Received: 16.04.2021
Accepted: 7.05.2021
Published: 30.06.2021

Roczniki Administracji i Prawa
Annuals of The Administration and Law
2021, XXI, z. 2: s. 231-240
ISSN: 1644-9126
DOI: 10.5604/01.3001.0015.5613
https://rocznikiadministracjiiprawa.publisherspanel.com

Łucja Kobroń-Gąsiorowska[*]
Nr ORCID: 0000-0002-8669-452X

THE STATUTE OF TRADE UNIONS AS A LIMIT OF ABUSES AGAINST EMPLOYERS – SELECTED ISSUES

STATUT ZWIĄZKÓW ZAWODOWYCH JAKO GRANICA NADUŻYĆ WOBEC PRACODAWCÓW – WYBRANE PROBLEMY

Summary: The article attempts to answer the question whether the economic freedom of the employer is not blindly limited by the model of trade unions, which do not conform to the modern economic reality, which, in the light of the principle of self-governance, often abuse their dominant position in the labor market. The author points to selected problems in the self-government of trade unions at the level of non-employment, pointing to the importance of the trade union statute, which determines the scope of protection of trade union activists in the sphere of individual labor law. The author puts forward the thesis that the basis for the balance of social partners is the observance of internal regulations by trade unions.

Keywords: trade unions, social partners, social dialogue, act on trade unions, art. 25 (1) sec. 2 of the Act on Trade Unions, statute

Streszczenie: W artykule podjęto próbę odpowiedzi na pytanie, czy wolność gospodarcza pracodawcy nie jest ślepo limitowana nieprzystającym do współczesnych realiów gospodarczych modelem działania związków zawodowych, które często w świetle zasady samorządności nadużywają swej pozycji dominującej na rynku pracy. Autorka wskazuje na wybrane problemy w zakresie samorządności związków zawodowych na poziomie zakładu pracy, wskazując na znaczenie statutu związku zawodowego, który wyznacza zakres ochrony działaczy związkowych w sferze indywidualnego prawa pracy. Autorka stawia tezę, że podstawą równowagi partnerów społecznych jest przestrzeganie przez związki zawodowe swoich wewnętrznych regulacji.

Słowa kluczowe: związki zawodowe, partnerzy społeczni, dialog społeczny, ustawa o związkach zawodowych, art. 25 (1) ust. 2 ustawy o związkach zawodowych, statut

[*] dr; Uniwersytet Pedagogiczny w Krakowie, Instytut Prawa, Administracji i Ekonomii. Źródła finansowania publikacji: środki własne autorki; e-mail: l.kobron@nckg.pl

INTRODUCTION

The ideal of the cohabitation of social partners, i.e., trade unions and employers, is the situation concerning the entirety of regulations determining the balance between employers and trade unions. This balance is disturbed by the strongly dominant position of trade unions in the sphere of collective labor law. In the Polish labor law literature, it is indicated that any control or supervisory activities on the part of employers, also in the sphere of shaping the organizational structure of a trade union, are illegal. The same obligations are imposed on trade unions, which are also obliged to respect the independence of the employer[1]. The principles of respecting mutual interests, conducting a balanced dialogue in good faith are guidelines not only assumptions but also principles of behavior of social partners in collective labor relations. The freedom of economic activity of the employer also means the exercise of rights in labor law, which are integrally connected. The employer must be focused on implementing his rights in labor law about employees and on the realities of economic life. These two fundamental goals of the employer are in contradiction with the expectations of trade unions[2], whose sole purpose is to protect employees' professional and social interests, regardless of the importance of the employer's economic interests. Labor legislation is closely related to running a business by the employer, especially at the company level. Trade unions behind the veil of self-governance and independence may lead to abuses by their actions, which in turn may lead to a breach of the balance in the employer-trade union relationship.

Consequently, it is necessary to analyze those legal institutions that threaten the employer's economic interests at the workplace level. The author deals with selected problems related to the representation of trade unions in contact with the employer about the freedom to make decisions in the sphere of individual labor law. The representation of trade unions in contact with the employer has not been fully discussed in the labor law, which may cause problems with interpretation in practice[3].

THE POSITION OF EMPLOYERS IN THE CONTEXT OF THE ACT OF MAY 23, 1991 ON EMPLOYERS' ORGANIZATIONS

Development and changes in developing a market economy should not adversely affect creating the right to freedom of association of social partners. The basis of proper social relations is the content of the employment relationship, its organization, and the integration of social partners4. The changes that have taken place in understanding social partners are of significant importance for the constant need to strengthen the right to self-organization and such cooperation, which will lead to the respect of the principle of balance between social partners[5].

[1] K. Baran, *Zbiorowe prawo pracy*, Kraków 2002, pp. 167-169.

[2] I am referring to politically involved trade unions.

[3] See more S. Koczur, *Ochrona gospodarczych interesów pracodawcy jako granica realizacji wolności związkowych*, „Studia z Zakresu Prawa Pracy i Polityki Społecznej" 2015.

[4] M. Tomei, *Freedom of association, collective bargaining and informalization of employment: some issues*, http://white.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/actrav/edob/material/declapdft/english/pdf/papers/tomei.pdf [access: 23.04.2021].

[5] See C. Fenwick, *Core obligations: Building a framework for economic, social and cultural rights*, Antwerp –Oxford – New York 2002, p. 56.

The concept of an employer has been controversial for a long time[6] and has been the subject of numerous polemics. Currently, the term „social partner" is inadequate to the situation of partnership cooperation. This term was used to describe the changes that took place with the adoption of the Polish Act on Employers' Organizations on May 23, 1991, which specified the right to freedom of association of employers and became only a confirmation that employers were recognized as a new partner in collective labor law. Entrepreneurs' organizations exist in all European Union countries, which indicates their strong position and that their voice should be taken into account[7]. It is not only about trade unions, but most of all, about public authority. As the subject of collective labor law relations[8] the employer also acts as a party to the individual employment relationship, and it can be indeed stated that he is identified with this role.

Meanwhile, the employer as the subject of collective labor law – an equal partner, will demand the same rights as unions, which have an undoubted advantage over employers' organizations and strive to rationalize the already unequal position concerning trade unions. This fact will be noticeable not only in the international arena but above all at national regulations. I share the view of J. Jończyk, who stated that the nature of the employer influences the status and attitudes of employee entities[9]. In my opinion, this thesis perfectly illustrates the mutual interdependence of two social partners, which is not always accepted by the public authority. Moreover, there is a much greater influence of the political activity of the trade unions and their enormous influence on the legislative activity. This does not mean, of course, the marginal importance of employers, but it is worth noting the enormous politicization of trade unions.

The purpose of the employers' organization cannot be related only to its so-called general-purpose; this goal formulated both in the Labor Code and the Act in question expresses mainly the right of employers' organizations to refuse to cooperate with trade unions in order to defend the legitimate economic interests of the employer. There is no doubt that the argument confirming the above reasoning is the aforementioned precise definition of the purpose of employers' activities, which is primarily the protection of the economic interests of employers. The lack of expressis verbis definition of the negative aspect of the right to freedom of association of employers is a significant drawback of the Act in question[10]. Although the analyzed literature clearly indicates that Art. 1 (Act of 23 May 1991 about employers' organizations) also expresses a negative aspect, but such a thesis is based on an extended interpretation. I support the broad interpretation, but it may lead to the doubts presented above. Certainly, the negative aspect must be understood broadly, as only then can a balance be ensured between employers' organizations and trade unions. At the same time, the analyzed Act does not contain a norm that could be the basis for stating that

---

6 See A. Wojcierowska, *Ustawa o organizacjach pracodawców*, PiP 1992, No. 2, p. 36-45., p. 37; W. Szubert, *Refleksje nad modelami prawa pracy*, PiP 1989, No. 10, p. 10; J. Jończyk, *W stronę pracodawcy*, [in:] *Organizacje (związki) pracodawcy*, Wrocław 1989; M. Seweryński, *Organizacje (związki) pracodawców*, [in:] *Oblicza pracodawcy*, eds. W. Sanetra, Wrocław 1990; W. Suchowicz, *Problem organizacji pracodawców w Polsce na tle rozwiązań zagranicznych*, Warszawa 1990.

7 R. Blanpain, M. Matey, *Europejskie prawo pracy w polskiej perspektywie*, Warszawa 1993, pp. 41-44.

8 J. Jończyk, *Prawo pracy*, Warszawa 1995, p. 134.

9 J. Jończyk, *Prawo pracy*…, p. 136.

10 See more: Ł. Kobroń-Gąsiorowska, *Status partnerów społecznych w prawie pracy*, Kraków 2019.

it is the equivalent of Art. 3 of the Act on Trade Unions. First of all, one should consider the scope of protection of an individual employer – whether employers need protection as strong as employees in terms of the negative effects of not joining a given employers' organization. This problem seems to be marginalized, and not only under international law, which formally confirms the negative aspect of the right to freedom of association of employers as regards not joining employers' organizations. The scope of employers' protection must be analyzed in close connection with the strength of the influence of trade unions. This interdependence is of great importance in determining the position of this social partner. The possibility of ensuring an equivalent position of employers and their organizations could be ensured by introducing a provision to the Act in question, which would constitute a negative aspect of the right to freedom of association of employers. Consideration should be given to introducing regulation on the basis of the Polish Act on Employers' Organizations, which could significantly affect the position of employers and improve it in relation to trade unions. The belief in a stronger position of the employer should also be considered from an economic point of view, which is of great importance not only for employers' organizations in general but above all for individual employers, who together could constitute a force ensuring the balance of social partners in labor law. Another argument arises here, namely that I have denied the existence of the principle of equality under collective labor law.

POSITION OF TRADE UNIONS IN THE LIGHT OF THE POLISH CONSTITUTION AND INTERNATIONAL REGULATIONS

One of the fundamental manifestations of the constitutional freedom of association is the imperative of the state to protect this fundamental right. It should be emphasized that international law on human rights had an unquestionable impact on the development of individual freedoms and rights in the Polish Constitution of 1997[11]. The authors of the Constitution made human rights their supreme and main value, and the reference to them can already be seen in the preamble to the Constitution[12]. Nowadays, freedom of association is guaranteed by the legal systems of all democratic states and by international law. In a judgment of 2006[13] the Constitutional Tribunal emphasized that the freedom of association is functionally related to the freedom of assembly and is an element of freedom of religion, conscience, and belief. First of all, it is necessary to consider the essence of the concept of freedoms provided for in the Constitution of the Republic of Poland. A very important issue is the identity of given freedom, in particular the so-called interference that may raise doubts as to whether we are still dealing with the same freedom or with a completely different quality of freedom. The concept of the essence of freedom is based on the assumption that within each specific right and freedom, one can distinguish basic elements without which given freedom could not exist. An extremely important decision, which in

[11] See B. Przybyszewska-Szter, *Wolności i prawa osobiste*, [in:] *Wolności i prawa człowieka w Konstytucji Rzeczypospolitej Polskiej*, eds. M. Chmaj, Warszawa 2008, p. 97.
[12] See Preamble to the Constitution of the Republic of Poland.
[13] The judgment of the Constitutional Tribunal of 18 January 2006, K21 / 05.

my opinion is of fundamental importance for the understanding of the very concept of freedom of association, is the judgment of the Constitutional Tribunal of 2002[14], in which the Tribunal emphasized that we would be dealing with a violation of the essence of the right to freedom of association if the introduced restrictions made it impossible completely fulfilling the function that it is to fulfill in the legal order. The right to freedom of association of workers and employers is guaranteed by international legal regulations, such as, in particular, the ILO Conventions No. 87[15] and 98[16] and the European Social Charter[17] and others. Pursuant to Art. 2 of the ILO Convention 87, workers and employers, without any distinction, have the right, without prior authorization, to form organizations as they see fit and to join these organizations, subject to the one condition being that they comply with their statutes. Art. 5 of the European Social Charter, which provides for the right of workers and employers to establish local, national, or international organizations.

In the light of the Polish Constitution, trade unions have been granted the right to bargain, in particular for the purpose of resolving collective disputes and the right to conclude collective labor agreements and other agreements. Moreover, trade unions gained the right to organize workers' strikes and other forms of protests, subject to such statutory limitations as are permitted by international agreements binding on Poland (Article 59 (4)). The provisions contained in Art. 59 sec. 2 and 3 – strictly defined in the constitutional provision – confirm the separate freedom of action of trade unions and employers' organizations. This freedom has been exposed by the legislator as an extension of the principle of freedom of association defined in Art. 12 of the Constitution. That is, the freedom of operation of trade unions and employers' organizations is not defined in Art. 12 - although, as I have already emphasized, this article is the basis of the freedom of association defined in Art. 58 sec. 1 in general, as well as in Art. 59 sec. One freedom of association in trade unions and employers' organizations. The still current observation of K. W. Baran, mentioned in the introduction to this study, is that the „political nature" of the freedom of association in trade unions cannot lead to trade unions taking over the role and tasks of political parties[18], which was characteristic of the previous system.

The position of trade unions is also determined by the Act on Employers' Organizations[19]. Art. 4 of the quoted act guarantees the freedom of association of employees and prohibits unjustified interference with this right of employers, and – as Krzysztof Baran indicates – prohibits the exercise of control over trade unions[20]. This provision is a guarantee, but it should be noted that it is outdated in the modern economic and economic perspective. The above implies the question of the need for such a guarantee. In the light of this provision, any interference by employers in the activities of trade unions is considered unacceptable, and moreover, this prohibition is already in force at the stage of establishing

[14] The judgment of the Constitutional Tribunal of April 10, 2002, K 26/00.
[15] ILO Convention 87 of 9 July 1948 on Freedom of Association and Protection of Trade Union Rights, "Journal of Laws" 1958, No. 29, item 125, app.
[16] ILO Convention 98 on the application of the principles of the right to organize and collective bargaining, adopted in Geneva on July 1, 1949 ("Journal of Laws" 1958, No. 29, item 126).
[17] European Social Charter drawn up in Turin on October 18, 1961 ("Journal of Laws" 1999, No. 8, item 67).
[18] K. Baran, *Zbiorowe prawo pracy*, Kraków 2002, p. 176 .
[19] Act of 23 May 1991 on employers' organizations ("Journal of Laws" 1991, No. 55, item 235).
[20] K.W. Baran, *Zbiorowe prawo pracy*…, p. 176.

trade unions. Therefore, any activities aimed at limiting the right to freedom of association of workers are unacceptable, e.g., inspiring the establishment of a favorable trade union by an employers' organization or the employer himself. Moreover, any activities aimed at breaking up the structures of trade unions are considered illegal. My doubts are raised by Art. 2 clauses 1 of ILO Convention No. 98, which states that both employers' organizations and trade unions should refrain from interfering with each other. This provision does not correlate and does not justify the introduction of such restrictions on employers' organizations or the employers themselves, who may also be exposed to unauthorized interference by trade unions. I am aware of the fact that such situations are not individual cases, and therefore their exclusion seems to be unauthorized.

Although the regulations adopted in the Polish Act on Employers' Organizations correspond to international regulations, I am of the opinion that the norm contained in Art. 4 of the analyzed act, undoubtedly influencing the position of employers and introducing the differentiation of employers' organizations and trade unions, which are formally entitled to the same rights with regard to the right to freedom of association under the Constitution of the Republic of Poland. The lack of such regulation, i.e., the prohibition of any interference with employers' organizations, in the Act on Trade Unions leads to the unauthorized treatment of employers as an entity that threatens more important interests of employees, which affects the conduct of economic activity by employers and the freedom to make decisions in the field of individual labor law.

ECONOMIC FREEDOM AND SELF-GOVERNANCE OF TRADE UNIONS

In Poland, the freedom to conduct a business has been determined by Art. 20 of the Constitution, according to which a social market economy based on the freedom of economic activity, private property and solidarity, dialogue and cooperation of social partners is the basis of the economic system of the Republic of Poland. Article 22 of the Constitution, indicating the permissible conditions for restricting economic freedom, states that restriction of the freedom of economic activity is permitted only by statute and only for the sake of important public interest. As Piotr Tuleja points out, the cooperation of social partners imposes on the entities of social dialogue the obligation to participate in it and the obligation to properly represent specific social and professional groups. This principle is related to the principle of social pluralism in Art. 12 of the Constitution and the freedom to associate in trade unions and employers' organizations under Art. 59[21].

The principle of self-government has its precise regulation on the basis of international law. Already in Art. 3 sec. 1 of ILO Convention No. 87 introduced this principle, and it was established that trade unions have the right to draw up their statutes and internal regulations, freely choose their representatives, appoint their board of directors and activities, and set up their program of action. In other words, self-governance is an integral part of the workers' right to freedom of association. It consists of two planes – internal and external. The first is to define the principles and structures of a given organization, while

[21] P. Tuleja, [in:] P. Czarny, M. Florczak-Wątor, B. Naleziński, P. Radziewicz, P. Tuleja, *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, ed. II, LEX/el. 2021, art. 20.

the second determines the scope of activities, i.e.[22], goals to be achieved, the implementation of which will have a significant impact on the position of employers' organizations outside. The external level is important because it determines the scope of influence of employers' organizations on other aspects of the right to freedom of association, i.e., on self-organization, setting directions of activities, or protection of one's interests. I would like to emphasize that it is very difficult to determine which of the above-mentioned levels is of greater importance for the guarantee of the free operation of employers' organizations. The inner level plays a vital role in defining the principles and structures of an organization. It seems that the second level, which I call the external one, with a strong internal element, is much more important for the status of employers' organizations, as well as for determining relations with trade unions and the influence of employers in defending their interests[23].

When beginning to consider the principle of self-government, one should consider the main function of trade unions. This goal was set by Art. 4 of the Act on Trade Unions, i.e., defense of the professional and social interests of employees. Self-governance is the ability to independently decide on internal and external matters and the activities of the organization without the interference of public authorities restricting this right or impeding its implementation in accordance with the law[24]. The statute is important in the context of the principle of self-governance, which can undoubtedly be of great importance in determining the subjective scope of a trade union organization at the employers in the context of protecting trade union activists on the basis of individual labor law, e.g., protection against dismissal. At this point, it is worth considering the relationship between the principle of self-governance and the provisions of statutes in the dimension of running a business by employers. As I have already emphasized, self-government consists primarily in the free determination of the subjective scope, but also other spheres that may be important for the position of a member of the organization. At this point, it seems justified to repeat the question of whether trade unions can use their position in the name of broadly understood self-governance and whether such a procedure does not disturb the balance in relations at the workplace level.

The considerations to date imply that the position of trade unions in the labor law system is significant – even outweighing employers. Apart from considering the broad powers of trade unions on the basis of individual labor law, In addition, the rights of trade unions under the labor code have been strengthened in a way by the powers set out in the act on trade unions. A significant example of disloyal use of advantage by trade unions is Art. 25 (1) sec. 2 of the Act on Trade Unions.

[22] K.W. Baran, *Zbiorowe prawo pracy*…, p. 168.

[23] See more: K. Doktór, *Niezależność i samorządność zakładowej organizacji związkowej*, [in:] *Związki zawodowe w zakładzie pracy*, red. A. Kałużyński, Warszawa 1984, p. 105.

[24] Por. G. Bieniek, J. Barol, Z. Salwa, *Prawo związkowe z komentarzem*, Warszawa 1992, p. 18; W. Sanetra, *Wolności związkowe w świetle nowej ustawy o związkach zawodowych*, „Przegląd Sądowy" 1991, No. 5-6, p. 17-18; K. Doktór, *Niezależność i samorządność zakładowej organizacji związkowej*, [in:] *Związki zawodowe w zakładzie pracy*, eds A. Kałużyński, Warszawa 1984, p. 105.

AN EXAMPLE OF RESTRICTING THE ECONOMIC FREEDOM OF AN EMPLOYER IN THE CONTEXT OF ART. 25 (1) SEC. 2 OF THE ACT ON TRADE UNIONS

The rights of the company trade union organization are vested in the organization associating at least 10 members performing paid work, referred to in art. 2. The rules of membership in a trade union and the performance of trade union functions are set out in the statutes and resolutions of the statutory union bodies.

On the basis of the presented problem, prima facie doubts may arise as to the relationship between the statute and the principle of self-governance of a trade union in the context of freely defining the principles of representing this union. The rights of a company trade union organization are vested in:

an organization associating at least 10 members who are:

1) employees at the employer covered by the operation of this organization or

2) persons performing paid work other than employees, which they have been working for at least 6 months for an employer covered by this organization.

2. The organization referred to in para. 1, presents the employer, every 6 months – as of June 30 and December 31 – by the 10th month following this period, information on the number of members referred to in para. 1, subject to the provisions of paragraph 2.3.

According to the Supreme Court, failure to provide quarterly information on the number of members means that the trade union organization does not have statutory rights, and the employer is released from the obligation to cooperate with such an organization. This also applies to the individual rights of trade union activists, including special employment protection. If a trade union organization has not provided information on the number of members, the employer is not obliged to ask for consent to terminate the contract with a trade union activist. However, if she asks, then referring to the non-fulfillment of her statutory rights may be considered unjustified (Art. 8 of the the Polish labor code)[25].

However, the situation is different when the employers are provided with information on the number of members in a trade union organization, but not by persons empowered to represent the trade union organization by their own statute. As Krzysztof Baran emphasizes, Art. 10 z.z. defines the mechanisms of self-government of trade unions with regard to the organizational status of members. In particular, it concerns the issues of acquisition and loss of membership, rights, and obligations of members, rules for the election of union authorities, participation in collective actions[26].

The question that should be investigated here concerns the possibility of terminating an employment contract with a person authorized to represent the organization by the employer. Pursuant to the wording of art. 32. 1. The employer may not:

1) terminate or dissolve the legal relationship with the indicated resolution

of the management board as its member or with another person performing gainful

[25] Supreme Court judgment of August 25, 2015 (II PK 214/14), see also: Supreme Court judgments of August 19, 2015, II PK 208/14; of April 24, 2014, II PK 201/13; of 19 April 2011, II PK 311/09; of May 9, 2008, II PK 316/07.

[26] K.W. Baran, [in:] D. Książek, A. Tomanek, K.W. Baran, *Komentarz do ustawy o związkach zawodowych*, [in:] *Zbiorowe prawo pracy. Komentarz*, Warszawa 2016, art. 10.

work who is a member of a given company trade union organization, authorized to represent this organization in relation to the employer or a body or person who acts as an employer in matters related to labor law

2) change the working conditions or remuneration unilaterally to the detriment of the person performing gainful work referred to in item 1.

During examining the issue of the guarantee of durability of the employment relationship of trade union activists, it should be considered whether the protection under Art. 32 z.z. applies when the provision of information on the number of members referred to in Art. 25 (1) sec. 2 was made by members contrary to the provisions of the statute of that trade union organization. The literal structure of this provision in connection with Art. 10 supports the view that it violates the protection of the durability of the employment relationship because the act requires compliance with the rules of representation of a trade union organization not only by the union itself but also by third parties. This is also due to functional and systemic considerations. In my opinion, a different view on this matter will not only violate the principle of equilibrium, entitle us to formulate a different view. Only members of the management board of a company trade union organization, which must meet the criteria set out in Art. 25 (1) sec. 2 z.z. in accordance with the rules of representation with the employer set out in the statute. A different interpretation would result in irremovable contradiction with the principle of self-governance of a trade union and would affect the conduct of business activity and the related freedom in the sphere of individual labor law by the employer.

CONCLUSIONS

In my conclusions, I will limit myself to a few remarks. There is no doubt that trade unions enjoy a privileged position not only in the Constitution of the Republic of Poland but above all in the act on trade unions. The employer's rights, not only in individual labor law but also under the Act on Trade Unions, are subject to permanent control. The ideal would be to assume that trade unions will not abuse their dominant position concerning the employer from their economic interest. The proper performance depends on which the employer is entitled in the sphere of individual labor law. Binding regulations determining the position of trade unions, including the discussed problem of the principle of self-government of a trade union in the context of the rules of representing a trade union organization in contact with the employer. When analyzing the current legal status and the gap in the doctrine in this respect, possible options for correcting the current legal status, it should be thoughtfully and comprehensively considered whether the restrictions on the employer's freedom of activity are not the result of the existing legal situation and the traditional model of perception of trade unions. The rights assigned to trade associations, including the lack of legal consequences regarding violation of the provisions of the Act on Trade Unions by the unions themselves, is not the appropriate way to strive for a balance in relations between the trade union and the employer.

References

Baran K., [in:] D. Książek, A. Tomanek, K.W. Baran, *Komentarz do ustawy o związkach zawodowych*, [in:] *Zbiorowe prawo pracy. Komentarz*, Warszawa 2016.

Baran K., *Zbiorowe prawo pracy*, Kraków 2002.

Bieniek G., Barol J., Salwa Z., *Prawo związkowe z komentarzem*, Warszawa 1992.

Blanpain R., Matey M., *Europejskie prawo pracy w polskiej perspektywie*, Warszawa 1993.

Doktór K., *Niezależność i samorządność zakładowej organizacji związkowej*, [in:] *Związki zawodowe w zakładzie pracy*, ed. A. Kałużyński, Warszawa 1984.

Fenwick C., *Core obligations: Building a framework for economic, social and cultural rights*, Antwerp – Oxford – New York 2002.

Jończyk J., *Prawo pracy*, Warszawa 1995.

Jończyk J., *W stronę pracodawcy*, [w:] *Pracownicy i pracodawcy, Materiały XVI Zimowej Szkoły Prawa Pracy, Karpacz 1989 rok*, Wrocław 1989.

Kobroń-Gąsiorowska Ł., *Status partnerów społecznych w prawie pracy*, Kraków 2019.

Koczur S., *Ochrona gospodarczych interesów pracodawcy jako granica realizacji wolności związkowych*, „Studia z Zakresu Prawa Pracy i Polityki Społecznej" 2015.

Przybyszewska-Szter B., *Wolności i prawa osobiste*, [w:] *Wolności i prawa człowieka w Konstytucji Rzeczypospolitej Polskiej*, red. M. Chmaj, Warszawa 2008.

Sanetra W., *Wolności związkowe w świetle nowej ustawy o związkach zawodowych*, „Przegląd Sądowy" 1991, nr 5-6.

Seweryński M., *Organizacje (związki) pracodawców*, [w:] *Oblicza pracodawcy, Materiały XVII Zimowej Szkoły Prawa Pracy*, Wrocław 1990.

Szubert W., *Refleksje nad modelami prawa pracy*, „Państwo i Prawo" 1989, nr 10.

Suchowicz W., *Problem organizacji pracodawców w Polsce na tle rozwiązań zagranicznych*, Warszawa 1990.

Tomei M., *Freedom of association, collective bargaining and informalization of employment: some issues*, http://white.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/actrav/edob/material/declapdft/english/pdf/papers/tomei.pdf.

Tuleja P., [w:] P. Czarny, M. Florczak-Wątor, B. Naleziński, P. Radziewicz, P. Tuleja, *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, ed. II, LEX/el. 2021.

Wojcierowska A., *Ustawa o organizacjach pracodawców*, „Państwo i Prawo" 1992, nr 2.