

## POLAND<sup>183</sup>

### El affiliates

|                                |  |
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| <b>NSZZ Solidarność</b>        | Education Section of Independent and Self-governing Trade Union Solidarity                 |
| <b>NSZZ Solidarność</b>        | Science Section of Independent and Self-governing Trade Union Solidarity                   |
| <b>ZNP</b>                     | Polish Teachers' Union part of All Poland Alliance of Trade Unions (OPZZ)                  |
|                                | Polish Academy of Sciences Trade Union, part of All Poland Alliance of Trade Unions (OPZZ) |
| <b>WZZ Solidarność-Oświata</b> | Education Section of the Free Trade Union Solidarity                                       |

### Union Density Rate

16% of total workforce and 39% of education workforce (EIRO December 2008)

Education Sector has 470,000 trade union members, representing 25% of the total unionised workforce. Approximately 70% of trade union members in the education sector are women.

### Birth rate

The birth rate is falling and is one of the lowest in Europe and the lowest in the EU.

### Background

Poland has a decentralised system of government and is divided into 16 regions (*województwo*), 380 districts (*powiat*), and 2,413 communes (*gmina*). The Polish Constitution, adopted in 1997, provides for compulsory education up to the age of 18 years. The Education System Act of 1991, and subsequent legislation, regulates education and provides for the functioning of private schools for the first time. Education responsibilities are divided between the three levels of territorial government and are financed within the framework of a general subsidy from the State Budget.

Teachers in public education are appointed as public employees under the terms of the Teachers' Charter 1982. The Charter regulates the rights and duties of teachers but it covers the public sector only. It regulates teachers' qualifications and promotions, working conditions, remuneration and training, financial aspects of continuing education and training for teachers, as well as health care standards and pensions and disciplinary measures. The Charter

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guarantees a maximum of 18 teaching hours per week and a minimum wage for each category of teacher. The Charter was amended in 2009 whereby the obligation to negotiate annually with local authorities was removed and the method of calculating wages was also amended.

The Higher Education Act (2005) covers tertiary level lecturers and university staff. NSZZ Solidarność and the ZNP represent teachers at the tertiary level. The administrative and technical staff are covered by collective agreements negotiated at local level.

### **Freedom of Association and Collective Bargaining Rights**

Teachers have the right to form and join trade unions and are covered by the provisions of the 1991 Trade Union Act. In practice there are 3 trade union federations (OPZZ, FZZ and NSZZ –Solidarność), which all have education sections or a specific union for teachers.

Trade unions are considered representative when they have at least 300,000 members industry-wide as a federation or confederation, or if they are members of a representative association at enterprise level and organise at least 7 % of the workforce. Enterprise trade unions that do not belong to a representative association must organise 10 % of the workforce. The trade unions are currently calling for this to be raised to 20% in order to simplify negotiations.<sup>184</sup>

Through their respective Federations, the teachers take part in the Tripartite Commission for Social and Economic Affairs, which is the primary institution dealing with social dialogue in Poland. It is composed of government representatives, nominated by the Prime Minister, and representative employers' and workers' organisations.

Its aim, among other things, is to participate in the preparation of the Budgetary Act through reviewing macro-economic indices and presenting proposals on levels of remunerations in the national economy, including public and private sectors, as well as the minimum wage and pension contributions for the National Insurance System.

Within the Tripartite Commission there are 12 subject work groups, including 5 tripartite trade groups. There is also a specific Commission for Social Dialogue at regional level.

Teachers are not covered by collective agreements as the main terms and conditions of employment for teachers in the public sector are determined by the Teachers' Charter. However they do conduct negotiations at central and local levels.

The annual Budgetary Act determines the total amount available for teachers' salaries. The Ministry of Education then issues a regulation which determines the increase in the basic minimum wage for teachers. The draft of this regulation, in particular the table containing the salary rates for the different teachers' grades, is negotiated between the Ministry and trade unions. Depending on what is agreed in the Budgetary Act, the increases can start on 1st January or 1st September. The salary levels for the four categories in the teaching career are regulated by the Teachers' Charter (Article 30, Paragraph 3). The salary level is calculated as a percentage increase above the teachers' basic pay in the following way:

- 1) trainee teacher - 100%,
- 2) contract teacher - 111%,
- 3) appointed teacher - 144%,
- 4) diploma teacher - 184%

The other terms and conditions, including allowances for seniority, difficult working conditions and performance related pay, as well as over-time, are determined at local authority level, either districts or communes depending on the type of school, following a process of consultations with the unions. There are some exceptions, such as medical schools which are managed by the regional self-government bodies and the schools under the management of different Ministries.

### Impact of the financial crisis

#### • Teaching staff levels

Some local authorities have sought to reduce the number of teachers. The declining birth rate is also used as a justification for the need to reduce the number of teachers. The unions have argued that the demographic slump has been used as a pretext to make excessive cuts.

#### • Salary levels

Nearly all Polish teachers have a university diploma (97% have a BA and 92% have an MA). Trade unions have highlighted the low levels of salaries for teachers and the need to adjust pay to match other starting salaries in comparable professions. Prior to the 2007 elections, the Civil Platform candidate, Donald Tusk, had committed to increasing teachers' pay.

In the face of the economic crisis in 2008, the unions were active in organising demonstrations, strike actions and protests in front of the Ministry of Education to ensure that this commitment was respected.

Because of the levels of mobilisation, the unions were able to reach a major agreement with the Ministry of National Education concerning a wage guarantee scheme, which was finalized in 2009. A national report calculates the average salary of a teacher including allowances in each category, and teachers who are found to have less than the average salary in each category are compensated. This new system was considered a major victory for the trade unions.



- **Base Salary Increases 2009-2013**

2009: 5% in January and 5% in September  
2010: 7%  
2011: 5% in January and 5% in September  
2012: 3.8%  
2013: 0%

- **Working Hours**

While the Teachers' Charter stipulates that a teacher must spend 18 hours class time per week, in 2010, these hours were extended so that at primary and lower secondary level, teachers were required to spend 2 hours extra per week with students, with remedial classes or on development of extra-curricular interests. In upper secondary, teachers were required to spend 1 hour extra per week.

During 2012, the Ministry of National Education tabled proposals for further changes to the teaching hours and also to holiday and sabbatical entitlements. Currently, teachers are entitled to one year sabbatical after 7 years at school.

The teaching unions often find it difficult to reach consensus on issues such as working hours' reforms, with some unions putting forward proposals unilaterally and therefore making it easier for the government to impose their positions.

### **The trend towards privatisation**

The economic crisis from 2008 has been used as a new argument to accentuate the process of decentralisation further, and to facilitate the transfer of schools from local authorities to private institutions. A legal act in 2005 set a limit of permitted debt for local government at 60% of annual income so local authorities are forced to make savings. For fiscal year 2011/12, the Ministry of Finance has set a target of 4% reduction in the budget deficit. As education represents up to 70% of local government budgets, some local authorities are seeking to implement cuts to education budgets and transfer of schools to the private system.

In 2010, the Educational System Act was reformed so that it became easier for schools with less than 70 pupils to be privatised and the responsibility handed over either to parents' associations or private foundations. All the unions opposed this move. Schools run by parents' associations do not have to employ teachers under the conditions stipulated by the Teachers' Charter and the central government can therefore also provide them with a lower subsidy. Teachers are also concerned that the numbers of teachers on short-term contracts which are not subject to the Labour Code will increase.

### Curriculum reform

It is obligatory for the Ministry of Education, under the terms of the Teachers' Charter, to consult the unions about curriculum reform proposals. A curriculum reform was introduced in 2009 to be implemented 3 years later in 2012. The main unions hold varying opinions about these reforms.

### Pre-Kinder Education

Another area of reform concerns the lowering of the age of obligatory education to 5 years and the increase in provision of pre-school facilities. The government wanted to introduce this reform in 2011 but following concerns that conditions were not properly prepared, the government had to agree to postpone the plan until 2014. Solidarność 6, together with parents' associations, organised a movement called "Save the Kids" with demonstrations and petitions.

### Education expenditure and GDP growth

| % of government expenditure on education | % GDP spent on education | GDP % Growth |
|--|--------------------------|--------------|
| 2006                                     |                          |              |
| 2007: 11.8 %                             | 4.9 %                    | 6.6 %        |
| 2008: 11.8 %                             | 5.1 %                    | 4.8 %        |
| 2009: 11.4 %                             | 5.1 %                    | 1.7 %        |
| 2010:                                    |                          | 3.8 %        |
| 2011                                     |                          | 4.4 %        |

Source World Bank/IndexMundi