**ACT**

of 24 July 2015

**on the Social Dialogue Council and other social dialogue institutions**

Chapter 1

**Objectives and tasks of the Social Dialogue Council**

**Article 1**

1.The Social Dialogue Council shall be established, hereinafter referred to as the ”Council”, as a forum of tripartite cooperation among the following parties: the party representing workers, referred to in Article 11 paragraph 1 of the Act of 23 May 1991 on trade unions (Journal of Laws of 2015, item 1881 and of 2018, item 1608), hereinafter referred to as the "workers' party", employers’ party and the government, hereinafter referred to as the “parties to the Council”.

2. The Council shall hold dialogue in order to ensure social and economic development conditions and to enhance the competitiveness of the Polish economy as well as social cohesion.

3. The Council shall work for the enforcement of the rule of social participation and solidarity with regard to employment relations.

4. The Council shall work for the improvement of the quality of formulating and implementing socio-economic policies and strategies and for the creation of social consensus with regard to these issues by holding transparent, substantive and regular dialogue between the workers and employers’ organizations and the government party.

5. The Council shall support social dialogue at all levels of territorial self-government entities.

**Article 2**

The responsibilities of the Council and its parties shall comprise:

1)     expressing opinions and taking positions,

2)     giving opinions on draft guidelines for draft legal acts and on draft legal acts,

2a) giving opinions on the Multiannual Financial Plan of the State, draft strategies, draft programs and drafts of other government documents regarding the planned activities of the Council of Ministers, prepared by the Council of Ministers and its members,

3)     initiating the legislative process pursuant to the rules laid down in this Act,

4)     carrying out other tasks arising out of other legal acts

– with regard to the matters provided for under Article 1.

Chapter 2

**Rights of the Social Dialogue Council and its parties**

**Article 3**

1. The parties to the Council may enter into agreements and take joint positions.

2. The subject of agreements of the parties to the Council shall be mutual obligations of the parties aimed at attaining the Council objectives, provided for under Article 1, paragraphs 2–4.

3. Agreements shall lay down in particular:

1)     the duration;

2)     the mode of making amendments in the content;

3)     the mode of terminating the agreement;

4)     cases of expiration;

5)     the mode of dispute settlement.

**Article 4**

1. Each of the parties to the Council has the right to propose an issue of great social or economic importance for the discussion by the Council, if it considers that its resolution is crucial for keeping social peace, for socio-economic development and prosperity growth, for enhancing the competitiveness of the Polish economy and social cohesion.

2. Each of the parties to the Council, also jointly with another party to the Council, may take a position on any issue relating to social or economic policy.

3. Each of the parties to the Council may request another party to take a position on an issue that it considers to be of great social or economic importance.

4. As regards the issue proposed for the Council’s discussion in the manner laid down in paragraph 1, the Council shall adopt a resolution.

5. The Council may, by way of a resolution, request the team mentioned under Article 34, to examine the issue laid down in paragraph 1, setting at the same time the deadline by which the position should be taken.

6. If the team presents its position on the issue laid down in paragraph 1, by the deadline set out in paragraph 5, the Council shall adopt a resolution based on this position at the first meeting held after the deadline.

7. If the team does not present its position by the deadline laid down in paragraph 5, each of the parties in the Council may present to the Council its position on the issue within 14 days from the date by which the deadline for the presentation of the team’s position has expired.

8. If the party does not present its position by the deadline laid down in paragraph 7, each of the organizations, whose representatives represent the workers’ party and employers’ party to the Council, and the government party, may present their positions within 5 days from the date by which the deadline for the presentation of the position of each party to the Council has expired.

9. Following the expiration of the deadlines laid down in paragraphs 7 and 8, the Council may adopt a resolution on the issue, after examining the positions of the parties or organizations whose representatives represent the workers’ party and the employers’ party to the Council.

10. The mode provided for in paragraphs 4–9 shall apply to the adoption of opinions by the Council.

**Article 5**

1. Draft guidelines for the Multiannual Financial Plan of the State, draft guideline for legal acts, draft legal acts, draft strategies, draft programs and drafts of other government documents regarding the planned activities of the Council of Ministers developed by the Council of Ministers and members thereof, on the issues laid down under Article 1, shall be referred to the workers’ party and the employers’ party to the Council to obtain their opinion.

2. The workers’ party and the employers’ party to the Council shall express their opinion by way of a resolution.

3. The drafts referred to in paragraph 1 above, shall be transferred to the electronic mail address of the Office of the Social Dialogue Council.

4. The period in which the opinion referred to in paragraph 2 above should be given may not be less than 30 days from the date of transferring the draft to the electronic mail address, provided for in paragraph 3. The period may be reduced to 21 days for important public interest.

5. Failure to present the opinion, referred to in paragraph 2, within the period set shall be construed as renouncement of the right to express it.

**Article 6**

1. If the Council of Ministers does not take into account the opinion, referred to under Article 5 paragraph 2, or if it introduces significant amendments to the draft as compared to the consulted draft, it presents its position in the content of the justification submitted to the Sejm [lower house of the Polish Parliament].

2. The position, referred to in paragraph 1, shall be submitted to the Council by the Council of Ministers.

**Article 7**

1. The workers’ party and the employers’ party to the Council shall have the right to develop the mutually agreed draft guidelines for draft legal acts and draft legal acts on the issues referred to in Article 1, and to transfer them to the competent minister for the submission to the Council of Ministers.

2. The draft, referred to in paragraph 1 above, contains the justification together with the impact assessment.

3. The draft, referred to in paragraph 1 above, shall be agreed on by way of a resolution of the workers’ party and the employers’ party to the Council.

4. If the Council of Ministers does not adopt the draft to work on it further, the competent minister shall be required to present written justification to the workers’ party and the employers’ party to the Council within 2 months from the date of taking a decision on non-adoption of the draft, not later than within 4 months of the date of receiving the draft by the competent minister.

5. If the draft act is submitted to the Sejm with significant amendments, information comprising the justification of the amendments shall be included in the justification of the draft.

**Article 8**

1. The workers’ party and the employers’ party to the Council may apply for a public hearing to the entity responsible for drawing up a normative act on the issues within the competence of the Council.

2. Each of the organizations whose representatives represent the workers’ party and the employers’ party to the Council may take an initiative to file an application for a public hearing with regard to the draft normative act.

3. The application shall be accepted by way of a resolution of the workers’ party’ and employers’ party to the Council.

**Article 9**

1. The workers’ party and the employers’ party to the Council may make joint enquiries to competent ministers on the issues referred to in Article 1.

2. The enquiry, referred to in paragraph 1 above, shall be agreed on by way of a resolution of the employee’ party and the employers’ party to the Council.

3. The competent minister shall give a reply within 30 days of the date of receiving the joint enquiry.

**Article 10**

1. Each year the Council draws up its action programme, taking into account the current socio-economic situation. The programme lays down the priorities for the development and enhancement of the social dialogue effectiveness in Poland.

2. By 20 January each year the government party shall present to the Council the current list of the Council of Ministers’ legislative and programming activities.

3. The Council’s work programme shall be submitted to the Council of Ministers by 20 February each year.

**Article 11**

1. The Council shall examine the applications of the voivodship (regional) social dialogue councils, referred to in Article 41 paragraph 1, if they concern the issues within its competence.

2. The Presidium of the Council may refer the issue pertinent to the voivodship (regional) level to the voivodship social dialogue council.

3. Information on the resolution of the issue, referred to in paragraph 2 above, shall be presented by the Chair of the voivodship social dialogue council to the Presidium of the Council.

4. The Presidium of the Council may decide that the information, referred to in paragraph 3 above, as well as the opinion and the position, laid down under Article 42, paragraph 1 point 1, should be discussed at the Council’s plenary session.

**Article 12**

The Council shall present the positions on the issues proposed for its discussion by the Council of Ministers, the members thereof and other public authorities.

**Article 13**

1. The workers’ party and the employers’ party to the Council shall have the right to file joint applications for adopting or amending the law of any other legal act laying down the issues referred to in Article 1. The applications shall be submitted to the competent Minister.

2. The application, referred to in paragraph 1 above, shall be agreed on by way of a resolution of the workers’ party and the employers’ party to the Council.

3. If the application, referred to in paragraph 1 above, is filed, the competent minister shall give a reply in writing to the issue to the workers’ party and the employers’ party to the Council within the period of no more than 2 months from the date of the application submission.

4. The workers’ party and the employers’ party to the Council may file a joint application for the presentation of the position, referred to in paragraph 3 above, at the nearest Council’s session.

**Article 14**

The workers’ party and the employers’ party to the Council may adopt a resolution authorizing the Chair of the Council to lodge an application to the Supreme Court for the settlement of a legal issue, if discrepancies occurred in the jurisprudence of the Supreme Court or common courts of law in the interpretation of the law.

**Article 14a**

The Council may adopt a resolution to submit a motion by the chairman of the Council to the Sejm and the Senate to allow the Sejm or Senate to be presented with information on matters of significant importance within the scope referred to in Article 1.

**Article 14b**

The workers’ party and the employers' party of the Council may adopt a resolution on a request by the chairman of the Council to the minister responsible for public finance for a general interpretation of tax law, in the event of inconsistent application of tax law provisions in certain decisions, provisions and individual interpretations issued by the tax authorities in the same factual states or future events and in the same legal states, in particular when issuing a general interpretation serves the purposes of the Council referred to in Article 1.

**Article 15**

1. The workers’ party and the employers’ party to the Council may enter intomulti-company collective labour agreements covering all employers associated in the organizations, referred to under Article 24 paragraph 1, or a group of these employers and workers employed by these employers, and also into agreements laying down mutual obligations of these parties.

 2. The provisions of Article 239–2411, Article 2412 paragraph 1 and 3, Articles 2413–2419, paragraph 1 and 2, and Articles 24110–24113of the Act of 26 June 1974 – Labour Code (Journal of laws of 2018, items 917, 1000, 1076, 1608 and 1629) shall apply to the agreements, referred to in paragraph 1 above.

**Article 16**

1. The government party shall present to the Council by 10 May each year the Multiannual Financial Plan of the State containing the Convergence Program, which defines the preliminary forecast of the basic macroeconomic values ​​constituting the basis for work on the draft budget act for the next year

2. The workers’ parties and employers’ parties to the Council shall submit, within 10 days from the date of receiving the Multiannual Financial Plan of the State, their joint proposal concerning an increase in the following year of:

1)     wages in the national economy, including the public sector;

2)     the minimum wage for work;

3)     old-age and disability pensions paid out from the Social Insurance Fund.

3. If the workers’ parties and employers’ parties to the Council do not present their joint proposal by the date referred to in paragraph 2 above, each of the parties may, within 5 working days, submit its own proposal concerning each of the issues, laid down in paragraph 2 above.

4. If the party does not present its proposal concerning the issues, referred to in paragraph 2 above, by the date referred to in paragraph 3 above, the proposal concerning each of the issues may be submitted, within 5 working days, by each of the organizations whose representatives represent the workers’ party and employers’ party to the Council.

**Article 17**

1. By 15 June each year the government party shall submit the guidelines for the draft budget bill of the state for the following year to the Council so that the workers’ parties and employers’ parties take a position.

2. The workers’ parties and employers’ parties to the Council, within 30 days from the date of receiving the guidelines for the draft budget bill of the state for the following year, shall take a joint position on these guidelines.

3. If the parties do not agree on their joint position by the date referred to in paragraph 2 above, each of the parties may, within 3 working days, take its position on the guidelines for the draft budget bill for the following year.

4. If the parties do not agree on their joint position on the guidelines for the draft budget bill of the state for the following year by the date referred to in paragraph 3 above, an opinion on the guidelines for the draft budget bill for the following year may be given, within 3 working days, by each of the organizations whose representatives represent the workers’ party and the employers’ party to the Council.

**Article 18**

1. The government party, not later than within 30 days before presenting the draft budget bill to the Sejm, shall submit the draft budget bill for the following year together with the justification to the Council so that the workers’ parties and employers’ parties take a position.

2. The workers’ party and employers’ party to the Council shall take a joint position on the draft budget bill for the following year not later than on the 10th working day following the day on which they received the draft bill.

3. If the parties do not agree on their joint position by the date referred to in paragraph 2 above, each of the parties may, within the subsequent 5 working days, take its position on the draft budget bill for the following year.

4. If the party does not agree on the position on the draft budget bill for the following year by the date, referred to in paragraph 3 above, an opinion on the draft budget bill for the following year may be given, within the subsequent 3 working days, by each of the organizations whose representatives represent the workers’ party and employers’ party to the Council within the subsequent 3 working days.

**Article 19**

1. Failure to present a joint proposal and positions, referred to under Articles 16–18, by the date set in each of these provisions respectively, shall imply the renouncement of the right to express them.

2. The dates, referred to under Articles 16–18, may be changed by the Council at the request of the government party.

**Article 20**

The Minister responsible for public finance matters shall present to the workers’ party and the employers’ party to the Council information on the course of the execution of the budget bill for the first half of the current year by 10 September of this year.

**Article 21**

1. The Council of Ministers shall present to the workers’ party and the employers’ party to the Council information on the enforcement of budget bill by 31 May of the following year.

2. The workers’ party and employers’ party to the Council may present to the Sejm, within 14 days from receiving the information, provided for in paragraph 1, their joint opinion on the budget bill enforcement.

Chapter 3

**Composition and organization of the Social Dialogue Council**

**Article 22**

1. The Council is composed of the representatives of the government party, workers’ party and employers’ party.

2. As regards Council’s activities:

1)     representatives of the President of the Republic of Poland, of the President of the National Bank of Poland, the President of the Central Statistical Office and the Chief Labour Inspector take part in such activities, in an advisory capacity;

2)     representatives of other selected and interested organizations and institutions may take part in such activities, at the invitation of the Council’s Chair – in line with their area of activity.

**Article 23**

1. The workers’ party to the Council shall be represented by the representatives of representative trade union organizations.

2. The following are regarded as representative trade unions organizations: nation-wide trade unions, nation-wide associations (federations) of trade unions and nation-wide inter-union organizations (confederations) which comply with the following cumulative criteria:

1)     they associate more than 300,000 members who are workers, referred to in Article 11 point 1 of the Act of 23 May 1991 on trade unions;

2)     they operate in the national economy entities whose key area of activity is provided for in more than fifty percent of the sections of the Polish Business Activity Classification (PKD), referred to in the public statistics regulations.

3. On establishing the number criterion, referred to in paragraph 2 point 1 above, no more than 100 000 members per trade union organization are taken into account – they are workers employed in the national economy entities whose key area of activity is provided for in the Polish Business Activity Classification (PKD), referred to in the public statistics regulations. On establishing the number of workers, referred to paragraph 2 point 1 above, the trade union organization applying for the recognition as a representative trade union organization does not take into account the workers associated in those of its member organizations which are at present or were, within the period of one year prior to lodging an application for the recognition of their representativeness, associated in a representative trade union organization that has representatives in the Council.

4. The workers’ party may invite representatives of trade unions and trade union organizations not complying with the criteria laid down in paragraphs 2 and 3 and representatives of social and professional organizations to take part in the Council’s work, in an advisory capacity.

**Article 24**

1. The employers’ party to the Council shall be represented by the representatives of representative employers’ organizations.

2. The following are regarded as representative employers’ organizations: nation-wide, cross-industry employers’ organizations operating pursuant to the Act of 23 May 1991 on employers’ organizations (Journal of Laws of 2019, item 263) or Act of 22 March 1989 on crafts (Journal of Laws of 2020, item 2159), complying with the following cumulative criteria:

1)     they associate employers referred to in Article 11 point 2 of the Act of 23 May 1991 on trade unions, hereinafter referred to as "employers", employing a total of at least 300,000 people who are workers, subject to paragraph 3;

2)     they associate employers engaged in the key area of business activity in at least fifty per cent of the sections of the Polish Business Activity Classification (PKD), referred to in the public statistics regulations, subject to paragraph 4;

3)     they have among their members regional, cross-industry employers’ organizations with registered office in at least half number of the voivodships (regions).

3. When establishing the number criterion referred to in paragraph 2 point 1:

1) in the case of an employer operating in the scope of one section of the PKD, all workers are assigned to this section, or

2) in the case of an employer operating in more than one section of the PKD, all workers are assigned to the section covering the basic type of activity of a given entity

- but not more than 100,000 workers in a given section of the PKD are taken into account.

4. When determining the number of sections referred to in paragraph 2 point 2, includes sections covering at least 3,000 workers.

5. The employers’ party may invite representatives of employers’ organizations not complying with the criteria laid down in paragraphs 2-3 above and representatives of social and professional organizations to take part in the Council’s work, in an advisory capacity.

**Article 25**

1. The applications of the trade unions organizations referred to in Article 23 paragraph 2, and employers' organizations referred to in Article 24 paragraph 2, for a recognition of their representativeness shall be examined by the District Court in Warsaw, which issues a judgment in this case within 30 days from the date of submitting the application under the provisions of the Act of 17 November 1964 - Code of Civil Procedure (Journal of Laws of 2018, item 1360, as amended) on non-contentious proceedings.

2. The applications, referred to in paragraph 1 above, shall be lodged by trade union organizations and employers’ organizations every 4 years. The 4-year period shall be calculated from the day on which the previously given judgement became final.

3. When 4 years lapse from the day on which the court judgement on the application for another recognition of representativeness became final, the trade union organization and employers’ organization loses the representative organization’s rights within the meaning of Articles 23 and 24, unless it documents to the Council Presidium that it submitted the application for another recognition of representativeness. In such case the organization retains the status of a representative organization until the court judgement on the application for another recognition of representativeness is final.

**Article 26**

1. Each of the organisations referred to in Article 23 paragraph 1 and Article 24 paragraph 1, as well as the government party, shall be represented in the Council by their respective representatives.

2. The number of representatives of the organisations referred to in Article 23 paragraph 1 and Article 24 paragraph 1 in the Council shall be determined jointly by the workers’ party and the employers’ party.

3. The workers party’ and the employers’ party shall have the same number of representatives in the Council, not more than 25 each side.

4. Each of the organisations referred to in Article 23 paragraph 1 and Article 24 paragraph 1 shall have the same number of representatives within each party.

4a. In the event that it is not possible to establish an equal number of representatives for each organization whose representatives represent the employees’ party or the employers’ party of the Council, each party to the Council may establish a different number of representatives for each organization whose representatives represent the employees’ party or the employers’ party of the Council, with where the difference cannot be more than 1.

5. The number of members of the Council of Ministers acting as representatives of the government party in the Council, shall be determined by the Prime Minister.

6. The numbers of representatives, referred to in paragraph 2, shall be approved by the Council, by resolution.

**Article 27**

1. Members of the Council who are:

1)     representatives of the workers’ party and of the employers’ party, at the request of each of the organisations referred to in Article 23 paragraph 1 and Article 24 paragraph 1,

2)     representatives of the government party – members of the Council of Ministers and one representative of the minister competent for labour issues responsible for social dialogue and of the minister competent for public finance responsible for the budget, in the rank of secretary or undersecretary of state, at the request of the Prime Minister;

3) Chief Labour Inspector - at his request.

– shall be appointed and dismissed by the President of the Republic of Poland.

2. The President of the Republic of Poland shall appoint and dismiss his representative participating in the work of the Council, as well as the representatives of:

1)     President of National Bank of Poland – at the request of the latter;

2)     President of Central Statistical Office – at the request of the latter.

2a. (repealed)

2b. (repealed)

3. Persons appointed as members of the Council or appointed to participate in its work shall participate in the work of the Council in person.

4. For the participation in the work of the Council the following monthly lump sum shall be paid to:

1)     the Chair and Deputy Chairs of the Council, excluding representatives of the government party – in the amount of 76% of the average wages in the preceding year, published by the President of Central Statistical Office pursuant to regulations on old-age and disability pensions from the Social Insurance Fund, starting from the first day of the month following publication, hereinafter referred to as “average wages”;

2)     members of the Council acting as chairs of the problem teams referred to in Article 34, excluding representatives of the government party – in the amount of 65% of the average wages;

3)     other members of the Council and secretaries of the Presidium of the Council - in the amount of 57% of the average wages.

5. The entitlement to the said lump sum shall apply only by virtue of one of the entitlements listed in paragraph 4 above.

6. Reimbursement of the costs of travel and accommodation, and per diem allowance, on terms and conditions specified in regulations issued pursuant to Article 775 paragraph 2 of the Act of 26 June 1974 – Labour Code, may be granted to:

1)     members of the Council and secretaries of the Presidium of the Council, excluding representatives of the government party;

2)     members of the problem teams referred to in Article 34 and experts other than members of the Council being members of an organisation the representatives of which represent workers’ party and employers’ party in the Council, provided that the funds allocated to these organisations under the agreements referred to in paragraph 7 allow for such reimbursement.

7. For the purpose of implementation of the tasks of workers’ party and employers’ party, represented in the Council, resulting from the act, within the framework of agreements concluded between the Office of the Social Dialogue Council and the organisations referred to in Article 23 paragraph 1 and Article 24 paragraph 1, which are members of the Council:

1)     Deputy Chairs of the Council may commission:

a) expertise, studies, reports and other documents to be prepared,

b) technical and organisational work,

c) purchase of services and materials,

d) organisation of conferences, conventions, meetings and trainings promoting social dialogue;

2)     the costs of travel and accommodation, and per diem allowance, referred to in paragraph 6(2) may be reimbursed.

8. The monthly lump sum referred to in paragraph 4, the reimbursement of the costs of travel and accommodation, and per diem allowance, referred to in paragraph 6 point 1, as well as the costs of the commissioned work referred to in paragraph 7, shall be paid by the Office of the Social Dialogue Council.

**Article 28**

1. The Council shall debate at plenary sessions.

2. The Council shall make decisions by resolution at plenary sessions, if the following participate in a given session:

1)     representatives of more than half of the organisations referred to in Article 23 paragraph 1;

2)     representatives of more than half of the organisations referred to in Article 24 paragraph 1;

3)     at least one representative of the Council of Ministers.

3. To be adopted, a resolution of the Council requires consent of each of the parties. The positions of the workers’ party and of the employers’ party shall be adopted by a simple majority, with at least 2/3 of members representing a given party participating in the voting. The position of the government party is adopted unanimously by the members of the Council of Ministers present at the meeting and the representatives of the minister responsible for labour and the minister responsible for public finance referred to in Article 27 paragraph 1 point 2.

**Article 29**

1. The workers’ party and the employers’ party shall agree upon a motion, give their opinion or adopt a position by resolution, taken at a plenary session, provided that the following participate in the session:

1)     representatives of more than half of the organisations referred to in Article 23 paragraph 1;

2)     representatives of more than half of the organisations referred to in Article 24 paragraph 1.

2. For a resolution to be adopted, consent of the workers’ party and the employers’ party is required.

3. A resolution is adopted by a simple majority, with at least 2/3 of members of the Council representing a given party present.

**Article 30**

1. The Council may adopt resolutions by correspondence voting. Adopting a resolution by correspondence voting may take place using the means of electronic communication.

2. Where a resolution is adopted by a correspondence voting, the vote on behalf of the government party and of the organisations referred to in Article 23 paragraph 1 and Article 24 paragraph 1 shall be cast by the Chair and each Deputy Chairs of the Council.

3. A correspondence voting is valid if all the organisations referred to in Article 23 paragraph 1 and Article 24 paragraph 1, and the government party have participated in the voting.

4. A resolution by a correspondence voting shall be adopted unanimously.

**Article 30a**

1. The workers’ and employers' parties may agree on an application, express their opinion or take a position by the way of a resolution adopted by correspondence voting. Adoption of a resolution by correspondence voting may take place using electronic means of communication.

2. When adopting a resolution by correspondence voting, the vote on behalf of the organizations referred to in Article 23 paragraph 1 and Article 24 paragraph 1, are cast by the chairman and each vice-chairman of the Council representing the workers’ and the employers’ parties.

3. Voting by correspondence is valid if all the organizations referred to in Article 23 paragraph 1 and Article 24 paragraph 1 take part in it.

4. A resolution by correspondence voting is adopted unanimously.

**Article 31**

1. The work of the Council is led by the Presidium of the Council, composed of the Chair and Deputy Chairs of the Council.

2. Representatives of each of the organisations referred to in Article 2 paragraph 1 and Article 24 paragraph 1, and the Prime Minister – on behalf of the government party – shall appoint one deputy Chair of the Council each, however the organisation or the government party whose representative holds the position of the Council Chair shall not appoint a Deputy Chair.

3. The Presidium of the Council coordinates the work of the Council and its problem teams referred to in Article 34, in particular it establishes the timetable of work of the Council and the agenda of sessions of the Council, and it examines the matters submitted by the Council.

4. In carrying out its tasks, the Presidium of the Council is assisted by secretaries of the Presidium of the Council.

**Article 32**

1. The Council is headed by the Chair of the Council.

2. The tasks of the Chair include:

1)     convening the sessions of the Council and of the Presidium of the Council, and chairing such sessions;

2)     representing the Council in external contacts;

3)     addressing motions and inquiries on behalf of the Council to competent authorities;

4)     carrying out other actions commissioned by the Council.

3. The chairman of the Council presents to the Sejm and the Senate annually, no later than by:

1) October 15 - information on the activities of the Council during its term of office;

2) May 31 - report on the activities of the Council in the previous year.

3a. Information on the activities of the Council referred to in paragraph 3 point 1, is made public.

4. The term of office of the Chairman of the Council is one year.

5. The post of Council Chair shall be held by rotation by a representative of the workers’ party and the employers’ party, appointed by a respective party and being a member of the Council, and of the government party, appointed by the Prime Minister from among members of the Council of Ministers who are members of the Council.

6. The order of chairing the Council shall be agreed upon by the parties to the Council.

**Article 33**

1. Sessions of the Council and of its Presidium shall be held depending on the needs, however not less frequently than once in 2 months.

2. The Council may, by resolution, delegate to the Presidium of the Council the examination of a matter within its competence, except for tasks the implementation of which by the Council results from other acts.

**Article 34**

Permanent and ad-hoc problem teams shall be established within the Council.

**Article 35**

1. The sessions of the Council shall be open to the public.

2. The Presidium of the Council may, for important reasons, decide to exclude the openness of its sessions.

3. A communication from a session of the Council shall be drawn up.

**Article 36**

The Council shall adopt its rules of procedure, specifying:

1)     the mode and manner of proceeding as well as the procedure for convening sessions of the Council and of the Presidium of the Council;

2)     the procedure for the appointment and functioning of the problem teams, referred to in Article 34 ;

3)     the form and manner of making the communication referred to in Article 35 paragraph 3 available to the public;

4)     the manner of informing about the course of sessions of the Council;

5)     the manner of inviting representatives having advisory capacity to participate in the work of the Council;

6)     the manner of appointing and the tasks of secretaries of the Presidium of the Council;

7)     the organisation, manner of operation and the mode of proceeding of the Office of the Social Dialogue Council.

8) principles of cooperation of the Council with voivodship councils for social dialogue, in the scope specified in the Act.

**Article 37**

1. Office of the Social Dialogue Council shall be established to provide technical, organisational and administrative as well as expert support to the Council, hereinafter referred to as the “Office”.

2. The Office is a separate organisational unit of a State budget unit subordinate to the minister competent for labour issues.

**Article 38**

1. The work of the Office shall be managed by the director of the Office.

2. The director of the Office shall be appointed by the minister competent for labour issues, on the request of the Council.

3. The minister competent for labour issues appoints and dismisses the director of the Office, on joint request of at least two parties to the Council.

4. As regards the obligations connected with the implementation of the tasks of the Council, the Presidium and the problem teams referred to in Article 34, the director of the Office is subordinate to the chair of the Council.

**Article 39**

1. The expenditure associated with the functioning of the Council and of the Office shall be covered from state budget, part 31 – Labour, within the framework of a separate chapter of budget nomenclature.

2. A draft financial plan for the Office shall be prepared by the director of the Office, and it shall be approved by the Council.

3. The expenditure referred to in paragraph 1 shall be included in the financial plan of the unit referred to in Article 37 paragraph 2.

4. Each year, by 31 January, the director of the Office shall present to the Council a report on the implementation of the financial plan of the Office for the preceding year.

5. The Council shall approve the report by the end of February of a given year.

**Article 40**

1. The work of the government party in the Council shall be coordinated by the minister competent for labour issues.

2. The minister competent for labour issues and the minister’s office cooperates with the Council and with the voivodship social dialogue councils referred to in Article 41 paragraph 1, and informs the Council about the activities and initiatives of the government party.

3. The minister competent for labour issues, upon request of the workers’ party and the employers’ party to the Council, shall appoint teams, independent from the Council, to conduct sectoral social dialogue. Establishing a team is preceded by consultation with the competent minister.

Chapter 4

**Voivodship (regional) social dialogue councils**

**Article 41**

1. In voivodships, voivodship social dialogue councils may be established, hereinafter referred to as “VSDC”.

2. The voivodship marshal shall make decision on establishing a VSDC, on joint request of at least one of the organisations referred to in Article 23 paragraph 1 and at least one of the organisations referred to in Article 24 paragraph 1.

3. The voivodship marshal shall make decision on dissolution of VSDC if all the organisations referred to in Article 23 paragraph 1 or all the organisations referred to in Article 24 paragraph 1 request for their representatives to be removed from VSDC.

4. The establishment as well as ensuring the operation of VSDC is a task in the realm of government administration, delegated to the voivodship marshal, and financed from a target subsidy.

**Article 42**

1. The VSDC competence include:

1) taking positions and expressing opinions:

a) in matters falling within the scope of tasks of trade unions or employers' organizations falling within the competence of government and self-government administration from the voivodeship territory,

b) in the cases referred to in Article 11 paragraph 2;

2) performing other tasks resulting from separate acts.

1a. In the cases referred to in paragraph 1, VSDC takes a common position.

1b. If VSDC does not agree on a common position on the matters referred to in paragraph 1, either party, also jointly with another party to the VSDC, may take a position on this matter.

1c. If the VSDC party does not agree its position on the matters referred to in paragraph 1, each of the organizations referred to in Article 23 paragraph 1 and Article 24 paragraph 1, included in this VSDC, have the right to express an opinion on this matter.

1d. The mode specified in paragraphs 1a-1c applies to the expressing opinions by the VSDC.

1e. Each party to the VSDC may call on another party to the VSDC to take a position on a matter which it deems to be of great social or economic importance for the voivodship. The provisions of paragraphs 1a-1c shall apply accordingly.

2. The voivodship marshal shall submit to the VSDC workers' and employers' parties for opinion draft strategies for the development of the voivodship and programs in the scope covered by the tasks of trade unions and employers' organizations, as well as reports on their implementation.

3. Expressing the opinion referred to in paragraph 2, requires the consent of the workers' and the employers' parties of VSDC. If the workers’ party and the VSDC employers' party do not agree on a joint opinion, either party has the right to express an opinion on this matter. If the workers’ party or the employers' party do not agree on the opinion, each of the organizations referred to in Article 23 paragraph 1 and Article 24 paragraph 1, included in the VSDC, have the right to express an opinion on this matter.

4. Positions or opinions on the matter referred to in paragraph 1 point 1b, the chairman of VSDC forwards the Presidium of the Council.

**Article 43**

1. The parties to VSDC may jointly conclude agreements.

2. The object of such agreements may be mutual obligations of the parties in the matters covered by respective scopes of their activities. The provision of Article 3 paragraph 3 shall apply accordingly.

**Article 44**

1. The VSDC can deal with social or economic issues that lead to conflicts between employers and workers, if it considers these matters essential for the maintenance of social peace.

2. The matters referred to in paragraph 1 may be presented to VSDC in writing by each of its parties, the trade unions and employers’ organisations not being VSDC members, by public administration authorities as well as by the parties affected by the conflict.

**Article 45**

1. In the matters referred to in Article 44 paragraph 1, VSDC presents an opinion or adopts a resolution on the need to appoint a person with a good will mission from the list of mediators referred to in Article 11 paragraph 1 of the Act of 23 May 1991 on collective dispute settlement (Journal of laws of 2015, item 295), subject to paragraph 2.

2. In exceptional cases, if this is required by public interest, the Chair of VSDC may decide independently on the need to appoint a person with a good will mission.

3. The request addressed to the minister competent for labour issues to appoint a person with a good will mission shall be made by the VSDC chair.

4. A person with a good will mission helps the parties of the conflict to solve it. If it is not possible to solve the conflict, the parties of the conflict or the person with a good will mission shall request VSDC to express an opinion.

**Article 46**

1. A person with a good will mission shall be entitled to leave from work for the time of conducting the mission.

2. A person with a good will mission shall be entitled to remuneration and reimbursement of the travel and accommodation expenses incurred, specified in the agreement concluded by such person with the marshal of the voivodship. Such remuneration shall not be higher than the remuneration provided for the mediators from the list of mediators, specified in compliance with regulations issued pursuant to Article 11 paragraph 3 of the Act of 23 May 1991 on collective dispute settlement.

3. The remuneration and expenses referred to in paragraph 2 shall be financed from the target subsidy referred to in Article 41 paragraph 4.

**Article 47**

1. VSDC is composed of:

1)     marshal of the voivodship and two persons indicated by the marshal from among representatives of other territorial self-government units or from associations of local governments – as representatives of the self-government party;

2)     representatives of the organisations referred to in Article 23 paragraph 1 – as representatives of the workers’ party;

3)     representatives of the organisations referred to in Article 24 paragraph 1 – as representatives of the employers’ party;

4)     voivode and two persons indicated by the voivode – as representatives of the government party.

2. VSDC may invite representatives of poviats (districts) and gminas (communes) of its voivodship to participate in its sessions.

3. The number of representatives of each of the organisations referred to in paragraphs 1 point 2 and 3, which are members of VSDC, shall be determined jointly by the workers’ party and the employers’ party, by resolution.

4. Members of VSDC shall be appointed and dismissed by the marshal of a given voivodship, on the request of the organisations and institutions referred to in paragraph 1.

5. The detailed manner of VSDC functioning shall be defined in the VSDC rules of procedure.

6. VSDC shall be supported by the Office of the voivodship social dialogue council, which is an organisational unit of the voivodship marshal office.

7. The office of the voivodship council for social dialogue in the scope of works related to the functioning of VSDC performs the tasks commissioned by the VSDC Presidium.

**Article 48**

1. VSDC shall debate at plenary sessions.

2. The first VSDS session shall be convened by the voivodship marshal, not later than within 3 months from the date when the request referred to in Article 41 paragraph 2 is submitted.

3. Sessions of VSDC shall be held depending on the needs, not less frequently however than once in three months.

4. Sessions of VSDC and of VSDC Presidium shall be convened by the VSDC Chair.

5. In exceptional cases, the VSDC Chair may authorise one of VSDC Deputy Chairs to convene a VSDC session or a session of VSDC Presidium.

6. VSDC Chair may entrust one of Deputy Chairs with presiding the session.

7. VSDC members shall participate in the work of VSDC in person.

8. Members of VSDC and VSDC Presidium may be assisted at VSDC and VSDC Presidium sessions by consultants invited by them, on terms and conditions specified in the VSDC rules of procedure.

9. At the request of the VSDC Presidium, as part of the funds for the functioning of the office of the voivodship social dialogue council, the voivodship marshal may cover the costs of the necessary expertise and opinions, the costs of travel to meetings of VSDC members and the costs related to the business trip of VSDC members performing tasks commissioned by the VSDC Presidium, in in the amount and under the conditions specified in the regulations issued on the basis of Article 775 § 2 of the Act of June 26, 1974 - the Labour Code.

**Article 49**

1. The work of VSDC is managed by the VSDC Presidium, composed of VSDC Chair and all VSDC Deputy Chairs.

2. Representatives of each of the organisations referred to in Article 23 paragraph 1 and Article 24 paragraph 1, shall appoint one VSDC Deputy Chair each, however the organisation or the party whose representative holds the position of the VSDC Chair shall not appoint a Deputy Chair.

3. The function of VSDC Deputy Chair and member of VSDC Presidium on behalf of the government party shall be held by the voivode, and on behalf of the self-government party – by the voivodship marshal.

4. The position of VSDC Chair shall be held by rotation by a representative of the workers’ party and the employers’ party, appointed by a respective party and being a member of VSDC, the voivodship marshal, and the voivode.

5. The order of chairing VSDC shall be agreed upon by its parties.

6. The term of office of the VSDC Chair shall be one year.

**Article 50**

1. VSDC makes decisions by way of a resolution.

1a. VSDC adopts resolutions at plenary meetings, if the meeting is attended by:

1) representatives of more than half of the organizations referred to in Article 23 paragraph 1;

2) representatives of more than half of the organizations referred to in Article 24 paragraph 1;

3) at least one representative of the self-government party;

4) at least one representative of the government party.

1b. Adoption of a VSDC resolution requires the consent of each party. The positions of the workers' and employers' parties are adopted by simple majority, with at least 2/3 of the VSDC members representing the party required to vote. The positions of the self-government party and the government party are adopted unanimously by the members of the self-government government party and the government party of VSDC present at the meeting.

1c. VSDC may adopt resolutions by correspondence voting. Adoption of a resolution by correspondence voting may take place using electronic means of communication.

1d. When adopting a resolution by correspondence voting, the vote on behalf of the self-government party, government party and organizations referred to in Article 23 paragraph 1 and Article 24 paragraph 1 shall be provided by the chairman and each vice-chairman of the VSDC.

1e. Correspondence voting is valid if all the organizations referred to in Article 23 paragraph 1 and Article 24 paragraph 1, and the self-government party and the government party take part.

1f. A resolution by correspondence voting is adopted unanimously.

2. Opinions referred to in Article 42 paragraph 2, are expressed at the VSDC plenary meeting, respectively on the principles set out in paragraphs 1a and 1b.

3. The VSDC submits applications containing positions regarding the recommendation or solutions and proposed legal changes to the Council. The Presidium of the Council informs VSDC about the method of considering the application within 30 days.

4. After receiving the position of VSDC, the public administration body shall refer to the submitted position in writing within 30 days.

5. (repealed)

Chapter 5

**Changes to the existing provisions**

Article 51. – Article 82. *Contains amendments in the existing provisions.*

Chapter 6

**Transitional, adapting and final provisions**

*Article 83. – Article 88. Contains transitional and final provisions*

**Article 89.**  The Act of 6 July 2001 on Tripartite Commission for Social and Economic Affairs and Voivodship Social Dialogue Commissions shall be repealed.

**Article 90.**  The Act shall enter into force 14 days from the date of publication.