



# ZWIĄZEK NAUCZYCIELSTWA POLSKIEGO

ROK ZAŁOŻENIA 1905

## ZARZĄD GŁÓWNY

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POLISH TEACHERS' UNION Central Committee  
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Warsaw, 11 September 2009

**Ronnie Smith**, President of the Pan-European Structure  
**Martin Rømer**, General Secretary of ETUCE  
**Charlie Lennon**, Chief Coordinator of EIE

### Comments from ZNP to Draft By-Laws on future structures for EIE/ETUCE

Dear Colleagues,

ZNP has been observing with much apprehension the discussion regarding changes to the statute of the EI Pan-European Structure. We are particularly concerned by the fact that the plan, whose aim was to boost the effectiveness of EI's actions within the European Region, may bring all of us to the conflict leading to the destruction of the sense of unity and mutual solidarity among teachers' trade unions in Europe.

Nowadays when education has been faced with problems and challenges, the following can help resolve these issues, decisive decision making, trust, willingness and ability to work out joint actions. Therefore the Polish Teachers' Union is calling for a careful analysis of the arguments sent by member organisations from Central and Eastern European countries, which attach great importance to the ETUCE's achievements. The ZNP is one of the organisations for which the ETUCE was the first platform of European cooperation after a several years' absence in international structures. Openness, support and comprehension of the setbacks in the education sector in this region, we have enjoyed from the ETUCE, enabled us to undertake partner cooperation. This constitutes one of our most precious and most important experiences.

The ZNP's financial potential is not as considerable as that of other organisations from Western European countries. Our power and influence is not an outcome of our membership fees. Our conviction that we are full partners of trade unions' European and global discourse in the field of education is strictly linked with the procedures and methods of work existing in the current Pan-European structures of the EI/ETUCE.

Our concern whether the proposed changes will put on the margin the issues regarding working conditions and payment as well as underfinancing of the education sector and higher education in this part of Europe or whether the position of Central and Eastern European trade unions will be weakened is nothing but natural.

The Polish Teachers' Union does not seek to repeat all the arguments put forward and reiterated by its representative both at the meetings of the group appointed to draw up structural changes to the statute and at ongoing debates in the past.

At the same time, our organisation has been trying to understand the arguments presented by supporters of a distinct outlook on the EI structure in Europe. We have been showing interest in making ourselves acquainted with other organisations' positions. We believe that they included quite a lot of interesting proposals which give birth to possibilities and expectation for reaching an agreement. The Polish Teachers' Union cherishes a hope that we will all manage to reach a compromise thanks to shared wisdom and experience of our union organisations.

Best regards,

ZNP President

A handwritten signature in black ink, appearing to read 'Broniarz', written over a diagonal line that extends from the top left towards the bottom right.

Sławomir Broniarz

L.dz. 78/w/09

Warsaw, 10.09.2009

**NSZZ „SOLIDARNOŚĆ” NATIONAL SCIENCE SECTION’S  
POSITION ON THE REFORM OF THE EUROPEAN EI STRUCTURE  
as proposed in the new draft By-Laws in European regional structure**

**1.0. Introduction**

**1.1.** The National Science Section NSZZ „Solidarność” has carefully studied the new draft By-Laws for the Pan-European EI Structure, elaborated by the EI/ETUCE Bureau. To our surprise, these By-Laws embrace the most radical version of reform, placing the teacher union movement in Europe under the control of the EI Pan-European Structure, whereas EI already detains a global monopoly since 2003, when the WCT was incorporated into its structure. To accept this reform would mean to completely eliminate ETUCE. We would like to recall that the radical variant of the reform was rejected by our organization in the opinion dated 10.01.2008. We must repeat our position in this matter: we are against the elimination of ETUCE. ETUCE is an international trade union organization whose activities are limited to the EU/EFTA territory, where it plays a similar role with regard to the European Commission and other EU institutions, that national trade unions play in relation to their governments. **ETUCE is a social partner in the educational sector on EU territory, and consequently, in the context of an ever stronger integration of EU countries, actions are needed to continue to strengthen it instead of weaken or disable it.**

The elimination of ETUCE would be glaringly contrary to the justifications for creating the Pan-European EI Structure in 2003, which stated:

*“The special challenge in the European region is to provide for a strong and clearly identifiable structure able to represent EI members at the EU...”*

And further:

*„ There is no doubt that the EU will increasingly play a leading role for its member states not only in social affairs and labour market policies but also in education. This development of the EU’s role demands a strong, well-defined teacher trade union representative organisation as a counterpart, an autonomous organisation that can also develop its role as a representative social partner in the area of education, training and research at the EU level.”*

We would be grateful if the authors of the new draft By-Laws for the European regional structure could explain their stance on the aforementioned statements.

## **2.0. Necessity to amend the reform introduced in 2003**

**2.1.** We will ask for a partial withdrawal from those amendments introduced in 2003 which are contrary to EU law. These include preventing teacher organizations in the EU member states from direct affiliation with ETUCE, as a result of ETUCE becoming a part of the EI Pan-European Structure. In our view, making ETUCE membership conditional on prior affiliation to EI is contrary to article 5 of the ETUC Constitution. We find it puzzling and unacceptable that the members of the EI World Executive Board, who come from outside the EU, should decide about the right of teacher union organisations in EU countries to be social partners of the EU and its institutions, through accepting or rejecting the applications of new EI members.

**2.2.** The right to be a part of an organization which is a social partner of the EU is not and cannot be the result of other organizations' decisions, especially organizations whose members do not come from EU member states. Assuredly this right should not be conditioned by affiliation to another international organization. The right of direct affiliation to ETUCE is based on the applicant organization's belonging to a EU member state, and not the result of an external authorization. Therefore, nobody can limit this right in accordance with EU law. **We will therefore ask for the possibility of direct affiliation to ETUCE for any teacher trade unions from EU member states.** This is our first proposal. Given that legal matters are not resolved through voting but through legal procedures by the appropriate authorities, we will consider appealing to the European Commission through the National Commission of NSZZ „Solidarność”, in the case our proposal is ignored. We will ask the European Commission to verify whether the amendments proposed in 2003 and the ones currently drafted are consistent with EU law. We will also ask the ETUC to verify the consistence of these changes with the ETUC Constitution, especially with article 5 thereof.

## **3.0. Conditions of reform**

**3.1.** We are deeply convinced that an organization which is a social partner of the EU should be independent, or at least autonomous with regard to the choice of its governing body. This means that only teacher trade unions from EU/EFTA countries have the right to choose an Executive Board, a Secretary-General, a President, Vice-Presidents, a Treasurer, etc. We hold for self-evident that the right of affiliation to such an organization should be restricted to trade unions from EU/EFTA countries. These requirements, in connection with the assurance of a direct affiliation to ETUCE, are inevitable conditions which in our view must be met in order to implement any reform of the European structures in EIE/ETUCE. Thus, our proposals are further reaching than those included in Annex A.

## **4.0 Proposals of detailed solutions**

**4.1. Number of Vice-Presidents.** We disagree with the suggestion of certain Bureau members which would raise the number of Vice-President to seven. We do not even know what justifies their current number. Why do we elect six Vice-Presidents, instead of five or four? **We believe that the number of Vice-Presidents should be a result of rational justifications or actual needs, which means that these should not be honorary positions but instead they should be tied to specific obligations.** Even before the formal elections of

Vice-Presidents we would like the candidates to answer the two following questions: 1) What do they intend to do in the case they are elected? and 2) What is their program? We wish to stress once more that in our opinion each of the Vice-Presidents should be responsible for a certain field of EI's activity. On this basis we estimate that three to four Vice-Presidents would be an optimal number.

**4.2. Guarantee of a Vice-President position for the Higher Education sector.** We share the view of those members of the Bureau who underline the need to guarantee the function of Vice-President for higher education and scientific research. We fail to understand the contrary position, held by a majority of the Bureau's members, as stated in Chapter 2.26 of the By-Laws Draft for the European regional structure. Higher education and research are both international in character, contrarily to lower levels of education. Because of this, many issues concerning this sector are resolved through international cooperation, of which one example is the Bologna Process. In this context we would like to note that since the admittance of the EI Pan-European Structure into the Bologna Process as a consultative member of the Follow-Up Group in May 2005 at the ministerial conference in Bergen, EI has been more visible in the European Region. The name *EI Pan-European Structure* is well-known in European ministries of higher education and research. Thanks to the higher education sector, EI's brand has also gained prestige by its acquiring an observer status in the Council of Europe (in the Steering Committee for Higher Education and Research). To maintain this image, and to further improve it, higher education should be represented in the bodies and institutions which hold such importance for us by an officer of high rank. This is crucial not only for higher education itself, but also, or perhaps above all, for EI, because it testifies to the fact that EI puts high value on higher education and research. **Guaranteeing the position of Vice-President for higher education and research is our second proposal.**

**4.3. Electoral rules in HERSC.** On the backdrop of growing internationalization of higher education and research, the importance of the Higher Education and Research Standing Committee (HERSC) within the EI Pan-European Structure is growing fast. We therefore share the opinion of the Bureau in that it is necessary to formalize the organizational structure of the Committee, the process for the selection of a President and perhaps Vice-Presidents also, as well as the number its members and principles of representation in the Committee of trade union organizations whose members belong to higher education. A similar formalization process is perhaps also needed in the Standing Committee for Equality. However, taking into account the great variety in membership numbers between the various organizations represented within HERSC, where some organizations count several hundred, and others up to 120 000 members, we do ask that our third proposal be taken into consideration, that is **introducing similar electoral rules in HERSC as those implemented in the European conference.** Introducing the rule proposed in the new draft By-Laws, according to which each organization should have one vote in the elections would be unfair since it would grant great influence in the electoral process to those countries whose teacher trade unions are strongly disintegrated.

**4.4. We ask that Art. 6.3.3 (c) in the draft By-Laws be deleted.** The content of this article is contrary to Art. 3 (d) of the EI Constitution. If this article is maintained in its present form it will imply that teacher trade unions will interfere into internal affairs of other countries and impose upon them who is going to represent them in the EI Pan-European Committee/ETUCE Executive Board. Only the concerned teacher trade unions from each country should decide who is going to represent them in national seats. In the event of a conflict EI should act as mediator. According to our consultations, this opinion is shared by

many teacher trade unions in Western countries. The elimination of Art. 6.3.3 (c) is our fourth proposal. We refuse that internal affairs of other countries and the trade unions representing them be meddled with through the representative in the EI Pan-European Committee/ETUCE Executive Board being imposed. Consequently, if our proposal is not taken into account, our organization will not participate in the elections for national seats.

## **5.0. Conclusion**

**5.1.** We believe that the only way to comply with EU law requirements and the ETUC Constitution, which would ensure a better coordination in planning and realizing EI and ETUCE activities, while avoiding overlapping between them, and make for more effective usage of financial resources, is to have the EI Executive Board commission ETUCE to fulfil the function of the regional structure of EI in the European Region until the next EI Congress. Bestowing this function upon the ETUCE is justified because 90% of teachers' trade union activity in this region is carried out within this structure. This solution, however temporary and exceptional, is certainly legally possible if the EI European Conference were to decide to dismantle its Pan-European Structure. The final decision accepting such reform would be taken by the next EI Congress in 2011 by introducing the appropriate amendments in the EI Constitution.

Janusz Sobieszczęński, President

Ryszard Mosakowski, Vice-President, International Secretary