

RESEARCH

REPORTS

RECOMMENDATIONS

JAN CZARZASTY

THE CENTRAL PUBLIC ADMINISTRATION SECTOR IN POLAND

CHALLENGES OF ORGANISING AND COLLECTIVE BARGAINING

INSTITUTE OF
PUBLIC AFFAIRS

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Social Policy Programme

This report is one in a series presenting the findings of research carried out in Bulgaria, Czechia, Croatia, Estonia, Latvia, Lithuania, Hungary, Poland, Romania, Serbia, Slovakia and Slovenia as part of the project CEE CAW ‘Challenges for Organising and Collective Bargaining in Care, Administration and Waste collection sectors in Central and Eastern European Countries’, which was led by the Institute of Public Affairs (Warsaw). The other partners were the: Bulgarian Academy of Sciences (Sofia), Central European Labour Studies Institute (Bratislava), Lithuanian Centre of Social Sciences (Vilnius), and Centre for Democracy Foundation (Belgrade).



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1. Methodological preface

The following is a national report for Poland on the central public administration (hereafter: CPA) sector. In the report the following methods have been employed: 1) an analysis of secondary/existing data from public resources, such as databases, publications, legislation relevant to the sector, strategic documents, as well as literature on the subject; and 2) an analysis of the original data obtained during fieldwork. The latter consists of three interviews conducted with representatives of trade unions (the list of interviews is placed at the end of the report).

2. General characteristics of the sector

As CPA is a notion that does not translate directly into official definitions, some terminology should be initially explained. What follows are the national definitions provided by the National Office of Statistics in Poland (Główny Urząd Statystyczny, GUS).

The public sector — all national economy entities controlling national property (of the State Treasury and state-owned legal entities), the property of local self-government units or local administration legal persons and mixed property with the majority of the capital (property) of public sector entities.

The general government — in Poland consists of the:

- units operating on the terms set out in the Public Finance Act (budgetary units, special purpose funds, local budgetary establishments, executive agencies, budget institutions),
- entities, for which the financial system has been defined by other legal acts and for which the main source of financing is the state budget (public universities, government agencies, Polish Academy of Science),
- funds managed by Bank Gospodarstwa Krajowego,
- public health care institutions,
- public hospitals with the status of capital companies,

- research institutes conducting health care activities,
- central and local institutions of culture,
- funds with a legal personality which are connected to the state budget or local government,
- units servicing social security funds (Social Insurance Institution, Agricultural Social Insurance Fund, Labour Fund and National Health Fund),
- Bank Guarantee Fund,
- Non-profit institutions controlled by the general government sector, including state treasury foundations,
- Other units completing public tasks and public companies, which are classified into the general government sector, according to ESA 2010 methodology.

The following sub-sectors of general government are distinguished:

- central government,
- local government,
- social security funds.

Central government comprises all central government authorities and administration bodies, executive agencies, budget institutions and special purpose funds except for social security funds. The central government subsector embraces also central health care institutions, central institutions of culture and units for which transfers from the state budget are their main source of financing (i.e. public universities, government agencies, Polish Academy of Science), the Bank Guarantee Fund, hospitals with the status of capital companies, agricultural advisory units, research institutes that operate medical activities, public corporations, and state treasury foundations.

The civil service — under Article 1 of the Civil Service Act, the civil service, defined as a part of the public administration (in personnel terms, hence referred to as the “civil service corps”) is established “in order to ensure professional, reliable, impartial and politically neutral performance of the tasks of the state”.

There are three main categories of staff within the civil service, which all together form the civil service corps.

1. Civil service employees employed on the basis of an **employment contract**.
2. Civil servants employed on the basis of a **nomination** (classic bureaucrats with a lifelong tenure). The nominated civil servants as a prioritised group have some additional rights compared to civil service employees.
3. Persons occupying senior positions employed on the basis of appointment.

Public administration in Poland is a considerable employer. Altogether, it employs over 1 million staff (see Table 1). In terms of legal foundation, employees in public administration are employed under heterogeneous conditions. The vast majority of employment terms are governed by the Labour Code, yet civil servants are covered by a separate legal regime constituted by the Civil Service Act, while soldiers and functionaries of armed services are bound by other specific legal regulations.

Public administration in Poland is organised by territory, competence and functionality (levels).

Central public administration comprises organisational structures at the national level and territorial levels. At a territorial level, CPA structures form two pillars. The first includes those that remain under the command of the regional head of the central government (Voivode, *Wojewoda*), while the second pillar groups all the other structures together which report directly to a specific minister.

The number of civil servants in Poland was 7,674 at the end of 2023. In total, there are 119,591 civil service employees (of whom 73% are women), working at 1,741 offices/locations.

Table 1. Employment in public administration in Poland in 2022

Total employment (at the end of the year)				
Total	Civil service — senior officials	Civil service — other staff	Soldiers and functionaries	Others
1,085,840	3,738	121,399	298,618	662,085

Average employment				
Total	Civil service — senior officials	Civil service — other staff	Soldiers and functionaries	Others
1,033,758	3,681	114,042	292,083	623,953

Source: Government of Poland (2024)

3. Major problems and challenges in the sector

Based on primary and secondary data analysis, we may conclude that the major problems and challenges CPA in Poland faces are as follows:

1. **Pay** — the average pay in civil service substantially exceeds the national average wage (at the end of 2023 the figures were PLN 9,353 and PLN 7,155 gross, respectively), in relative terms the difference amounts to 30%. However, the vast majority (nearly 90%) of public administration staff (both central and local) are not employed in the civil service. Excluding uniformed services — whose pay arrangements are set on separate routes — 60% of public administration employees receive considerably lower pay. This is confirmed by the field research, as the interviews provide practical examples where the base salaries of lower-ranking CPA employees (e.g. low-ranking clerks in judiciary/prosecutors' offices) do not even match the level of the national minimum wage. Yet, to not violate the law, they are supplemented by various extras (financed by the state, albeit outside of the financial pools set out by the annual national budget legislation).

- Furthermore, the current levels of pay in public administration have been in large part a result of a single upswing that occurred in 2024, when the government decided — in a unilateral manner, ignoring the social partners in central tripartite institutions — on a one-time 20% raise in pay. Having in mind that the raise happened only recently, it would be unreasonable to expect any significant change in the attitudes of employees towards working for CPA to become visible just yet. Furthermore, the increase should be placed in the context of real wage deterioration observable in Poland in the post-Covid-19 period of

accelerating inflation. According to a report about only the civil service by the national auditor, in 2022, the average total salary fell by 4.6% in real terms compared to 2021 (NIK: 2023).

- In addition, the nominal increase in salaries was uneven depending on the category of office: the highest increases occurred in ministries, the Chancellery of the Prime Minister and other non-associated administration structures, while the lowest were in offices of field administration. This contributes further to pay disparities observable between the central units of CPA and the field offices, as the lowest wages for civil corps are paid in district (city) police headquarters, district and city headquarters of the state fire service, and in district building supervision inspectorates.

2. **Understaffing and workload** — the public sector in general, and public administration in particular have been suffering from an undersupply of skilled labour, mostly on financial grounds (Interviews 1, 2 and 3), which is a widely acknowledged fact, not only in labour relations discourse but also in the public debate. A lesser-known fact highlighted in the primary data is, however, the vagueness of career perspectives for young people transitioning from the education system to the labour market and considering entering public administration as one of the options (Interviews 2 and 3). The challenge has remained unresolved for a number of years. Already in 2012, the national auditor stressed that a “survey of civil servants found that almost half of them do not see opportunities for career advancement, for 40% the promotion system is unfair, and nearly half view it as non-transparent. Nearly a third of the civil servants surveyed said there are no clearly defined career paths in their offices” (NIK: 2012).

3. Understaffing translates to permanent **gaps in employment** in numerous branches of CPA and specific organisational units. For instance, in the police force, there are currently some 15,000 vacancies nationwide. Similar challenges are observed in the state fire service, where the basic organisational unit (a troop), for which the mandatory minimum crew is set at four persons, is sometimes forced to operate in the field with fewer functionaries present (Interview 2).

4. **Politicisation** — the problem has been highlighted for a long time, arguably since the establishment of the civil service in 1996. Although no recent official data on the matter is available and those at the disposal concern only

local government (NIK 2010), the primary data seem to confirm the findings from the past. While it is likely inevitable, as public administration has been generally sensitive to political influence in all democratically ruled countries, it is a problem that still needs to be emphasised.

5. **Technological lag** — the problem has been growing for many years, yet the outbreak of Covid-19 and the subsequent lockdowns exposed it mercilessly, once the necessity to convert to remote work became apparent. According to the national auditor, the administration proved to be unprepared to shift to remote work and the provision of public service was inefficient when the pandemic first hit (NIK 2021). However, the situation has improved significantly since then.

- There are essentially two major challenging aspects: 1) the public sector is lagging behind the private sector in general terms due to insufficient allocation to e-government development; 2) disparities within CPA, where on the one hand there are branches whose digitisation and user-friendliness have been progressing at a high pace and the quality of public services delivered is not criticised (e.g. fiscal administration). On the other hand, late and inadequate digitisation has become a factor for disruptions in carrying out duties and public service delivery (e.g. judiciary).

4. Characteristics of social dialogue organisation in the sector

Social dialogue for the sector is conducted within the central tripartite body, the Social Dialogue Council (Rada Dialogu Społecznego, RDS). As for the sectoral level, there is no tripartite body which is per se dedicated to public administration as a whole, not to mention specifically CPA. As a result, social dialogue is generally confined to the establishment level.

For legal reasons, there is no relevant employer organisation. The role of the employer is assumed by entities that are formally assigned to perform such part by specific regulations and in line with the “managerial definition of employer”.

On the trade union side, the following national-level union organisations, federations, and organisational structures of general workers (unitary) unions (which in the Polish case stands for NSZZ “Solidarność”) of significance exist and operate. They are listed according to their membership/association with the three trade unions/confederations that hold representative status at a national level.

1. **NSZZ “Solidarność”** — the National Secretariat of Public Services NSZZ “Solidarność” (Krajowy Sekretariat Służb Publicznych NSZZ “Solidarność”) (integrates the organisations associated with public service employees).

2. **All-Poland Alliance of Trade Unions** (Ogólnopolskie Porozumienie Związków Zawodowych, OPZZ):

- Independent Self-Governing Trade Union of Justice Employees of the Republic of Poland (Niezależny Samorządny Związek Zawodowy Pracowników Wymiaru Sprawiedliwości Rzeczypospolitej Polskiej)
- Trade Union of the Fire Service “Florian” (Związek Zawodowy Strażaków “Florian”)
- Association of Trade Unions in the Customs Guard of the Republic of Poland (Zrzeszenie Związków Zawodowych Służby Celnej Rzeczypospolitej Polskiej)
- All-Poland Trade Union of Veterinary Inspection (Ogólnopolski Związek Zawodowy Pracowników Inspekcji Weterynaryjnej)
- Trade Union of Armed Forces Employees “The Shield” (Związek Pracowników Wojska “TARCZA”)
- Federation of Trade Unions for Customs Guards (Federacja Związków Zawodowych Służby Celnej)
- All-Poland Trade Union of the National Fiscal Administration (Ogólnopolski Związek Zawodowy Krajowej Administracji Skarbowej)
- The Confederation of Labour (Konfederacja Pracy).

3. **Trade Unions Forum** (Forum Związków Zawodowych, FZZ):

- Trade Union of Prosecutors and Employees of the Public Prosecution Service of the Republic of Poland (Związek Zawodowy Prokuratorów i Pracowników Prokuratury Rzeczypospolitej Polskiej)
- Trade Union of Justice Employees of the Republic of Poland (Związek Zawodowy Pracowników Wymiaru Sprawiedliwości Rzeczypospolitej Polskiej)
- Trade Union of Employees of the Ministry of Interior and Public Administration (Związek Zawodowy Pracowników Ministerstwa Spraw Wewnętrznych i Administracji Publicznej)
- Trade Union of Police Employees (Związek Zawodowy Pracowników Policji)
- Polish Customs Officers Trade Union (Związek Zawodowy Celnicy PL)
- All-Poland Inter-Union Trade Union of Administrative Enforcement Workers (Ogólnopolski Międzyzakładowy Związek Zawodowy Pracowników Egzekucji Administracyjnej)
- National Trade Union of Court Superintendents (Ogólnopolski Związek Zawodowy Kuratorów Sądowych)
- NSZZ of Police Employees (NSZZ Pracowników Policji)
- NSZZ of Fire Service Employees (NSZZ Pracowników Pożarnictwa)
- NSZZ of Prison Officers and Employees (NSZZ Funkcjonariuszy i Pracowników Więziennictwa)
- NSZZ of Border Guard Officers Independent Self-Governing Trade Union of Police Officers (NSZZ Funkcjonariuszy Straży Granicznej Niezależny Samorządny Związek Zawodowy Policjantów)
- National Independent Self-Governing Trade Union “Ad Rem” (Krajowy Niezależny Samorządny Związek Zawodowy ”Ad Rem”)

- Federation of Revenue Employees' Trade Unions (Federacja Związków Zawodowych Pracowników Skarbowych)
- Federation of Trade Unions of Employees of Public Institutions (Federacja Związków Zawodowych Pracowników Instytucji Publicznych)

Membership figures for most of the unions listed above are not known. Yet, the National Secretariat of Public Services NSZZ “Solidarność” reports to have 44,000 members as of 2023. This translates to almost 7% of all members of NSZZ “Solidarność”.

4.1. Challenges for organising employees

The public sector has been traditionally considered to be a ‘friendly zone’ for trade unions, in contrast to the private sector. However, the union density in Poland is generally low (13%), as it is for the public sector. For public administration, the unionisation rate amounted to 15% as of 2015. Polish trade unions have suffered heavy losses in membership since 1989. There were multiple reasons behind the decline: the politicisation of union movements, structural fragmentation due to legal conditions for union registration and recognition at the workplace level (unions are registered with an employer, at a workplace level, and only ten eligible members are required to launch a new organisation), and the consequential ‘competitive pluralism’ with many unions present in one workplace which may hamper coordination of activities. Further reasons include the privatisation of workers’ strategies, the availability of migration as an alternative to organising, in particular after the EU enlargement of 2004, the difficulties trade unions faced in expanding into the private sector, and new segments of the workforce, such as precarious workers. The interviews also stressed the free-riding of workers, unwilling to join trade unions due to pragmatic calculations e.g. collective labour relations unions represent all workers, they negotiate on their behalf and all benefits secured from the employers are available to all workers, regardless of whether they are within the collective bargaining framework or on an ad-hoc basis. So, becoming a member, and being required to pay dues, is often seen as unnecessary.

4.2. Good practices for organising employees

Polish trade unions were pioneers in union organising in the CEE region in the early 2000s with practices unfolding in Poland earlier and more extensively

than in other countries in the same region. Following initial organising campaigns run by NSZZ “Solidarność” in the late 1990s and early 2000s, mostly targeting the private sector, the union moved on to institutionalise organising activities by establishing first the central department responsible thereof, the Union Development Office, and then replicating it at the regional level with a view of transforming it into a regular and steady activity instead of huge campaigns launched from time to time. On the website of the National Committee of NSZZ “Solidarność”, there is comprehensive information and a guide for prospective union members, instructing not only how to join existing union organisations but also how to set up a new one. Regional structures of the union also provide similar information along with contacts to union organisers.

Furthermore, international projects exist aimed at supporting union organising, such as the Central European Organising Centre (COZZ, Centrum Organizowania Związków Zawodowych) supporting trade union development in Visegrad countries.

In public administration, trade unions enjoy relative comfort in carrying out their daily activities, so, according to the interviews, they can experiment with organising initiatives, often adopting a trial-and-error approach. In one of the district courts, there is an established practice exercised in cooperation with the employer and the human resources department: newly hired employees upon commencing work are handed information leaflets about union organisations active in the workplace, including contact details of the union leaders.

Although no organising campaigns are carried out by branch (sectoral) structures active in public administration, trade unions attempt to attract new members through the means of general mobilisation, whose intentions are not only to exercise pressure on public authorities but also to enhance the image of unions as viable organisations. A recent example of such was the rally of civil staff in the armed services in Warsaw, in May 2023. The action was part of a wider protest aiming at the revision of the multi-employer collective agreement for that group of employees. Additionally, between 2018 and 2021, there were a series of protests organised by trade unions representing administrative staff of public courts and prosecutors’ offices, also addressing pay demands. Trade unions in fiscal administration also held successive pay-related protests between 2020 and 2022. All those actions, despite not being

organising campaigns per se, helped to attract new members and, especially in the case of younger employees, serve as an ‘advertising tool’ and means of building awareness about employee rights, industrial relations, and the role trade unions play in aggregating, expressing and representing collective interests of workers.

5. Collective bargaining and other forms of social dialogue in the sector – characteristics

The point of departure for collective bargaining analysis in the CPA sector in Poland is stating that collective bargaining is a highly defunct institution. **First, it is extremely decentralised**, with single-employer collective agreements being a predominant form of collective agreement and multi-employer collective agreements on the verge of extinction. **Second**, collective bargaining coverage is small and consistently decreasing. According to the most recent data by ETUC, collective bargaining coverage is only 13%, which puts Poland at the very bottom of the EU-27 ranking.

Civil servants are eligible for trade union membership under the Civil Service Act. The only limitation concerns senior civil service officials who are not allowed to hold any trade union function, they can only be rank-and-file members. However, members of the civil service corps are deprived of the right to collective bargaining (along with appointed and elected local government employees, as well as judges and prosecutors) under Article 239 § 3 of the Labour Code.

Professional soldiers and functionaries of the Office for Internal Security (*Agencja Bezpieczeństwa Wewnętrznego*) do not enjoy the right of association, so collective bargaining is irrelevant in their case.

Very detrimental for collective bargaining in CPA is the restrictive regulation of the Collective Disputes Act (Article 19) that denies employees in public administration (including local government and judiciary) the right to strike. As one of the interviewees, representing the union active in the fiscal administration put it, “What is the point of having the right to collective dispute, when no effective pressure can be put on the employer, as we are not allowed to go on strike?” (Interview 3). No right to strike leaves the unions in public administration ineffective, which discourages employees from joining the

unions, thus narrowing the space for collective bargaining, with weak unions unable to drag employers to the negotiation table.

Polish labour law favours the managerial concept of employer, adopted in Article 3 of the Labour Code. The regulation excludes, in principle, the treatment of the state as an employer with respect to state employees (Szewczyk 2021). For labour relations, both individual and collective, the “employer” is, legally and actually, the head of the organisational unit in which a public official is employed. For example, for an official employed at a local office of the state sanitary inspectorate, the employer is the head of the office. For a prosecutor, the employer is the head of the proper organisational unit in which the prosecutor serves etc.

5.1. Content analysis of collective agreements

There are currently a few multi-employer collective agreements (ponadzakładowe układy zbiorowe, PUZP) regarding public administration employees still in force in Poland, the most significant of which are the Agreement for Civil Employees of the Armed Services and the Agreement for Employees of the State Forest Holding “State Forests”. The latter is the subject of the following analysis.

In terms of its content, the agreement could be described as ‘conventional’ that is, dealing with typical collective labour relations issues, such as formal grounds of employment, working time, health & safety, pay (basic, extras, seniority and bonuses), non-pay benefits and entitlements, redundancy pay and pensions (albeit the clause plainly states that employees may be covered by additional pension plans, which does not translate into any specific arrangement such as employee pensions), and finally rules for relations between the employer and trade unions (no special privileges exceeding the legal minimum are named therein, except the unconditional provision of office space/premises and means of telecommunication). One of the worthwhile regulations to highlight includes a non-competition clause, which is binding only during the time of employment.

5.2. Other forms of social dialogue

As mentioned above, there is no tripartite sectoral body dedicated to public administration issues. For a brief period (2007–2009), the Public Service Council

(Rada Służby Cywilnej) existed. It was a consultative and advisory body by the Prime Minister whose scope of activities concerned the evaluation of the conduct of qualification, competition and examination proceedings in the civil service, as well as other human resources employed by the state.

Since 2016 in the Social Dialogue Council (RDS), there has been a so-called Team for Public Services Issues operating, within which there is a sub-team on national fiscal administration (established in 2017). The main objectives of the latter body include “safeguarding the rights and interests of employees and officers of the National Fiscal Administration”, as well as an “ongoing exchange of information between the management of the National Tax Administration and employees”. The sub-team has met a total of 30 times since its inception. Indirectly, public administration issues are occasionally discussed in other social dialogue institutions such as the RDS itself or the Council for Labour Protection (Rada Ochrony Pracy, ROP), which is responsible for health & safety issues.

5.3. Impact of European sectoral social dialogue

Polish trade unions are represented in the EPSU. Those active in public administration specifically are the National Section of the Fire Service of NSZZ “Solidarność” and the Public Service Secretariat of NSZZ “Solidarność”. The impact of European sectoral social dialogue has not been significant as far as CPA is concerned, as far as the interviews suggest.

Conclusions and recommendations

Trade unions interviewed for the report expressed serious concerns about the prospects of public administration in Poland. The general stance of the state towards public administration in the employment/human resources dimension is the subject of criticism, mostly pointing to the short-sightedness of public policy that lacks a strategic perspective of human resources development not just in public administration but also in the public sector in general. It is not an exaggeration to put forward a question, who is going to work for the state in the relatively near future, with the public sector consistently lagging behind the private in terms of financial rewards, especially for highly educated and qualified specialists and not offering clear career prospects? In the long run, it could translate into the malfunctioning of the state, unable to meet fundamental social needs and expectations.

The paradigm of a ‘cheap state’ that emerged in the early 2000s and was solidified after the 2008 economic downturn and ensuing austerity public policy measures over the years undermined the quality of public services that the citizens — who are also taxpayers — are entitled to. Meanwhile, new challenges emerged due to the ongoing poly-crisis, combining numerous specific crises such as demographics, migration, inflation and energy, whose impact on living and working conditions has been severe.

The recommendations are as follows: (1) reforming labour law in such a way that the “managerial definition of employer” is replaced by a more viable concept, for example of the “actual employer”, which may trigger collective bargaining; (2) preparing a National Action Plan envisaging a path to implementation of Article 4 of the Minimum Wage Directive and subsequently passing a new law on collective bargaining; (3) reconsidering the content of Article 239 § 3 of the Labour Code and Article 19 of the Collective Disputes Act, so that the limitations on the right to collective bargaining, and most importantly, the right to strike affecting specific groups of public officials and employees are relaxed.

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Interview 2. Chair of the Inter-company Trade Union of Employees in Judiciary and Public Prosecutors' Offices of NSZZ "Solidarność"

Interview 3. Chair of the All-Poland Trade Union of Employees in the National Fiscal Administration, affiliated to OPZZ

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