

ACT

of 23 May 1991

On employers organizations

Chapter I

General Provisions

Article 1. 1. Employers shall have the right, without prior authorization, to found organizations of their choice as well as to join them, on condition to observe their statutes.

2. An employer in the meaning of this Act is a person defined in article 3 of the Labour Code.

3. Repealed.

Article 2. Employers organizations shall have the right to found federations and confederations and to join them; any organization, federation and confederation has the right to belong to international employers organizations.

Article 3. Employers' unions, their federations and confederations shall be self-governing and independent in their statutory activity from the governmental administration bodies, bodies of territorial self-government and other organisations.

Article 4. Organizations of employers, their federations and confederations may not carry out activities in order to restrict the right of workers to associate in trade unions or to exercise supervision over workers organizations.

Article 5. The main task of employers' unions, their federations and confederations shall be to protect rights and represent interests, including economic interests, of associated members in relations with trade unions, authorities and bodies of governmental administration as well as territorial self-government bodies.

Article 6. 1. The property of organizations, federations and confederations of employers shall be acquired by means of contributions of their members, donations, legacies, and from the income that they earn from their activities and property.

2. Contribution for employers' organizations, mentioned in item 1 above, is calculated into the costs of income revenue, up to the limit determined in the Council of Ministers' regulation.

Chapter II

The establishment of employers' organizations

Article 7. 1. The employers' organization shall be found with the founding resolution passed at a founding meeting by at least ten employers.

2. Any decision concerning the membership in an employers' organization of a legal person as an employer shall be made by the body authorized to make declarations on behalf of this organization.

3. The founding meeting, which passed the resolution on founding an employers' organization, shall adopt statute and elect a founding committee composed of at least three persons.

Article 8. 1. The statute of the employers' organization shall specify, in particular:

- a) the name of the organization, the seat and the territorial scope of its activities;
- b) its authorities, method of election and revocation, scope of competencies and the terms of office;
- c) goals and tasks of the organization and method and forms for their pursuing;
- d) rules of acquiring and losing the membership;
- e) rights and obligations of members;
- f) the method of representation of the organization and the persons entitled to contract property obligations on behalf of the organization;
- g) rules of amending of statute, dissolution of the organization, and the distribution of its property in the event of liquidation;
- h) sources of financing of the organization and procedures for setting membership fees.

2. Organizations, which intend to establish territorial divisions, shall set out in their statutes the organizational structure and the rules governing the foundation of those divisions.

Article 9. 1. The employers' organization is subjected to compulsory registration in National Court Register.

2. If the founding committee fails to submit the registration request within 30 days of the founding date, the founding resolution shall become void.

Article 10. Employers' organization acquires legal personality on the date of the registration.

Article 11. 1. The employers' organization shall immediately notify the court of any amendment of its statute. If the court does not raise objection to the amendment in terms of its compliance with the law, the amendment shall come into force 14 days following notification.

2. If there are objections referred to in item 1, the court shall notify the employers' organization and shall set a date a hearing to review the objection within 30 days of the date of notification submitted by the employers' organization regarding amendment of its statute.

3. Repealed.

Article 12. 1. The court shall delete the employers' organization from the National Court Register if:

- a) the authority specified in the statute passed a decision to dissolve the employers' organization;
- b) the number of members of the organization remains below ten for a period of time exceeding three months

2. The court shall ascertain the circumstances referred to in item 1, either ex officio or upon request of the employers' organization.

3. Repealed.

Article 13. 1. Matters concerning registration of employers' organization shall be reviewed in accordance with the provisions of the Code of Civil Procedure pertaining to non-litigious procedures.

2. The court shall reviewed matters referred to in item 1, within a period of 14 days from the date of submission of a request.

3. Repealed.

Article 14. The provisions of art. 7 to 13 shall apply to federations and confederations referred to in art. 2, subject to the following:

- a) the number of funding members of these organizations may not be less than three;
- b) Repealed
- c) The court shall delete the organization from the National Court Register if the number of members remains below three for a period of time exceeding three months.

Chapter 3

Rights of employers' organizations

Article 15. Employers' organizations, federations and confederations shall have the right to pass their statutes and internal rules, to freely elect their representatives, to appoint their boards and to draw up their programmes of activities.

Article 16. 1. Employers' organisation, representative in the meaning of the law of 6 July 2001 concerning Tripartite Commission for Socio-Economic Issues and voivodship social dialogue commissions (Dz. U. No. 100, Text 1080, with further amendments ⁶⁾), further referred to as "the law concerning Tripartite Commission for Socio-Economic Issues ", shall have the right to pronounce its opinion on underlying principles and draft texts of legal acts in the scope covered by the employers' union tasks. It does not relate to underlying principles of the draft state budget and draft budgetary law, whose consultation is governed by separate provisions.

2. Authorities and bodies of governmental administration as well as territorial self-government bodies shall be obliged to provide employers' organisations with opportunities for exercising rights referred to in paragraph 1, on equal footing with the trade unions.

Article 16¹ 1. An employers' organisation, representative in the meaning of the law concerning Tripartite Commission for Socio-Economic Issues, shall have the right to pronounce its opinion on consultative documents of the European Union, in particular white papers, green papers and communications, as well as draft legal acts of the European Union within the scope of tasks covered by employer unions' tasks.

2. Authorities and bodies of governmental administration shall deliver the consultative documents of the European Union as well as draft legal acts referred to in paragraph 1, to competent statutory authorities of the union, fixing the time-limit for presenting an opinion.

3. Authorities and bodies of governmental administration shall deliver consultative documents of the European Union as well as draft legal acts, referred to in paragraph 1, to an appropriate electronic address, indicated by a competent statutory body of the union.

Article 16². 1. An employers' organisation, representative in the meaning of the law concerning Tripartite Commission for Socio-Economic Issues, shall have the right to apply for adoption or amendment of the law or other legal act within the scope of tasks covered by the tasks of the employers' organisation.

2. Proposals concerning laws shall be submitted by the organisation to deputies to the Sejm or bodies having legislative initiative, and proposals concerning other legal acts - to bodies entitled to issue them.

3. A public body, with which the proposal was lodged, shall be obliged, within 30 days, to provide an employers' organisation with its position, and in the case of negative position - also with its reasons.

Article 17. Under the rules specified in separate provisions, employers' organizations shall participate in collective negotiations and enter into collective agreements as well as other agreements within the scope of their statutory activities.

Article 18. 1. Income from economic activity pursued by the employers organizations, federations and confederations shall be used for performance of their statutory tasks and cannot be divided amongst the members.

2. Employers organizations, federations and confederations shall benefit from tax relieves available to the associations.

Chapter 4

Responsibility for violation of provisions of the Act

Article 19. 1. If the registry court finds that employers' organization authority pursues activities which are in contradiction to the Act, the court shall set a period of at least 14 days to adjust the activities of that authority to the governing law. The proceedings shall be instituted upon the motion of the competent voivodship prosecutor.

2. If the period of time specified in item 1 passes ineffectively, the registry court may:

- a) impose a fine on each member of the said authority;
- b) set a new date for elections to the employers organization authority referred to in item 1 under the pain of suspending activity of that authority.

3. If the measures specified in item 2 prove to be ineffective, registry court, upon the motion of the Minister of Justice, shall pass a decision to delete the employers' organization from National Court Register. This decision may be appealed.

4. Provisions of Article 13 shall apply to matter referred to in items 1 to 3 above.

5. The employers organization deleted from the register by valid decision of the court shall be obliged to cease its activities immediately and perform liquidation of the organization within no more than three months of the day the decision becomes valid, in accordance with the procedures provided for in its statute.

6. Provisions of items 1 to 5 above shall apply to federations and confederations referred to in art. 2 of this Act.

Chapter 5

Transitional and final provisions

Article 20. 1. Organizations associating employers on the basis of provisions in force until this Act becomes valid may become employers organizations within the meaning of art. 1 item 2 or art. 2 after adapting their statutes to comply with provisions of this Act and after fulfilling conditions of this Act.

2. By the time a national representation of employers on the basis of this Act is founded, until 30 September 1991 at the latest, the rights and interests of Polish employers shall be represented at the international level by the Confederation of Polish Employers.

Article 21. This Act shall come into force 30 days after the date of its promulgation.