

German Delegation

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RESTRICTED

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ACTION SLIP
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Speaking Notes

Subject: Agreements on new Trade Unions in Poland.

P. A. Sub - Registry
File N° 19-10-01 (Poland)

1. The setting-up of new self-administering Trade Unions plays a central part in the agreements signed between strikers' committees and Government representatives in Danzig and Stettin and, a few days later, in Silesia. As part of a profound reform of the Trade Union movement which is to take place with the full support of the Party, new self-administering Trade Unions could develop everywhere if so desired by the workers. The agreements also provide for the right to strike as a means to obtain the fulfilment of workers' rights, if all other means to solve a conflict have been exhausted. The form of organization of the Trade Unions and their rights including the right to strike are to be laid down in a new Trade Union law.

2. The first draft of the Trade Union law which was worked out by a group of experts of the Central Trade Union Council and which must be seen as an attempt by the former Trade Union organization to regain some of the ground lost in the past few weeks, was presented in the Polish press on 1 September. Romuald Yankovsky, the former Chairman of the Central Federation of the Metalworkers' Union and the new Chairman of the Central Trade Union Council, predicted that the new law would be a historical step in the Polish workers' movement. It would meet the expectations of the workers and guarantee the function of the Trade Unions as organizations

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protecting the rights of the workers. He demanded that the Trade Unions be given the necessary rights and instruments to defend the interests of the workers.

3. Franciszek Ruska, the Presiding Judge of the Division for Labour and Social Insurance cases of the Supreme Court, was appointed chairman of the group of experts. The group is composed of scientists, representatives of Trade Unions and factory workers. It has not become known that the strikers' committees are participating in the drafting of the new law, as had been provided for in the agreements which I mentioned at the beginning.

4. According to Polish press reports, the draft law is to contain the following basic elements:

- (a) The Trade Unions are to be self-administering bodies which are not subject to the supervision or control by governmental administrative organs. They are to decide autonomously about everything concerning their method of work and internal affairs. Their work will be based on democratic principles, such as free elections with an unlimited number of candidates for Trade Union bodies. According to the present concept, Trade Unions are to be set up for the various branches of the economy.
- (b) The rights of the Trade Unions are to be greatly enlarged. The new rights extend to participation in economic planning, the distribution of the national income, the shaping of social policy, the fixing of wages and prices and to all decisions affecting the standard of living of the workers.
- (c) The granting of wider rights is accompanied by legal arrangements which are to ensure their enforceability. Thus, for example, it is to become a legal obligation on the Government to inform the Trade Union in advance of all decisions which may be of importance for the workers. Such decisions will require the written consent of the Trade Unions.

- (d) An essential innovation would also consist in the Trade Unions' right to object to decisions which are in conflict with laws or interests of society. Such an objection would amount to a veto and would lead to the decision being cancelled.
- (e) The Central Trade Union Council is to be given the right to introduce bills directly into Parliament.
- (f) The draft law contains a guarantee for the execution of control functions by the Trade Unions. This involves the obligation of the authorities to provide the Unions with all data and information necessary to assess a situation and to grant them access to all necessary documents. The Unions' right to carry out their own statistical investigations is also important.
- (g) In matters of labour law, the Trade Unions may appear as applicants before the competent authorities; the latter are to be committed to respect specific time limits in dealing with the applications and to inform the Trade Union of the result of their examination.
- (h) The rights of the Union organizations in the factories are also to be greatly extended. If the factory management wants to take a decision which is of importance for the workers, the previous consent of the Factory Council has to be obtained. If workers' rights are involved, the Factory Council would have the right to intervene. The Factory Council's right to call strikes after all other possibilities are exhausted is also to be provided for.

5. The draft Trade Union law is to be further developed by the group of experts which is to take into account international legal provisions. When this work is terminated, the draft is to be laid before a plenary meeting of the Central Trade Union Council and to be discussed in the factories before passing through Parliament.

6. The draft law already contains the essential elements of the agreements made between the strikers' committees and the Polish Government concerning new rights for the Trade Unions.

The new law will be the basis for all kinds of Trade Unions, while the relations between the former Trade Union organization and the new Unions is not clear. It was laid down in the agreement in Danzig that the new Trade Unions will not become members of the organization represented by the Central Trade Union Council, while dual membership in both Trade Unions is to be possible.

7. The activities of the new Trade Unions will be limited to the coastal region. A similar arrangement is likely to be contained in the agreement for Silesia which has so far not been published. The limitation of the field of activity of the new Trade Unions may lead to strike action in other important sectors of the economy in order to obtain the same rights. In spite of their self-criticism during the 16th Plenary Meeting of the Central Trade Union Council on 26 August in Warsaw, the personnel changes and the active support being given to the new Trade Union law, it does not appear very realistic that the old Trade Unions will regain sufficient confidence in order to take the winds out of the sails of the new Trade Unions, which is apparently being intended.

8. The full exploitation of the new rights in connection with the also-agreed changes in the laws on workers' self-administration and labour law would mean the far-reaching democratization of labour relations in Poland and could not remain without influence on the rest of the economic structures and decision-making processes. However, it remains to be seen what will be the effect of the principle of the Party's leading rôle - which has been recognized in the agreements - on the interpretation and realization of these rights in practice. In this context, the warnings from Soviet sources concerning trends towards liberalization in Poland should not be ignored.

9. However, the Polish population has high hopes. If the Party or Government were to take drastic action to curtail the concessions which have been made in the direction of independent Trade Unions, this would in all probability lead to new strikes with possibly serious consequences.