to 70% of the workers' average weekly salary. (This is computed on the basis of the average salary for the 13 weeks preceding the sickness.) In contrast to pre-war legislation when additional grants of 5% for each child were given only to a family with more than three children, today they are obligatory irrespective of the number of children in the family. Sickness benefits are paid to the individual if he has been insured for at least four weeks preceding the sickness and if the illness lasts more than three days. Benefits may continue up to 26 weeks.

Maternity care is available to both insured female workers and the wives and to dependent daughters of insured persons. Pre-natal and post-natal treatment as well as attendance at the confinement is given by doctors, gynecologists, obstetricians, and trained midwives at home, in hospitals and nursing homes. Treatment also includes free surgical operations. In addition to maternity care, female workers who were insured for not less than four months during the year preceding childbirth are entitled to maternity leaves with full pay. These leaves with pay may last up to eight weeks, six of which have to be subsequent to childbirth. An additional nursing allowance is paid to women for twelve weeks following their return to work. Expectant mothers are entitled to short absences (up to six days monthly) when in need of rest at any time during the pregnancy. The law also protects them from being discharged from their jobs during pregnancy.

At present there are 4 million people in Poland covered by sickness and maternity insurance. Since, as was pointed out, this insurance is extended also to members of the family, actually 7 million people are covered. This means that today one-third of the Polish population is embraced by this insurance, as compared with the pre-war one-seventh.

During the first half of 1947 (statistics have not yet been released for the second half) more than 12 million medical consultations were granted to insured people.

Industrial Accident Insurance Industrial accident insurance covers all workers, domestic servants and temporary employees regardless of sex, age, or the amount of their earnings. Before the war it covered agricultural workers only partly, but now it applies to most agricultural workers.

The worker is entitled to benefits, not only in case the accident occurs on the employer's premises, but also when it occurs on the way to or from work, when cleaning up or repairing implements outside the premises or in the process of transporting such implements. The victims of industrial accidents or diseases are not only compensated for the injury and loss of earning capacity but also receive medical and hospital treatment free of charge, as well as medicines or such medical aids as they require.

According to the law, disablement due to industrial injury or disease entitles the insured to a full pension equivalent to two thirds of his average monthly wage, computed on the basis of his former annual earnings. If partial disablement is brought about by the injury or disease the degree of disablement is determined by doctors and the pension calculated in proportion to the disablement. An additional 10% of the sum of the pension is given for each child and supplementary benefits of one-third of the pension goes to a person requiring constant attendance.

If the worker is less than 20% disabled two years after the occurrence of his occupational disease or disabling accident, the compensation payments are converted to one lump sum payment. This payment equals the sum of 24 monthly allotments.

Because prices have not, as yet, reached a stable level and the insured may therefore suffer in terms of the real value of the pension, temporary pensions have been introduced since the war which are independent of the insured man's earnings. These pensions are revised periodically in accordance to the cost of living. Today the basic pension is 5400 zl. monthly for 100% disablement, an additional 1800 zl. for the disabled requiring constant attention, and 500 additional zl. for each child. The original system of pensions will probably return.

In case of death of the insured from an industrial injury or disease the family as a group receives 1,100 zl. monthly with an additional 500 for each individual in the family who was dependent on the insured. In addition to the above amounts, a posthumous grant amounting to a full month's wage is given to the family or relatives of the deceased. This posthumous grant must not be lower than 5,000 zl. or higher than 15,000 zl. A widow who remarries forfeits her pension but receives a lump sum equal to 12 - 36 allotments according to her age. Each allotment amounts to 1,350 zl.

In April 1946 there were 2,054,200 insured against accidents and occupational diseases 45,800 of whom received pensions.

In April 1947, there were 2,793,500 insured persons, and out of these 61,500 received pensions.

Invalidity, Old Age, and Survivors Insurance Old age insurance covers all Polish workers. Before the war this insurance did not apply to agricultural workers but it is now extended to them also.

The right to benefits, pre-war and today, depends upon insurance membership for a certain period preceding the contingency upon which the claim is based. The minimum period is 60 months for white collar and professional workers and 200 weeks for all other workers.

Old age pensions go to the male wage earner when he is 65 and to female wage earners when 60. In case of white collar workers and professionals, pensions begin at 60 for men and at 55 for women. Before the war higher pensions were paid to white collar workers than were paid to laborers. This inequality existed until April 1947 when a decree was passed granting 2000 zl. monthly to all workers plus 500 zl. for each dependent child. An individual requiring constant care of a third party receives an additional 1000 zl. per month.

In case of death of the insured or pensioner the widow receives 1400 zl. monthly, plus 500 zl. for each child. Where there is no widow but only a child, it receives 1400 zl. per month.

Unemployment Insurance Unemployment insurance providing workers with an income during their periods of unemployment was established in Poland in 1924. It embraces workers employed in private and public industrial concerns, mining, commercial, communications and transport establishments employing more than 5 workers.

According to the Act of 1924 and of later amendments which are binding today, an unemployed worker is entitled to benefits if he meets the following requirements:

1. He must report to the government employment agency;
2. He must have accumulated 26 weeks of insurance during the year immediately preceding the notice of claim. White collar and professional employees must have 12 months of contributions during the two years preceding the termination of their employment;
3. He must be available for work.

The Act provides that benefits be paid to the unemployed worker after a waiting period of 10 days, over a period not exceeding 13 weeks. The amount of the benefit is 30% of his average weekly earnings plus a 5%-20% addition according to the number of dependents.

Unemployed white collar workers are entitled to benefits for as long as 9 months. These benefits amount to 32%-35% of the salary plus a family allowance of 10% for each dependent.

The only change that has occurred in unemployment insurance since the war is that the social security tax is now paid entirely by the employer. The unemployment insurance laws are not of vital concern today since there are more jobs available than there are people to fill them. For example, between April and June 1947, 82,355 people registered for work. During the same period there were 253,189 openings.* The fact that there are some temporarily unemployed persons is due to mobility, job turn-over, and to some extent due to

* While these are the latest available figures they do not include all the provinces of Poland.

personal factors such as lack of usable skill and refusal to work at unskilled work. However, these forms of unemployment are being reduced largely because of the efforts of the Ministry of Labor and Social Welfare. First of all, a network of government employment agencies exist throughout Poland.

They are divided into 3 categories:

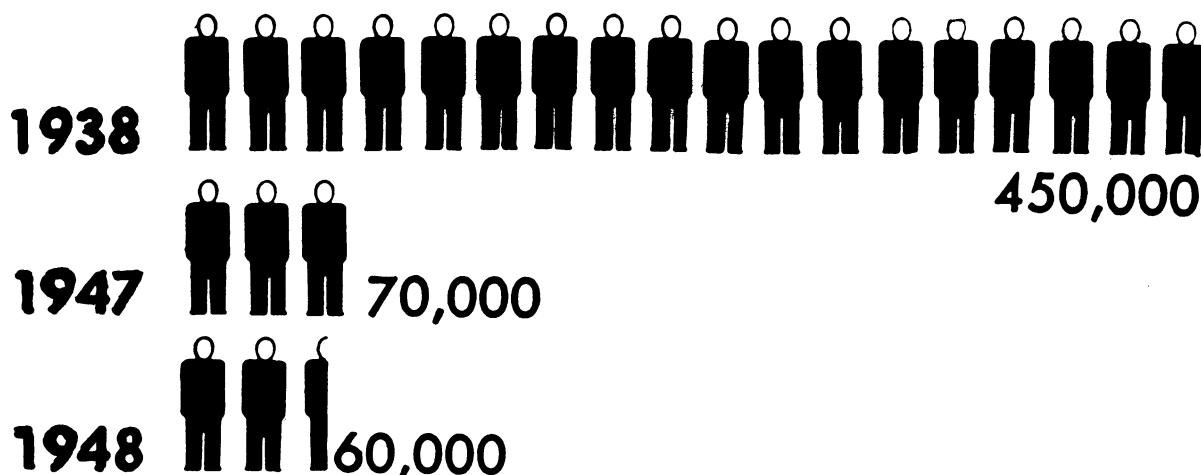
- a. Fourteen main employment offices are located in principal cities,
- b. 49 local sections have been established in other important centers,
- c. 300 local offices have been organized by autonomous local authorities. Every employment office is placed under the authority of a director, and is divided into an administrative and labor section.

The Ministry also subsidizes courses for unskilled workers so as to enable them to train for work which fits their abilities and desires. Large sums are being spent by the Ministry for this type of training. Between November 1947 and February 1948, for example, it spent 405 million zlotys.

According to the law the applicant may refuse to accept unsuitable work from the employment agency. Furthermore, he must not be offered a job with lower pay than that prevalent in the industry. When a job is offered in a different location from the one where the applicant resides the applicant must be given a choice of a few locations.

The decree of August 2, 1945 includes provision for the abolition of all fee charging employment agencies and for the discontinuance of all private employment agencies except those operated by trade unions and professional organizations which receive special permission.

UNEMPLOYMENT



In conclusion it must be added that all people insured against accident, old age and unemployment are entitled to medical care. This care includes medical aid, maternity care, hospitalization, medicines, etc. It goes to the insured spouse, dependent child, and grandchildren up to the age of 16, and in a case where they attend school, up to the age of 24.

Family Bonuses On October 1947 an entirely new feature was added to the social insurance system of Poland. All those covered by the social insurance system are entitled to family bonuses. This means that in addition to his wages the worker receives from the Family Fund a sum of money to help him support his dependents. The worker is entitled to bonuses for:

- a. each child below 16 years of age,
- b. children up to the age of 24 if they attend school,
- c. children incapable of working regardless of age,*
- d. non-working wife,
- e. husband incapable of working.

The bonuses consist of 650 zlotys monthly for one child, 1450 for two, and 1000 for each additional child, 500 zlotys for the wife or husband.

Bonuses are paid out in the factory in the form of additions to the pay envelope. The money for these additions is sent to the factory by the family fund.

Funds for these bonuses come from taxes on employers and government contributions.

* provisions a,b,c, apply to adopted and out-of-wedlock children also.

CONTROLLING AGENCIES

A claimant who is not satisfied with the decision concerning his application for any form of insurance has the right to appeal. In case of sickness and maternity insurance, he may ask for a review by the Appeals Council located at every Social Security Administration. A petition is then filed at the Secretariat of the Appeals Council stating the particulars of the case. The chairman of the Council sends the petition to the director of the local Social Security Administration who must return it within seven days. Upon returning it he must also enclose a written explanation of his stand in the matter and nominate the member of the Social Security Administration who will represent the Administration at the Appeals Council hearing. The hearing must be held, at the latest, 4 weeks after receiving the application for appeal. All concerned, including witnesses, must be notified about the hearing a week in advance. The person appealing may be represented by a lawyer, spouse, full-grown child, or parent, or an official of his trade union. The person appealing does not receive compensation or travelling expenses for time lost but the witnesses do receive them.

The chairman of the Council conducts the hearing. The decision is arrived at by a majority vote of the Council meeting in secret session.

If any of the parties is still not satisfied he may take the case to the special District Social Legislation Court and later even to the Supreme Social Legislation Court. Appeal cases of any other form of insurance go directly to the District Social Security Court.

Trade Union Divisions of Social Legislation Although the Social Legislation divisions of the trade unions cannot be considered control agencies in the strict sense of the word since they are not legally constituted for that purpose, nevertheless they watch that social legislation is strictly observed and report violations to the proper authorities. These Social Legislation Divisions are new additions to the trade union structure in Poland. They function as parts of the District Trade Union Councils for the purpose of watching any transgressions of social legislation on the part of management and acquainting the trade union membership with the provisions of social legislation.

POLAND WITHIN INTERNATIONAL ORGANIZATIONS

Poland is taking an active part in international organizations for the advancement of social legislation and public welfare. This action is based on her assumption that real progress in this direction must be based on worldwide coordinated action. Poland, therefore, participates actively in the work of the International Labor Organization and other international organizations devoted to social progress.

Poland has also signed bilateral agreements with a number of countries which regulate the exchange of workers and the rights of emigrants in the field of social legislation and public welfare.