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On the Appeal of the Administrative Law Axiology for the Labour Law System and Its Consequences[2]

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Abstract

Recently, interest in the method of administrative law regulations to tackle the problems of labour law has remained high in the Polish doctrine of labour law. New studies on this subject emerge every now and then. Leaving aside the perceived validity of the method to arrange labour law relations based on public law, I would like to point to the undoubted "appeal" of the axiological foundations of administrative law for the labour law system and, at the same time, to reflect on the consequences of the aforesaid axiology when looking at the potential choice between the method based on private law or public law in the realm of labour law relations. I assume that such a choice should be ultimately made for the sake of the science of labour law. However if labour is treated as a commodity, there can be no question of an extensive axiology that highlights the good of humans and the morality of the employer.

Keywords: administrative law axiology, labour law axiology.

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O atrakcyjności aksjologii prawa administracyjnego dla systemu prawa pracy i tego konsekwencjach[3]

Streszczenie

Ostatnio w polskiej doktrynie prawa pracy widać duże zainteresowanie metodą stosowaną w regulacjach prawa administracyjnego w celu uporania się z problemami prawa pracy. Co jakiś czas pojawiają się nowe badania na ten temat. Pomijając dostrzeganą zasadność metody ustalania stosunków prawa pracy w oparciu o prawo publiczne, chciałabym wskazać na niewątpliwy „urok" aksjologicznych podstaw prawa administracyjnego w odniesieniu do systemu prawa pracy i jednocześnie zastanowić się nad konsekwencjami wyżej wspomnianej aksjologii, przyglądając się potencjalnemu wyborowi między metodą opartą na prawie prywatnym lub publicznym w sferze stosunków prawa pracy. Przyjmuję, że ostatecznie należy dokonać takiego wyboru dla dobra nauki o prawie pracy. Jeśli jednak pracę traktuje się jak towar, nie może być wówczas mowy o wyczerpującej aksjologii, podkreślającej ludzkie dobro i moralność pracodawcy.

Keywords: aksjologia prawa administracyjnego, aksjologia prawa pracy.

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Recently, interest in the method of administrative law regulations to tackle the problems of labour law has remained high in the Polish doctrine of labour law. New studies on this subject emerge every now and then.[4] Leaving aside the perceived validity of the method to arrange labour law relations based on public law, I would like to point to the undoubted 'appeal' of the axiological foundations of administrative law for the labour law system and, at the same time, to reflect on the consequences of the aforesaid axiology when looking at the potential choice between the method based on private law or public law in the realm of labour law relations. I assume that such a choice should be ultimately made for the sake of the science of labour law.

Indeed, one could first ask a legitimate question whether it is correct to speak of an axiology of administrative law, as this automatically forces us to point to the axiology of yet another law, be it civil or criminal law, and, consequently, of labour law, especially bearing in mind that one should state briefly that there is a single law and a single axiology. Indeed, there is only one law, and the system of law is treated as closed and coherent. Nevertheless, due to the fact that each branch of law serves a different purpose, despite being part of the universal system of values, each branch organises those values in a different way, giving priority to different values. The above has been aptly described by F. Longchamps who pointed out that the law is a dual structure (conceived and actual), but enriched with a third factor, i.e. essential human values: justice and humanistic order. These values are not external to the law, but, in a sense, they are sustained and maintained precisely in the law and thanks to the law.[5] Therefore, it may be said that each branch of law, by virtue of being part of that closed and coherent system (at least theoretically), is based on certain universal values. On the other hand, the branch itself, by virtue of being in force, provides its own values in a certain order, characteristic of that branch. In this way, each branch of law represents a certain 'axiology of its own' (a 'sub--axiology' of the whole), which only means that it adheres to different, separate values, which, however, are not contradictory to the universal values, or it may adhere to the same universal values which, however, have a slightly different meaning in each case and are arranged in a different context and proportions.

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4 Cf. A. Sobczyk, *Państwo zakładów pracy*, Warszawa 2017, and especially the same author's *Zakład pracy jako zakład administracyjny*, Kraków 2021.

5 F. Longchamps, *Z problemów poznania prawa*, Wrocław 1968, p. 13.

What are these axiological foundations of administrative law?

When searching for an answer to this question and trying to identify the key values in administrative law, I drew on the works of J. Zimmermann who carried out such a review of values. The author devoted a chapter in his monograph entitled *Aksjomaty prawa administracyjnego*[6] to the axiology of administrative law. When writing about the axiological foundations of administrative law, he enumerated subsequent values that are absolutely fundamental for this law.[7]

Initially, J. Zimmermann pointed to the issue of *human good*. He wrote that human good is the basic duty or, in fact, the only duty and sense behind the existence of administrative law. He added that everything else within the law, i.e. administrative structures, relations between these structures, competences, forms of activity, rationing, etc., serve only this very purpose. He concluded as follows: 'Administrative law should never be created for its own sake or for the sake of administration, which is to serve humans or human communities.'[8]

In administrative law, as pointed out by J. Zimmermann, the human good is connected with the common good. At the same time, he points out that the human good translates into individual interest, whereas the common good translates into the public interest. That general good is then reflected in specific categories such as life, health or safety.[9] While pointing to human good, the aforementioned author writes about the *public good* as an essential value of administrative law. He qualifies public good as a separate category of human good and claims that national defence is a classic example here.[10]

Additionally, when considering further fundamental values in administrative law, J. Zimmermann mentions *morality*. He illustrates its sense by referring to the provision of Article 8 of the Code of Administrative Procedure, which expresses the principle of in-depth trust in state authorities. In accordance with this principle, public administration bodies which conduct administrative proceedings should proceed in a manner that inspires confidence in public authorities. When commenting on this value, the same author states: 'It is known that this principle is very vague and very difficult to implement by virtue of the fact that it is problematic to derive specific obligations from this principle that should be fulfilled by the body which conducts the proceedings. However, from the axiological point of view presented

6 J. Zimmermann, *Aksjomaty prawa administracyjnego*, Warszawa 2013, pp. 73–101.

7 The chapter on the axiology of administrative law was also included by J. Zimmermann in his textbook *Prawo administracyjne*, Warszawa 2020, pp. 563–590.

8 J. Zimmermann, *Aksjomaty…*, p. 77.

9 Ibidem, p. 77; idem, *Prawo administracyjne*, Warszawa 2020, p. 573.

10 J. Zimmermann, *Prawo administracyjne...*, p. 574.

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here, and from the point of view of "administrative morality", this principle is of fundamental importance. The "trustworthy manner" is precisely a conduct where the addressee of the actions undertaken by an authority has no moral doubts as to what the authority presents and what it induces the addressee to do. To have confidence in a public authority means to rely on its opinion and to believe that everything it does is correct and, above all, lawful. A true and reliable interpretation of this principle should relieve the aforementioned tension and moral dilemmas among the addressees of future administrative decisions.'[11]

Further values of administrative law mentioned by J. Zimmermann include: *justice*,[12] *legality*,[13] *truth*,[14] *certainty*[15] as well as *rules of social co-existence*.[16] This is how the aforementioned author closes his set of the universal values: the legal values that are so general that they are important in any field of law which, as Zimmermann writes, lies outside administrative law, but they are crucial for it.

Within the framework of the internal values of administrative law (i.e. values not coming from outside, but created by administrative law itself or by the Constitution) which, at the same time, are considered as building blocks of the axiological system of this law, J. Zimmermann points to the so-called *good administration* or, more precisely, *the right to good administration*. He writes as follows: '"Good administration"

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11 J. Zimmermann, *Aksjomaty..*, pp. 79–81.

12 The administration adjudicates on rights and obligations, and, as such, it must be just. The law regulating its actions should be enacted in such a way that it should enforce justice. Thus, the actions of the administration should consist in a fair interpretation of norms, a fair balancing of interests and a fair adjudication. See: J. Zimmermann, *Aksjomaty…*, p. 82.

13 This value is of particular importance in the application of administrative law. The idea is to apply the law in accordance with its spirit and the letter. There is only one legality, and the public body which applies the law cannot determine the scope of this value. The creator of law should establish regulations in such a way that their executors do not have to choose between the legality and the purposefulness of their actions. See: J. Zimmermann, *Aksjomaty…*, pp. 83–84.

14 Administrative law should use instruments to make sure that its application is objective (impartial) and that the public administration bodies which apply this law always act in accordance with the truth, understood particularly as the true state of affairs. See: J. Zimmermann, *Aksjomaty…*, pp. 84–85.

15 Certainty is of particular importance in administrative law, as the factors which threaten certainty are exceptionally strong. This law is highly fragmented, dynamic and susceptible to political twists and turns, and economic transformations. The certainty of law represents the possibility to foresee that a decision of a certain type will be issued when the preconditions exist, and that the content of this decision will fall within more or less specified ranges. See: J. Zimmermann, *Prawo administracyjne…*, pp. 585–586.

16 The principles of social co-existence are the counterpart of the principle of the protection of the public interest adopted in administrative law. These principles are valid in administrative law as long as they can be applied in a specific situation, determined by an absolutely binding norm. Such a situation can be considered within the discretion of public administration, where certain freedom of choice and slackness in decision-making could be stimulated not only by interests but also by these principles. See: J. Zimmermann, *Aksjomaty…*, pp. 85–86.

as a concept has now become permanently associated with the language of administrative law, and the increasingly widespread use of this notion marks a certain characteristic turn in the approach to administrative law: it ceases to focus only on being precisely executed and fulfilled (even on the verge of arbitrariness in administrative discretion), but it is directed at achieving a goal of value for the citizen, and thus for the state, to implement the values that lie at the foundation of a democratic country governed by the rule of law.'[17]

Among these other internal values of administrative law, the same author mentions *rationality*,[18] *clarity*,[19] *openness*,[20] *speed*,[21] *economy*[22] and *constitutional values*.[23]

Finally, J. Zimmermann discusses the third group of values of administrative law, namely values that enjoy special protection under administrative law. Those are the values that administrative law has been created to protect. As J. Zimmermann writes, a specific norm is derived in order to construct an administrative law instrument preventing some values or goods from being destroyed or undermined. According to that author, these values can be divided into subjective ones (separated in respect of some concrete person or group) and objective ones. The former group includes, first of all, *interest* and its various categories: *public interest* and *individual interest*, as well as *legal interest* and *factual interest*, and *public subjective rights*. In turn, the latter group includes values protected by specific laws, belonging

17 J. Zimmermann, *Aksjomaty…*, pp. 87–88.

18 Rationality in administrative law should be understood literally: it means that a particular regulation should be an effective legal means to lead to the intended goals. See: J. Zimmermann, *Aksjomaty…*, pp. 88–89.

19 When enacting legal norms and demanding their implementation, the legislator should communicate these norms to the addressees and, moreover, make efforts to make them as comprehensible as possible for the addressees and other entities. Clarity is a postulated value in administrative law rather than one already inherent in it. See: J. Zimmermann, *Aksjomaty…*, pp. 89–90.

20 Transparency is a constituent element of administrative law, allowing this law to reach closer to the addressee of the norms and to become more comprehensible, and thus more easily enforceable. See: J. Zimmermann, *Aksjomaty…*, pp. 90–91.

21 In administrative law, it is desirable to reach a decision as quickly as possible so that the requirements of legality are satisfied instantaneously. Any delay is unfavourable from the perspective of protecting individual rights as well as the protection of the public interest. See: J. Zimmermann, *Aksjomaty…*, pp. 91–92.

22 Economic demands are extremely important if treated in moderation. Sometimes the danger of economisation appears, and it consists in replacing the role of the state by market mechanisms. See: J. Zimmermann, *Aksjomaty…*, p. 92.

23 Drawing on the provisions of the Constitution, the administrative law doctrine formulates the general principles of this law, which are relevant in each of its segments and entail the obligation for public administration to develop a certain value. This relates to the principle of subsidiarity, the principle of equality before the law and the principle of the protection of acquired rights. See: J. Zimmermann, *Aksjomaty…*, pp. 92–93.

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to various fields of administrative law (i.e. values in those fields of life where public administration is called upon to act, i.e. where the life, health and safety of citizens are protected, including the security of the state and public order).[24]

Considering the foregoing, one cannot resist the impression that the axiology of administrative law could even become a kind of axiology of labour law. Then it would probably be difficult not to consider some treatment of labour law as administrative law. However, indeed, one should first check whether the axiology of administrative law is indeed so very useful from the perspective of the system of labour law. In fact, I am convinced that it is actually the case.

Why is that?

The reason is that in the humanist view of labour law, the central concept is the workplace, i.e. a community of people who work 'together' and where the ties between them are based on the principle of solidarity, and the work process is directed by the employer. The individual (human being) who performs work is not 'in opposition' to the employer, and absolutely does not remain in the relationship of mutual obligation. Instead, the individual performs socially useful work together with others, under the direction of the employer. On the other hand, as a constituent part of the community at the workplace, the individual obtains much greater opportunities for self-fulfilment in many areas of human life. Thus, in fact, the community is, in a way, 'subordinated' to it, which means that it is the human being that represents the highest value.[25]

Do we not reach similar system of the arrangement of forces here that is similar to that in administrative law? After all, the mechanism of operation of administrative law relies on the fact that it assumes the existence of a community within the state, built by subsequent individuals, but this community is intended to serve these individuals. In other words, it is the human being, not the community, that is the most important thing in this arrangement. Hence, as I wrote above, quoting the words of J. Zimmermann, by regulating the relations between the state and the individual, administrative law serves the good of humans. The same can be said about labour law: its regulations are supposed to help to realise the human good in the process of coordinated work (work at the workplace community).

Going back to administrative law, it should be further pointed out that the relationship between the individual and the state does not represent an opposition. Although they might have, in a sense, different interests: individuals have their private interest, while the state pursues the public interest, but nevertheless, it is

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24 J. Zimmermann, *Prawo administracyjne…*, p. 589.

25 A. Musiała, *Polskie prawo pracy: czyje? Res publica! O stosunku pracy teoretycznoprawnie*, Poznań 2020, passim.

possible to balance these interests, assuming that both the state and the individual aim at building the common good. Again, one can point to a great similarity with labour law. After all, the workplace also has its own interests, which could be termed the *company interest*, i.e. the interests of all those who work for it. This interest primarily boils down to the requirement that the workplace should operate and ensure a fair distribution of the wealth earned. However, the said labour law also knows the notion of *individual interest*, i.e. the interest of a specific employee who, for instance, applies for holiday during specific days, thus not fully enabling the workplace to pursue its own interest. Then it is almost impossible to refrain from thinking that would be analogous to administrative law (in terms of action), while the desire to point to the employer as a quasi-public administration body is absolutely self-evident. Why? That is because we intuitively expect a fair decision in labour law, just as we expect it from the state. The employer, i.e. the one who governs the labour process, would have to weigh the interests of the company and the individual ones when deciding on an entitlement of a particular employee. In short, the employer would need to act in the same manner as a public administration body.

At this point, although it might be difficult to write these words, another fundamental axiological value of administrative law emerges and it turns out to be highly relevant in the axiology of labour law, namely *morality*, i.e. the rule of in-depth trust placed in the entity that decides about our rights and obligations. Taking into account the degenerated social relations in the world of labour in Poland, the possibility to view employers as entities that would provide a chance for a fair solution is of utmost importance. Therefore, the employer, *de lege lata*, is essentially a private entity, expected to take steps that an individual expects from the state or, more precisely, from a public administration body. Trusting this body, the individual counts on fair settlements. Further analogies emerge here once more in both axiologies, i.e. the ones related to administrative law and to labour law. After all, when considering employee relations, one pursues not only *legality*, *truth*, *certainty* but also, or perhaps above all, *rationality*, *speed* and *economy of action*. The last three values are fundamental for managerial processes guiding employee relations.

One may ask: why is there such a convergence in the axiology of the two branches of law, i.e. administrative law and labour law? I have already provided a partial answer to this question earlier. It is based on the fact that administrative law supports the system of relations that are constructed similarly to those handled by labour law. Thus, in each case, it is about making a decision regarding the rights and duties of an individual or their individual interest. This also pertains to an individual who builds a community (within a company or in the state) that has its own interests (public interest). In the case of administrative law, this decision is made by a public administration body, whereas in the case of labour law, it is made by the employer.

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Thus, in both administrative law and labour law, the starting point refers to the rights and duties of the individuals who have their own interests (individual interests), but they also have some interest on account of belonging to a certain group (a community). A clash of interests frequently occurs and the result of this clash is determined by a third party. As far as administrative law is concerned, the third party would be a public administration body representing the state, which entails the possibility of an authoritative decision. As far as the labour law is concerned, the deciding subject is the employer, who represents the welfare of the workplace. However, considering that the employer is not placed in opposition to the employee, he or she should also take the employee's welfare into consideration. The difference between these deciding entities remains crucial and is based on the lack of *imperium* in the case of the employer as an entity. In other words, the decisions made by the employer do not benefit from the authority (power) of the state.

Now, in fact, it is impossible to escape from considerations regarding the application of the public law method of regulating labour relations in the labour law. This problem of the public law-based method of regulating labour relations emerges naturally at this point. It seems to me, however, that it requires in-depth research at least. Today, we can say that its application should be considered at least for several reasons, with a very cautious approach.

Above all, it should be borne in mind that the use of the public law method in the field of employment relations is an extension of authoritative relations; and these, in a democratic country governed by the rule of law, should rather be narrowed down. J. Zimmermann states it bluntly as he writes: 'Deciding to separate, in accordance with the principle of separation of powers, the executive power in a country, the legislator equips it with authority to a certain extent. In a democratic country under the rule of law, this scope should be limited or even restricted to the necessary minimum. However, it is never "zero", and therefore we are always dealing with … unequal powers and the resulting unilateralism.' Furthermore, he concludes extremely clearly: 'In a state governed by the rule of law…, in a state which protects the rights and interests of its citizens, relies on the principles of subsidiarity and proportionality, the moderation of the administrative power should be among the most important objectives. In particular, the state should not increase its power where it could directly harm the citizen.'[26] Incidentally, the aforementioned argument is consistent with the ever-increasing growth of non-authoritative activities of public administration. In other words, while the public administration does expand its field of activity, one should be aware that its character is also changing

[26] J. Zimmermann, *Aksjomaty prawa administracyjnego*, Warszawa 2013, p. 143.

as the public administration is transforming into a service-rendering system. Nevertheless, considering the thought expressed by J. Zimmermann, I believe that the tendencies towards expanding the authoritative regulation of labour relations should be thoroughly considered. I do not reject them *a priori*, but I treat this method of regulation (based on public law) as final. I posit that the attention of labour law reformers should first focus on the non-authoritative activities of the public administration. Nevertheless, a serious scientific issue will arise, related to the concept of the employer as a subject in the context of non-authoritative administration.

Moreover, looking at the problem of the public law-based method of regulation in employee-employer relations, one must consider the essence of administrative law or, perhaps, one must primarily look at the issues that administrative law was established to regulate. While its axiology may be 'tempting' from the perspective of labour law, administrative law was nevertheless designed to regulate other issues, i.e. legal relations of different nature versus the labour law.

What kind of relations are those?

In those relations, the state (government) always appears as one party because its activity is indispensable given the importance of the matter. Here, one would need to rephrase the question and ask whether labour relations constitute (or should constitute) the object of public law norms. As J. Zimmermann writes, when looking for a definition of administrative law, one should do this by analysing the subject--matter of the norms of public law. He states: 'we are looking for … a "subject matter" precisely as a subject matter, as contents, as contents of norms, as what they refer to, and this kind of "subject matter" refers precisely to substantive law…. In this understanding, the subject matter may include building construction, social assistance, public gatherings, water management, activity of the police, land consolidation, the status of veterans and hundreds of other areas or fields which are regulated by the norms of that law in any way. Thus, there is no single subject of administrative law in this approach, and there are as many subjects as the legislator decides to regulate using this path, subjecting them to this very method. It is difficult to enumerate them, especially because these also include subject matters partially regulated by other branches of law, especially by civil law.'[27]

This is where the absolutely fundamental question arises as to whether one can speak of indispensable activity of the state in labour relations. In fact, we already observe such activity. After all, the state performs supervision over working conditions, and this is already stipulated in the Constitution, in its Article 24. That article sets out the public task for the state to supervise the working conditions,

[27] J. Zimmermann, *Aksjomaty…*, pp. 23–24.

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and this task has been entrusted to the National Labour Inspectorate. However, should the state engage in in-depth interference in labour relations and turn the employer into an administrating entity or even a public administration body? This is, obviously, a multifaceted question, certainly going beyond the scope of this paper, but it absolutely merits in-depth discussion and analysis. Even if we recognise the fact that, as a rule, the authoritative relations should not be extended, we should take into account that in a situation where social relations in the labour sphere in Poland have already reached absolute degradation, it may even turn out that a greater activity of the state will be inevitable. Nevertheless, I believe that the essence of human work implies that labour relations have the nature of private law.

Why?

Human work, human labour is about humans. It is about the strength and muscles of humans. It is about him, about her, about the human being. It is impossible to detach labour from humans. Additionally if it cannot be detached, then it cannot become an object of administration by the state. The state does not turn work into a public task *per se*, and quite rightly so because this cannot be done. The state organises the order of labour, it establishes legal regulations to determine the conditions of human labour, and it establishes a public task only with regard to the supervision over these conditions. In brief, the state does not take over the administration of human labour in the sense of a public task, except for exercising supervision. That is the case *de lege lata*.[28] Obviously, this does not mean that other public tasks cannot arise under labour law. Moreover, I think that given the high extent of 'privatisation' of labour relations in Poland (and its ominous consequences), a certain kind of 'nationalisation' of labour (understood as the extension of public tasks under labour law) may become indispensable.

Does the foregoing suggestion, i.e. the assumption that the nature of the employment relationship is based on private law, exclude an axiology based on administrative law? I believe that labour law should develop its own axiology, just as we talk about the axiology of administrative law. Indeed, while it may coincide with the axiology of administrative law in many points, it will nevertheless pertain to private law. This is actually what it *should* pertain to in a civilisation understood as a modern state. This becomes necessary for two reasons. First of all, this is because labour relations, by their very nature, are private relations, whereas an involuntary use of the axiology of administrative law (which seems very attractive for the labour law system) turns out 'dangerous', as it forces everyone to think about labour law in terms of authoritative relations. The latter, as was mentioned earlier, should be subject to limitations in a democratic country whenever possible. Furthermore,

[28] A. Musiała, *Polskie prawo…*, p. 85 ff.

the constant use of the very attractive axiology of administrative law by labour law prevents labour law from building its own axiology. It is not about satisfying the 'ambitions' of labour law. In fact, the axiology of administrative law, although immensely attractive for labour law, seems appealing only on the surface because, as one should recognise, it underlies authoritative relations. In contrast, it will underlie private law relations in labour law. Therefore, even if we precisely copy the values of administrative law into the system of labour law, these values would acquire a somewhat different 'colour'. Incidentally, it is quite outrageous to see that no labour law textbook contains a chapter devoted to the axiology of labour law that would resemble the textbook by J. Zimmermann.

Summing up all these reflections, it must be said that the values of administrative law are undoubtedly extremely appealing for the system of labour law. One must not forget, however, that administrative law uses the method of public-law regulation, which is authoritative in essence. If one wanted to recognise these values as the values of labour law without any change, it would be necessary to recognise the fact that labour law in its entirety is a branch of substantive administrative law. So far, however, labour law is, in its essence, private law *de lege lata*, and it represents a branch of administrative law only in a certain part. (However, this part might be expanded.)

Meanwhile, the problem is much more serious, since the Polish social and economic relations view the employment relationship in terms of a legal relationship based on mutual obligations (which is obviously quite erroneous). Therefore, the chances for leveraging the potential of the axiology of administrative law in the field of labour law, understood in this way, are virtually non-existent. If labour is treated as a commodity, there can be no question of an extensive axiology that highlights the good of humans and the morality of the employer. One question that I ask myself is as follows: if we use the axiology of administrative law and build a similar system of values in labour law, can we build a chance to change the dramatically degraded social relations in Poland? Moreover, can we simply raise the standard of working conditions in our country? If at all, this process will certainly proceed very slowly. However, perhaps the court which examines a case will be in a position to draw on the clearly outlined fundamental values in the axiology of labour law (taken from the axiology of administrative law) to make a better assessment of the facts and pass a more accurate judgment.

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Bibliography

Longchamps F., *Z problemów poznania prawa*, Wrocław 1968.
Musiała A., *Polskie prawo pracy: czyje? Res publica! O stosunku pracy teoretycznoprawnie*, Poznań 2020.
Sobczyk A., *Państwo zakładów pracy*, Warszawa 2017.
Sobczyk A., *Zakład pracy jako zakład administracyjny*, Kraków 2021.
Zimmermann J., *Aksjomaty prawa administracyjnego*, Warszawa 2013.
Zimmermann J., *Prawo administracyjne*, Warszawa 2020.