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Partnership and Social Dialogue in the Axiological and Administrative-Legal Perspective

Keywords: principles of law, values, pluralism, public administration, partnership and social dialogue
Słowa kluczowe: zasady prawa, wartości, pluralizm, administracja publiczna, partnerstwo i dialog społeczny

Abstract

Partnership and social dialogue are fundamental values for relations between administrative entities, because due to the nature and importance of these, they have been coded by the rational legislator in the principles of law expressed in the Constitution. Due to the relationship between administrative law and its principles and constitutional law, the postulate of including social partners in the decision-making processes of the executive authority can be observed, which is exemplified by the functioning of entities implementing joint actions in the scope of administrative programming acts.

Streszczenie

Partnerstwo i dialog społeczny w perspektywie aksjologicznej i administracyjnoprawnej

Partnerstwo i dialog społeczny stanowią wartości podstawowe dla stosunków pomiędzy podmiotami administrującymi i administrowanymi, bowiem ze względu na charak-

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ter i rangę tych zakodowane zostały przez racjonalnego prawodawcę w zasady prawa wyrażone w Konstytucji. Ze względu na związek prawa administracyjnego i jego zasad z prawem konstytucyjnym obserwować można przenikanie postulatu włączenia partnerów społecznych w procesy decyzyjne podejmowane przez władze wykonawczą, czego przykładem jest funkcjonowanie podmiotów realizujących działania wspólne w zakresie aktów programowych administracji.

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I. Introduction

The term partnership can be found in the language of regulations regarding public administration, including constitutional and administrative law. The following study aims to present the principle of partnership and social dialogue as a principle of public administration. The analysis of norms also allows to indicate in what meaning context the concept of partnership is used on an administrative and legal basis, what is its subjective scope, subject and axiological perspective.

The starting point is the presentation of the issue of principles in administrative law. Literature is characterized by a multitude of views due to new approaches, still unfinished discussion, or changes in currents in theory, principles and directives. Rules are legal norms or their logical consequences that are fundamental to a given legal system or its branches. To assess their fundamental nature, location in the hierarchical structure of the legal system, relation to other norms, role in shaping a given legal institution and assessment of the purpose, tasks and functions performed by the norm[2]. Separation cannot be detached from the principles of the whole state or the principles of the legal system in general, for example from the rule of law, equality before the law, social justice or protection of the social interest. The mere fact that the principles expressed in the Constitution are basic and general in nature means that they must be included in the set of rules on administration.

[2] Z. Kmieciak, *Ogólne zasady prawa i postępowania administracyjnego,* Warsaw 2000, p. 35.

Such a comprehensive systematization can only, as a consequence, have a positive impact on administration methods[3].

Referring to the public-law characteristics of administrative law and explicit reference to constitutional law, it can be stated that some of the principles contained in the Constitution are of fundamental importance for administrative law and include a set of principles of administrative law[4]. Using the criterion of their hierarchy and significance in the context of these considerations, one should pay attention to the principle of the common good, as well as partnership and social dialogue. These considerations cannot be detached from axiological conditions. The implementation of the common good means the effect of processes undertaken by administrative entities. The common good is a pillar of administrative law, next to which other specific values and principles are situated[5].

II. The Principle of Partnership and its Essence

Referring to the concept of conditioning the principles of administrative law, the principles expressed in the Constitution should be drawn in the context of these considerations to the concept of partnership and the principle of partnership and their importance for the operation of public administration.

An example of the use of the term partnership in the language of the normative act is the expression contained in the Preamble to the Constitution: "(…) we establish the Constitution of the Republic of Poland as fundamental rights for the state based on respect for freedom and justice, cooperation of authorities, social dialogue and on the principle of subsidiarity strengthening the rights of citizens and their communities".

In this way, the Constitution[6] defines a system of basic principles that set up a system of values relevant to the application of its provisions in the exercise

[3] Ibidem, p. 232.

[4] J. Zimmermann, *Prawo administracyjne*, Warsaw 2012, p. 54.

[5] Z. Cieślak, *Istota i zakres prawa administracyjnego*, [in:] *Prawo administracyjne*, ed. Z. Niewiadomski, Warsaw 2013, pp. 60–64.

[6] *Konstytucja Rzeczypospolitej Polskiej. Komentarz, Tom I*, eds. L. Garlicki, M. Zubik, Warsaw 2016, pp. 33–34.

of power. There are four principles: respect for freedom and justice, cooperation of authorities, social dialogue and subsidiarity. They state, as A. Domańska states: "mutual commitment of social partners to cooperate for dialogue in the spirit of social solidarity"[7]. These principles determine the scope of interpretation of specific provisions so that their meaning is subordinated to their fullest implementation.

Interpretations of the provision referring to the principle of social market economy as the basis of the economic system are important for considerations about the importance of partnership. As the Constitutional Tribunal emphasizes, the importance of individual elements of the content of the Art. 20 of the Constitution: "social market economy", "solidarity", "dialogue and cooperation of social partners" must be established in close connection with the principles of democratic rule of law and the principle of social justice. The social market economy requires the state to assume joint responsibility for its state. According to the Tribunal, basing the social market economy model on solidarity, dialogue and cooperation of social partners requires a balance of interests of market participants, taking into account their autonomy, which is a constitutional guarantee of negotiating the way of settling disputes in order to overcome tensions and disputes. The Tribunal, referring to the concept of social solidarity, referring to the interdependence and co-responsibility of all participants, emphasizes that its essence is the "compatibility and community of interests of all individuals and social groups within a given community, as well as the obligation to participate in the burden of society. It assumes mutual understanding between individuals, social groups and the state"[8].

Dialogue and cooperation of social partners have their source and justification in the achievements of Catholic social teaching, in which the relationship of social solidarity with civic responsibility is emphasized as one of the elements of the "common good"[9]. These entities have the right to cooperate with the state and its authorities, including public administration bodies. This right is reflected in the constructions adopted on the basis of adminis-

[7] A. Domańska, *Konstytucyjne podstawy ustroju gospodarczego Polski na tle prawnoporównawczym*, Warsaw 2001, p. 127.

[8] Judgment of the Constitutional Tribunal of 30 January 2001, TK 17/00 (Dz.U. No. 11, item 90).

[9] A. Domańska, op.cit., pp. 129–130.

trative law, which assume conducting joint actions between entities (created according with the constitutional guarantees of freedom of association) and competent authorities[10].

The content of the principle applies not only to public authorities, including public administration bodies, but also to the way the so-called "social partners". The social partners should be entities which are created pursuant to the provisions governing the right of association. Their corporate nature determines dependencies, as well as the issue of compromise between individual and collective interests, and finally the issue of responsibility for the common good. The principle of partnership and social dialogue refers to the consensus between competing interests, which is possible provided that there is an individual's conviction of shared responsibility for all political and social tasks.

The principle of solidarity, dialogue and cooperation expressed in the Constitution indicates the need to sacrifice the particular interest for the benefit of the collective in the name of social justice and is the source of the state's obligation to create the legal basis for achieving the mentioned values. At the same time, it defines the framework for the process of making social and economic decisions in the material and procedural aspect. Each participant in the partnership must be willing to recognize and accept the interests of others, so that it is possible to resolve the disputed issue in the form of a decision integrating conflicting interests[11]. The state is also a social partner because it plays an active role in the economy. He is obliged to determine the legal basis for the participation of social entities in the decision-making process related to the assumptions of market economy functioning[12]. The procedural aspect refers to the negotiable way of settling disputes, which according to L. Garlicki has its development in the Art. 59 clause 2 and 3 of the Constitution[13], which is expressed in dialogue[14].

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[10] A. Dobaczewska, *Dialog społeczny w społecznej gospodarce rynkowej*, "Gdańskie Studia Prawnicze" 2017, vol. 37, No. 1, p. 244.

[11] J. Habermas, *Faktyczność i obowiązywanie. Teoria dyskursu wobec zagadnień prawa i demokratycznego państwa prawnego*, Warsaw 2005, p. 308.

[12] B. Banaszak, *Prawo konstytucyjne*, Warsaw 1999, p. 199.

[13] *Konstytucja Rzeczypospolitej Polskiej. Komentarz…*, pp. 526–529.

[14] One can speak here of a dialogue serving to obtain information, exchange views, maintain interpersonal contacts, as well as a dialogue constituting a kind of dispute, discourse, which is based on the recognition that the exchange of views is aimed at agreeing positions or

As noted by W. Misztal, the issue of dialogue with the use of definitions is poorly recognized in legal regulations and literature[15], and this is not an isolated judgment[16]. It is therefore assumed that the term "social dialogue" is an organized and formalized form of civic dialogue, in which the participants of society, acting within the framework of organizational structures, take measures to compromise, agree on interests and influence the state's political decisions, and participate in all stages of the process decision-making contributing to the formulation and implementation of decisions[17].

From the point of view of legal science, the institution of social dialogue determining the relations between society and the state apparatus is of significant importance. It is based on the existence of social dialogue within labor relations as a form of interaction between organized employers, trade unions and the government, which results in agreements concluded as part of joint committees. This approach to social dialogue determines its narrow understanding, because "it brings him to the traditional formula of negotiations, consultations and various forms of social contracts concluded in the triangle government – trade unions – employers"[18].

There are evolutionary postulates in the literature[19], which are expressed by referring to social dialogue to the entire plane of public decisions, which expresses the will of citizens to agree on common goals and actions of the authorities. In this sense, the concept of dialogue already refers to the institution of civil dialogue, which has a much broader scope than the institution of social dialogue[20].

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convincing the participant in the conversation. As P. Łukasiewicz writes, dialogue is a mild form of conflict in which the arguments of the participants clash, in which the exchange of views is to lead to some solution or problem. P. Łukasiewicz, *Dialog jako metoda badawcza*, [in:] *Problemy teoretyczne i metodologiczne badań stylu życia*, ed. A. Siciński, Warsaw1980, pp. 76–77.

[15] W. Misztal, *Dialog obywatelski we współczesnej Polsce*, Lublin 2011, p. 93.

[16] R. Towalski, *Dialog społeczny-próba definicji*, [in:] *Dialog społeczny. Najnowsze dyskusje i koncepcje*, ed. R. Towalski, Warsaw 2007, p. 13.

[17] Ibidem, pp. 14–15.

[18] B. Gąciaż, W. Pańków, *Dialog społeczny po polsku-fikcja czy szansa*?, Warsaw 2001, p. 17.

[19] M. Wyrzykowski, *Konstytucja negocjacji i kompromisu*, [in:] *Konstytucja – wybory – parlament. Studia ofiarowane Zdzisławowi Jaroszowi*, ed. L. Garlicki, Warsaw 2000, pp. 228–231.

[20] B. Jagusiak, *Wymiar narodowy i ponadnarodowy dialogu społecznego w Unii Europejskiej*, Poznań 2016, pp. 17–21.

The dialogue is complemented by the fact that it takes place on the basis of partnership. The partnership should be analyzed together with the notion of social or, more broadly, civil dialogue and means that the social subject side of the dialogue is in an equal position with the authorities. Social dialogue is associated with the existence of organizations that have acquired a strong, legally guaranteed and equivalent position under the partnership principle, allowing them to influence the content of decisions taken at national and regional level.

III. Values of the Partnership Principle

The mutual relations of the principles of right to value are of particular importance during the discourse on the principles of law[21]. These issues are present in considerations undertaken in connection with the principles of law on the basis of legal theory, but also are inherently characteristic in the literature on public law – constitutional and administrative.

Values as a research subject are of interest to axiology. Reflections on the relationship between values and law[22] require assumptions of the concept of ontological axiology, in which "value should be understood as specific descriptive features of the object occurring wherever something exists or is necessary or good"[23]. Transferring this to the field of axiology of law, one should notice the interest in this issue in connection with the criticism of the concept of legal positivism[24]. It should be noted the interest of representatives of the theory and philosophy of law, for whom the basic research goal is to define the criteria of the value of law in formal and material terms, as well as the issues of autonomous and instrumental value. The latter category forms the basis for the transition from values to legal norms – values are recognized as the purpose of law. The values reflect recognized standards

[21] M. Zieliński, *Zasady i wartości konstytucyjne*, [in:] *Zasady naczelne Konstytucji RP z 2 kwietnia 1997 roku*, eds. A. Bałaban, P. Mijal, Szczecin 2011, p. 33.

[22] Ibidem, p. 41.

[23] T. Czeżowski, *Filozofia na rozdrożu*, Toruń 2009, p. 38.

[24] T. Barankiewicz, *Aksjologiczna problematyka prawa*, "Roczniki Nauk Prawnych KUL" 2004, vol. XIV, No. 1, p. 53.

as well as standards that can be achieved or implemented through specific legal norms. Legal norms are treated in terms of means of action aimed at realizing values.

The values are reflected in the statements of the legal language and are thus introduced by the legislator to the legal system[25]. They are located in the norms contained in the Constitution, considered as their main carrier, and in the norms of statutory rank[26]. The values may or may be supplemented with the term principle, which means that the names of the applicable legal principles are created in this way. The obligation to implement the value thus determined is a legal obligation. Thanks to the legislator's decision, the assessment of the state of affairs "becomes value and acquires the character of legal value"[27]. The bridge linking the issues of axiology with the issue of the principles of law is the treatment of the latter as legal norms, which the "subject of their duty render not the implementation of a certain procedure, but the implementation of a specific value"[28]. The weight of the rules depends on the nature of the values encoded in the law.

And so, in the highest place are more general values, which are expressed in constitutional provisions, which form the basis for detailed values as their consequences encoded in the texts of acts of statutory rank[29]. The taxonomy to which values are subject is reflected in the hierarchical system of sources of law in a given legal order, but also in the interrelationships between the systems – constitutional law and administrative law, assuming that only the legal text is a carrier of values through their direct expression.

In law and jurisprudence, the meaning of the term "value" usually refers to the concept according to which value is a "feature or set of characteristics specific to a given person or thing, constituting its values (moral or artistic), valuable for people who can meet their needs; or importance, meaning to someone or something (e.g. unique, special, artistic, scientific). This means that the concept of value should be considered in three aspects: "individual

[25] M. Kordela, *Zasady prawa jako normatywna postać wartości,* "Ruch Prawniczy, Ekonomiczny i Społeczny" 2006, No. 1, p. 42.

[26] Z. Cieślak, *Nauka administracji,* Warsaw 2017, p. 183.

[27] M. Kordela, *Zasady prawa jako normatywna…*, p. 44.

[28] M. Kordela, *Zasady prawa. Studium teoretycznoprawne,* Poznań, p. 121.

[29] Ibidem, p. 122.

(value as a category of preciousness), social (value as an actual category) and legal (value as a legal category)"[30].

This assumption corresponds to the concept of administrative law, according to which values constitute the basic criterion for its separation and only they and the obligation to implement them distinguish this right from others. The process of implementing the law by the administration is a means to an end that constitutes social needs, and this law sets limits that cannot be crossed. Thus, administrative law is "an ordered set of legal norms which reason is direct implementation by administrative entities of values distinguished for the common good"[31]. In this approach, the "common good" has a superior position over other values – states of affairs valuable from the legislator's point of view reflected in legal norms. The concept of "common good" has been included here as a tool-concept that indicates the existence of other values of a specific nature, reflected in the constitutional, material and procedural provisions of administrative law.

The principles of law are a carrier of values introduced into the legal system[32], hence references to values constitute a special nature of legal norms qualified as principles of law in administrative law. The special nature of the norms recognized as the principles of administrative law results from the fact that they either express general axiological assumptions or shape the order to behave the recipient of the norm so that it realizes legally defined values[33].

Constitutional, substantive and procedural administrative law are shaped by normative acts, which must comply with constitutional norms, and therefore they must comply with the objective values reflected in the Constitution that realize a certain order and shape of public law[34]. By determining the axiological determinants of the state model, the constitution is also an axiological

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[30] Z. Cieślak, *Aksjologiczne podstawy jawności. Perspektywa nauk o administracji*, [in:] *Jawność i jej ograniczenia, T. 2. Podstawy aksjologiczne*, ed. Z. Cieślak, Warsaw 2013, pp. 2–3.

[31] Z. Cieślak, *Określenie prawa administracyjnego*, [in:] *Prawo administracyjne…*, p. 55.

[32] M. Kordela, *Zasady prawa jako normatywna…*, p. 51.

[33] Z. Duniewska, *Z refleksji nad pojęciem i charakterem zasad prawa*, [in:] *Zasady w prawie administracyjnym. Teoria, praktyka, orzecznictwo*, eds. Z. Duniewska, M. Stahl, A. Krakała, Warsaw 2018, p. 32.

[34] M. Wyrzykowski, M. Ziółkowski, *Konstytucyjne zasady prawa i ich znaczenie dla interpretacji zasad ogólnych prawa i postępowania administracyjnego*, [in:] *System prawa administracyjnego*, eds. R. Hauser, Z. Niewiadomski, A. Wróbel, Warsaw 2012, pp. 23–24.

determinant for the legal system in that state. This means that the generally applicable principles of law reflected in the legal texts are norms that formulate an order to implement specific momentous or less significant values[35].

Public administration understood from the perspective of action serving the realization of the interest of power, nowadays defined as public interest, common good, considering respect for the good of the individual and other values, is the element of the institutional system in the state aimed at fulfilling the service, but also as the regulator and guardian of a given order. The operation of public administration implementing directly administrative law norms is regulated by law, and under its system also by the principles of law and other numerous norms forming its obligation to respect certain values. These values are arranged relative to each other in a specific hierarchy, which can be formulated or based on the assumption of the existence of a normatively expressed superior value, which is the common good, and hence the so-called substantive and instrumental values, or based on the assumption of the existence of certain features (values) of administrative law, which are objective, indisputable and widely accepted, and those of an internal nature that serve the implementation of objective values[36].

For these considerations, it has been assumed that the principles of law are directly related to values recognized as significant by the axiologically rational legislator, and the administrative law system is a set of regulations which primary purpose is to realize the common good. The set of these regulations includes norms – principles that refer to substantive and instrumental values. It remains, therefore, to determine here what value or values have been "coded" in the principle of partnership, the essence of which is to shape the bonds of participation and cooperation between public administration bodies and social partners.

Administrative law as a set of norms realizing the common good contains legal norms specifying ways of achieving this value. Administrative law norms serving the common good are nothing more than a description of the methods, modes of action or duty of behavior of public administration bodies, reflecting the states considered valuable by the legislator. These partial-

[35] M. Kordela, *Zasady prawa. Studium…,* p. 279.

[36] M. Wyrzykowski, *Pojęcie interesu społecznego w prawie administracyjnym,* Warsaw 1986, p. 192.

ly assessed standards may bind many values of a substantive or instrumental nature, which belong to the so-called the legislator's axiological field, which contains legal values. These are the values that have binding force on the basis of the law-making act and apply in a similar way to legal norms[37].

The basis for determining the value of the partnership principle are the norms contained in the principle of partnership and social dialogue expressed in the preamble to the Constitution of the Republic of Poland, which contain a mandate for specific action. The analysis of the sentence expressing this principle indicates that the imperative of partnership and social dialogue is considered good. So, the value transferred by generalization is good. Partnership and social dialogue are good because they enable the implementation of specific values, such as: democratism, pluralism (social) justice, which are subordinated and complement the supreme value of the common good. Each of these, treated separately, is reflected in both philosophy and literature in the field of legal sciences. They also find expression in the jurisprudence of the Constitutional Tribunal as values related to the basic axiological catalog of the legislator, indicated in the Constitution. As for these, the possibility of their reproduction is indicated either on the basis of a direct expression in normative acts, or because they form elements of legal culture[38].

Assuming that administrative law in functional terms should be treated as a set of norms specifying constitutional law, one should agree that the common good is a coherent value and at the same time superior to the others expressed in administrative law[39]. On the other hand, the values transferred in specific separate principles of this right are complementary. Characteristic for the principle of partnership and social dialogue, the so-called social inclusion in itself reflects the assumptions of the idea of pluralism, but is also a normative expression of the existence as a valuable state of affairs of pluralism, which presupposes the participation and cooperation of individuals and their corporations in decision-making processes that are implemented in a state in which public decision-makers are entities exercising power, and

[37] M. Kordela, *Aksjologiczna wykładnia prawa…*, pp. 154–155.

[38] M. Kordela, *Wstęp metodologiczny do wykładni aksjologicznej*, [in:] *Wielowymiarowość prawa*, eds. J. Czapska, M. Dudek, M. Stępień, Toruń 2014, p. 40.

[39] I. Lipowicz, *Dobro wspólne*, "Ruch Prawniczy, Ekonomiczny i Społeczny" 2017, No. 3, p. 27.

among them public administration bodies performing tasks specified by law. These tasks cannot be separated from their addressees, because the goals and directions of the state's activity cannot be shaped unilaterally and separately from their recipient entities. Pluralism reflected by the principle of partnership and social dialogue means that individuals and their corporations can express their interests, it also means their participation in exercising power, in acts of power, while respecting differences of views.

IV. Administrative and Legal Aspect of Partnership and Social Dialogue

The basic administrative and legal form of partnership and social dialogue is the Social Dialogue Council established in place of the Tripartite Commission[40]. It is an institutional form of dialogue at central level. This corresponds to the assumption that an individually acting citizen cannot effectively influence the shaping of state policy in the area of employment and occupation – individual dialogue has been replaced by dialogue through a formalized group[41]. The tasks of the Social Dialogue Council are aimed at implementing the principle of participation and social solidarity in the field of employment relations[42]. The adopted convention of its operation refers to activities to improve the quality of formulation and implementation of socio-economic policies and strategies, as well as to build social agreement through a transparent, substantive and regular dialogue of employees 'and employers' organizations together with the government[43].

The council consists of government representatives, employees and employers. The government side is represented by members of the Council of

[40] Act of 24 July 2015 on the Social Dialogue Council and other institutions of social dialogue, vol. of Laws of 2018, item 2232. With the entry into force of this regulation (including transitional provisions) the activity of the Tripartite Commission for Socio-Economic Affairs and voivodship social dialogue commissions will be terminated. An important extension of the scope of the Council's impact is to support dialogue at all levels of local government.

[41] J. Gardawski, *Dialog społeczny w Komisji Trójstronnej,* [in:] *Organizacje pozarządowe. Dialog obywatelski. Polityka państwa,* ed. M. Rymsza, Warsaw 2007, p. 235.

[42] J. Męcina, *Komentarz – ustawa z dnia 24 lipca 2015 roku o Radzie Dialogu Społecznego i innych instytucjach dialogu społecznego*, Warsaw 2018, pp. 24–26.

[43] Dz.U. 2018, item 2232, Art. 1, section 3 and 4.

Ministers in the number determined by the Prime Minister[44]. Trade union organizations are considered representative employees' organizations. These are national trade unions, national trade union associations (federations) and national inter-union organizations (confederations) that meet additional statutory criteria regarding the minimum number of members and the subject of activity. This solution is designed to ensure the fullest possible representativeness and limit excessive influence of industry organizations[45].

The employers 'side is represented in the Council by representative employers' organizations, which are recognized as nationwide employers 'organizations of a cross-industry nature, operating solely on the basis of the provisions of the Act of May 23, 1991 on employers' organizations and the Act of March 22, 1989 on crafts, which must also comply with additional criteria[46]. The legislator applied a solution according to which the composition of the Council is supplemented with an advisory vote by representatives of the President of the Republic of Poland, the President of the National Bank of Poland and the President of the Central Statistical Office (obligatorily) and, optionally, they may participate in the work of the Council, at the invitation of its Chairman, representatives of other selected and interested organizations and institutions[47].

The task constituting the main subject of the Social Dialogue Council is to conduct a dialogue in order to ensure conditions for socio-economic development and to increase the competitiveness of the Polish economy and social cohesion, and to support social dialogue at all levels of local government units. In addition, the Council's task is to carry out activities to implement the principle of participation and social solidarity in the field of employment relations, as well as tasks to improve the quality of formulation and implementation of socio-economic policies and strategies, as well as to build social agreement around them through conducting transparent, substantive and regular dialogue between employee and employer organizations and the government[48]. The tasks indicate that the subject of the Social Dialogue Council's activity

[44] Ibidem, Art. 26.
[45] J. Męcina, op.cit., p. 78.
[46] Ibidem, p. 79.
[47] Dz.U. 2018, item 2232, Art. 22.
[48] Ibidem, Art. 1, section 2–5.

goes beyond the framework of employment relations, which is not the domain of administrative law, but includes the definition of socio-economic policies and strategies that are the task of public administration. Among these matters are the scope of activities of central government administration bodies related to the mandatory creation of planning acts. According with the statutory regulation of the Council's tasks, it was assured participation in the formulation and implementation of economic and social strategies, the subject of which may be matters that relate to shaping development directions important for the state. The purpose of planning acts is economic growth, improving the quality of social life, detailed in the provisions of the Act on the principles of development policy, e.g. programming at national and regional level, as well as other, e.g. national strategies for solving social problems[49].

At the voivodship level, they can be created by the marshal voivodship councils for social dialogue. Their appointment takes place at the joint request of at least one representative employee organization and a representative employer organization who appoint their representatives in the region. Competences shaping the voivodship marshal allow to properly contribute to the effective organization and implementation of social dialogue in the region in place of existing solutions[50].

The Voivodship Social Dialogue Council expresses opinions and positions on matters falling within the scope of tasks of trade unions or employers' organizations within the competence of central and local government administration from the voivodship, and on matters referred by the Social Dialogue Council[51]. The scope of the tasks was specified in the Act in a very broad way. It covers the competences of the voivodship marshal, voivode and regional employee and employer organizations. An indication of the consultative competence of the Voivodship Social Dialogue Council means that they may relate to issues in the field of regional development, including opinions on draft voivodship development strategies and other programmes, issues of managing structural funds intended for regional development and other specific matters in the field of administration, e.g. assistance social and family poli-

[49] M. Grewiński, A. Karwacki, *Strategie w polityce społecznej*, Warsaw 2009, p. 169.

[50] J. Męcina, op.cit., p. 118.

[51] Dz.U. 2018, item 2232, Art. 42.

cy, health promotion and protection, labor market policy, protection of culture and heritage, physical culture, environmental protection.

Among such broadly defined tasks, those that directly result from the essence of dialogue at the regional level come to the fore. They were indicated in the provisions of the Act of 20 April 2004 on employment promotion and labor market institutions. At the same time, this Act specifies the subject catalog of social dialogue institutions which are recognized as trade unions or trade union organizations, employers' organizations, unemployed organizations and non-governmental organizations, which statutory tasks include the implementation of activities in the field of employment promotion, mitigation of unemployment effects and professional activation.

V. Summary

As it results from the considerations consisted in this paper, partnership and social dialogue is implemented through consultative bodies with a national and regional scope, which includes various categories of entities, i.e. employers 'organizations, employees' organizations, unemployed organizations, and NGOs. However, they cannot constitute the only platform for joint actions, especially of a dominant nature, because, as H. Izdebski points out, "the state, including the public administration system should be organized in such a way that it cannot be appropriated by one, even a majority group or orientation". Due to the republican roots and the liberal dimension of the institution of social dialogue, it should be treated as an idea assuming the most far-reaching participation of citizens in the functioning of public institutions[52].

It can be seen that the subjective scope of the partnership resulting from the constitutional principle of partnership and social dialogue is variable depending on whether it is considered at the central or regional level. At the central level, it refers to national policies and is implemented as part of the Social Dialogue Commission consisting of public entities and a specific catalog of social entities. The subject catalog of the latter is expanding at the regional level – by non-governmental organizations. The subject of such a defined partnership concerns normative acts (consultations in the process of

[52] H. Izdebski, *Doktryny polityczne i prawne*, Warsaw 2012, p. 205.

shaping the content of an act) and public policies (consulting the content of planning acts) and cooperation within the bodies (committees). This legal form of partnership and social dialogue allows us to recognize that it realizes the pluralism of organizational and legal forms as well as exchange of views, knowledge, and exchange of information in the processes of formulating administrative acts[53].

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