SUMMARY OF PROFESSIONAL ACCOMPLISHMENTS

I. Name and surname: Aneta Giedrewicz-Niewińska

II. Diplomas awarded, academic (artistic) degrees, including name, place and year of awarding as well as title of doctoral dissertation:

1997-2002 full-time master's studies in the field of Law at the Faculty of Law, University of Białystok

2002 passed a master's examination with the result of very good at the Chair of Labour Law, Faculty of Law, University of Białystok. The subject of master's thesis: Bases for the Employment of Executive Board Members in Corporations .

2007 defence of the doctoral dissertation at the Faculty of Law, University of Białystok: *Election as Basis for Establishing an Employment Relationship with Self-Government Employees;* doctoral research promoter – dr hab. Bogusław Cudowski, University of Białystok; Ph.D. dissertation reviewers – prof. zw. dr hab. Walerian Sanetra – University of Białystok; dr hab. Zbigniew Góral – University of Łódź; title of the Doctor of Juridical Science awarded on 24 September, 2007

III. Information on current employment in academic (artistic) institutions:

From 1 October, 2007 until 30 September, 2008 I worked as a research and didactic worker at the Faculty of Law, Helena Chodkowska University of Management and Law in Warsaw, in the position of assistant professor.

From 1 October, 2008 to date - research and didactic worker at the Faculty of Law, University of Białystok, in the position of assistant professor

IV. Academic achievement constituting a significant contribution to the development of a specific academic discipline based on Art. 16 sec. 2 of the Law of 14 March, 2003 on Academic Degrees and Titles, and Degrees and Titles in Arts. (J. of Laws No. 65, item 595 as amended):

Pursuant to Art. 16 sec. 2 of the Law on Academic Degrees and Titles, and Degrees and Titles in Arts, the monograph I would like to present as an academic achievement made after being awarded the title of Doctor of Juridical Science, and constituting a significant contribution to the development of law as an academic discipline, is my publication entitled *Employee Involvement in the European Company, Warsaw, C. H. Beck 2015, p. 365.*

Discussing research goals of the monograph devoted to the employee involvement in the European company

The right of employees to take part in management of an enterprise which is not only limited to information and consultation, but also involves participation, constitutes an innovative solution at supranational level. This kind of model first appeared in the regulation concerning the European company. This interpretation of employee involvement allows for implementation of the idea of democracy in the European economic entity. The result is that the matters concerning employees are decided not only by an employing entity, but also by employee representatives. Regulating the right to information, consultation and participation is a breakthrough in the area of employee rights as far as multi-national enterprises are concerned. In my opinion, the analysis of this issue is essential from the point of view of Polish entrepreneurs, not only those setting up a European company in Poland, but also those participating in the creation of this kind of entity in other member states of the European Union. An important motivation for the undertaken scientific study regarding employee involvement in the European company was, in principle, the lack of a monograph which would discuss the issue in a comprehensive and systematic way, showing its multiple aspects[1]. While specific issues related to some selected problems of the instrument of employee participation in the European company had been discussed before, there was no comprehensive and theoretical analysis made [2]. Furthermore, one may not fail to notice that the number of European companies guaranteeing their employees involvement in corporate governance is steadily increasing. It is worth noting that participative solutions are beginning to spread to countries which so far have not had such a tradition (eg. the United Kingdom)[3].

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[1] In some respect the issue has been discussed in the commentary by *Sz. Pawłowski, J. Stelina, A. Wowerka, M. Zieleniecki*, The Law on the European Economic Interest Grouping and the European Company with a Commentary), Gdańsk 2008.

[2] See, for instance *A. Miętek*, Involvement of Employees in the European Company – *de lege ferenda* remarks, MPPr 2014, No. 7; *J. Wratny*, The role of Employee Representations in the European Company as a Stage in Shaping the European Model of Participation, PiZS 2011, No. 1.

[3] According to estimates of the European Trade Union Institute (ETUI), on 21 March 2014 in 25 countries belonging to the European Companies (SE) 289 were identified as conducting economic activity and

The main research problem of my dissertation was the question as to whether the current legal provisions in the area of employee involvement are so tightly combined with the mode of creating and structure of the European company that they cannot be separated from them. Since the obligatory European and Polish regulations concerning employee involvement in supranational enterprises are scattered, there is a need to find out if it is possible to unify them. The purpose of the work is to examine to what extent the regulations relating to the European company may constitute a pattern for creating a model of employee involvement in the European economic entities. It calls for indicating the differences between the regulation of the European company and other supranational enterprises, and determining whether it is possible to overcome them.

A synthetic method was largely used in the study, especially in the part where the concept of employee involvement as well as the differences in the employee involvement in the management of the European economic entities were explained. It should be pointed out , however, that the implementation of the right of employees to take part in the management of the European company requires a thorough analysis since its presence in the functioning of enterprises raises a lot of issues and doubts. A comprehensive look at the instrument of employee involvement calls for looking not only for a way of solving contentious issues by way of law interpretation, but also formulating postulates of change to the current binding provisions.

It was indispensable to analyse not only the Polish, but also the European Union law in the monograph. In Directive 2001/86[4] and Regulation 2157/2001[5] the model of employee involvement in the European company was specified, which had a direct effect on the way of regulating the matter in the Polish law. I also recall the German legislation and theory across a broad front. Germany, regarded as the 'fatherland of participation', played a key role in defining the shape of the European Union solutions adopted in respect of employee involvement in the European company. In this country, there is an established practice, developed best of all European member states, of the European companies functioning with the ensured employee involvement. Also, the output of other European member states, and in particular of the English literature, based on a totally different system, forming a juxtaposition

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employing workers (also known as „normal"). Since October 2013 that number has increased by 20 normal SE. www.worker-participation.eu

[4] Council Directive 2001/86/EC from 8.10.2001 supplementing the Statute for a European company with regard to the involvement of employees, Official Journal UE L 294 from 10.11.2001.

[5] Council Regulation 2157/2001/EC from 8.10.2001 on the Statute of a European company (SE), Official Journal UE L 294 from 10.11.2001.

to the German solutions, was useful for the analysis of the European Union regulations during the study of the regulations concerning the European company.

The goal of this paper was to give a comprehensive characteristics of employee involvement in the European company, not limited to one selected institution. On account of controversies connected with the works on the regulation concerning the European company, and in particular, on the employee participation in its internal bodies, it was purposeful to determine ideology behind the employee involvement. In this respect historical, economic, social and economic as well as psychological factors were subject to analysis. It allowed for justifying the need to realise the idea of employee involvement in the workplace.

According to the basic rule of employees' protection in respect of their collective rights, derived from the European Union regulation, registration of a European company may only take place after making necessary agreements related to employee involvement. It should be emphasized that this norm does not refer to the situation where a European company does not employ workers. It turns out in consequence that there is a practical problem of the European companies registered without regulating the issue of employee involvement (*data from www.worker-participation.eu*). Then, it was important to consider the possibility of setting up a European company without following the procedure related to the employee involvement when the companies taking place in its creation or the very European company did not employ workers. As regards the obligation to follow the procedure related to the employee involvement, the key issue is also the problem of changes taking place in a European company, affecting the employees' right to information, consultation and participation.

Mutual agreement of the parties is an overriding priority in the way employee involvement in the European company is shaped. It points to the need of guaranteeing a certain level of flexibility in shaping employee involvement in a company. What is essential from the point of view of negotiating parties is defining the borders of autonomy given to them. Special attention should be paid to the results achieved by way of the agreement, which has a fundamental meaning for the way of enforcing its provisions and interpretation applied. If no agreement is made and a European company is obliged to ensure statutory, minimum standards, it is also necessary to analyse workers' rights.

The regulation concerning employee involvement in managing European economic entities is also scattered. To protect workers' involvement at supranational level common standards need to be created in respect of employee involvement in the management of European economic entities.

The considerations in the paper were divided into three thematic areas:

1) employee involvement basics, work progress on the solutions concerning employee involvement in the European company and explanation of basic terms;

2) protection of the employee rights of involvement at the creation of a European company and after its registration, in particular by the mutual agreement of parties and according to standard rules;

3) differences and similarities between employee involvement in the European company and involvement in the management of other European economic entities.

The bases which limit the right of employer to an independent management of an enterprise, arising from economic freedom and the right of ownership vary. Historically, they are linked to deviation from the liberal concepts of viewing the workplace and employees' struggle for economic equality. What was also important, especially in the post-war times, was the conviction about the need to build a fairer world by introducing democratic mechanisms, also in the workplace. Democratisation of the world of labour was closely connected with the analogy to the workplace as a state, only in microscale, and to the community where the characteristic property was a mutual connection between its members. Undoubtedly, it was the principle of people's power and the principle of social ownership of means of production, characteristic of the socialism ideology, that had an impact on the development of this idea, viewing workers as co-owners of the national property. The employee involvement was also a manifestation of values proclaimed in natural law, such as dignity, justice and solidarity. The economic and social aspect of workers' law was evident in their pursuit of empowerment, given the possibility of gaining such benefits as an increased motivation to work, integration of the workers' team, and ensuring social peace in the workplace. Moreover, the employees' right to involvement is sanctioned in the psychological aspects connected with the development of a human being, achieved through a sense of satisfaction and work purposefulness. The bases of employee involvement mentioned above undoubtedly had a big impact on starting works on the regulations concerning the European company. The evidence for this are the reasons pointed to by the European Commission when preparing subsequent proposals of legal regulations with respect to the employee involvement, completed by economic regulations connected with the pursuit of a unified and competitive internal market.

Long-term works on the employee involvement in the European company, often relatively chaotic as well as the mode of regulation characterised by a close connection of

Directive 2001/86/EC with the criticised Regulation 2157/2001, led to the creation of a complicated and not very transparent regulation as a result. Additionally, some reservations remain as regards the non-unified terminology applied in the Polish acts transposing the provisions of three directives (2001/86/EC, 2003/72/EC[6], 2005/56/EC[7]) concerning the employee involvement in the European economic entities. At the level of translating the directives a certain inconsistency can be found with regard to the use of the term "employee involvement". Applying the concept leads to misunderstandings caused by using one term for defining various employees' rights. The term "involvement" sometimes means employee involvement in the decision-making process by way of information, consultation and participation, and in some other cases only participation. Chaotic action can also be observed in the way the terms "employee involvement" and "employee engagement" are used in Directive 2001/86 and in the Polish implementation act[8]. It was assumed in the study that it was indispensable to unify the terminology applied in the European Union law by replacing the term "engagement" with "involvement" (broader meaning) and "participation" (more narrow meaning).

The specific character of setting up a European company finds its expression in the close connection between the principle of employee involvement and company creation. It results from the fact that registration of this economic depends on making agreements concerning employee involvement. It shows how much weight the European Union employer attaches to guaranteeing their employees the right to information, consultation and participation in the above-mentioned entity. When referring to the above issue in the paper the position was adopted that if at the moment of registration procedure a European company does not employ workers, it will not be exempt from the obligation to undertake a negotiation procedure in the matter of employee involvement. Thus, negotiations are then held between the corresponding organs of the companies participating in the setting up of a European company. It was established in the monograph that what determines this kind of procedure is applying the "before and after" principle, according to which the rights already acquired by employees are protected during the process of setting up a European company. The conducted research showed that in the case of holding negotiations concerning employee involvement as

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[6] Council Directive 2003/72/EC from 22.7.2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees, Official Journal UE L 207 from 18.8.2003.

[7] Council Directive 2005/56/EC from 26.10.2005 on cross-border mergers of limited liability companies, Official Journal UE L 310 from 25.11.2005.

[8] Law of 04/03/2005 on the European Economic Interest Grouping and the European Company, J. of Laws No. 62, item 551 as amended.

late as at the stage when a company is already in operation, the rights might differ from those binding at its creation. This kind of situation would result from the changes which would appear at that time in respect of employee involvement in the participating companies.

The conducted analyses have led to the conclusion that is possible to create a European company without carrying out the procedure related to the employee involvement. One of the basic Treaty freedoms, which is a freedom of enterprise, provides a justification for the purposeful and functional interpretation of the regulation contained in Regulation 2157/2001, according to which it is permitted to register a European Union company without regulating the issue of employee participation if both the European company and the companies participating in its establishment do not employ employees. It should be remembered, however, that it is necessary to secure the rights of future employees to involvement within the European company and make it impossible to avoid the provisions of law. The protection of employees' rights should be similar in the European company which will employ workers in the future, just like in the case of other changes taking place in a registered European company. In relation to the fact that important changes take place pointing to the intention of depriving of or putting limitations on employees' rights, there is an obligation to conduct a negotiation procedure.

Mutual agreement of the parties is the most desired way of shaping the mechanisms of employee involvement on the part of the European Union employer in the European company. It leaves its social partners the possibility of shaping the model of involvement best adjusted to the conditions and customs present in the enterprises of the member states setting up a European company.

On the other hand, however, the employer provided for specific rules serving negotiations for the purpose of promotion and efficient implementation of employee involvement systems. In this way an attempt was made to guarantee that during the negotiations interests of all parties are represented. Trying to evaluate if the principle of equality in the negotiation procedure is observed, I subjected to analysis the mode of selecting Polish employees in a special negotiating team, adopted by the Polish legislator. The research done in this area led me to the proposition that the current mode of selecting members of this body only by representative trade union organisations does not ensure equal treatment of all workers employed in the European company. It is highly desirable to search for basic solutions, requiring changes in the faulty structure of a representative company trade union organisation. The difficulties connected with making these changes make us consider also indirect solutions, ensuring a strong position and diversified composition of a special

negotiating team. One of the feasible solutions proposed in the study is a direct election of the special negotiating team members by employees, including an increased number of expert members of trade unions in the composition of this organ.

The principle of pre-emptive negotiation is accompanied by the autonomy of parties. The analysis conducted in the paper allowed for adopting the position that the autonomy of parties has its own legal framework created by the regulation connected with the employee involvement in the European company. Therefore, I assume that this autonomy of parties is different from the freedom of contracts known to the civil law. Firstly, it manifests itself in the possibility of shaping the content of the agreement by introducing a more detailed regulation concerning the issues indicated by the employer, or in enlarging the list of components presented by the employer in the agreement. Secondly, the autonomy of parties may be expressed by the possibility to use ready-made patterns of employee involvement (standard principles), without the need to establish one's own, unique rules. Thirdly, the autonomy of parties in the European company is not limited only to shaping the content of the agreement. The autonomy of parties also manifests itself in letting the parties decide if the agreement takes place at all.

The conducted research aimed at establishing what the borders of autonomy of the parties are. It was determined in the monograph that the element of agreement the parties cannot renounce is the right of employees to information and consultation. As regards the issue of participation the parties may decide differently. They cannot renounce it only in the European company where limitations are imposed by the "before and after" principle. Defining subsequent borders of the autonomy of parties is connected with the issues which can be placed in the area of employee involvement. An assumption was adopted that making a choice between a dualistic and monistic system of company management and change in an overall number of members in the European company organ specified in the statute does not lie within the ambit of agreement. The conducted analyses showed that the boundaries of agreement in the matter of employee involvement are marked not only by the provisions of the implementation act, but also by the statute of the European company. Therefore, there is a need to respect the issues evidently prescribed by the legislator to regulate in the statute as they entail limited possibilities of its modification (the so-called principle of statute rigidity). The boundary for shaping the content of the agreement are also the competences expressly assigned to a different organ in legal acts.

The mode of executing the provisions of the agreement is closely linked to its legal character. In the case of finding that the agreement gives rise to general and abstract norms

(has a normative character), it will bind not only the parties entering into the agreement, but also third parties. Adopting its obligatory character will lead to the situation where the basis for the binding force of the agreement should be looked for in obligation structures. When evaluating the legal character of the agreement of the parties about employee involvement in the European company, a legal order should be established according to which this evaluation would be made. The conducted analyses led to the conclusion that examining the legal character of the agreement in question should take place based on the European Union regulation and national law.

The agreements made in the light of Regulation 2157/2001 prove that a specific feature the agreement concerning employee involvement is marked by is its influence on the organisational structure of the European company, arising from the fact of granting its employees the right to participate in its organs. The impact of agreement in the above area could be seen in the conflict of law principle contained in Art. 12 sec. 4 of Regulation 2157/2001, which says that new provisions of the agreement in the respect in which they are not in compliance with the statute should lead to its change. As the analysis of the solution contained in the European Union regulation made in the monograph shows, the agreement concerning the employee involvement has normative effects. The requirement of adopting a resolution by the general meeting for the purpose of changing the statute does not lead to contesting the thesis. This requirement only serves to avoid ambiguities which could appear in the statute after making changes by virtue of law. Hence, the opinion according to which the lack of automatic legal consequences in respect of the influence of the agreement provisions on the content of the statute eliminates the normative effects of the agreement should not be approved.

As regards further decisions made the legal character of agreement on the employee involvement in the European Union company was evaluated, referring to the national law. The collective character of the agreement, indicated by the representative powers given to the special negotiating team and the content of the agreement concerning the matters of employee collective, was acknowledged. It was also essential to determine that the agreement is distinctly, precisely and specifically authorized by the implementation act. During my research on the content of agreement concerning the employee involvement an assumption was adopted that the existence of individual rights and obligations of the parties to the employment relationship cannot be excluded, for instance in relation to the increase of statutory protection of employee representatives and defining other powers. As a result of this approach it was assumed that the agreement in the matter of employee involvement in the

European company has a normative character. Next, taking into account the premises according to which the provisions of the agreement which are in contradiction to the statute of the European Union company and the provisions containing standard principles, referring to the collective employee rights have a normative character, it was assumed that the agreement has a normative character not only in the part which regulates the rights and obligations of the parties to an employment relationship. The monograph emphasized that the vast majority of the provisions in the agreement do not resemble a relationship typical of the civil law obligation between the creditor and debtor. Moreover, it was observed that the bodies entering into the agreement on the employee side are not civil law entities and cannot claim compensation under civil law provisions. This position has not been changed by the opinions recently expressed in the court judgements, intending to provide broader legal means in the collective labour law[9].

When the above decisions were taken into consideration, the ultimate conclusion was that the agreement concerning the employee involvement in the European company wholly constitutes the source of labour law, also encompassing the rights and obligations under the broadly understood collective labour law.

In the analyses of sanctions applied in the cases of non-observance of the agreement the possibility of using the procedure provided for solving collective disputes was denied *de lege lata*. It was assumed that certain regulations which enable the implementation of the agreement were contained in the implementation act. Apart from the right to appeal to the district court – economic court with a motion to be exempted from the obligation to keep information confidential or to order that the information be made available, which are fragmentary in character, these are mainly penal sanctions with a wide range of applications.

The main purpose of standard principles is to guarantee that, despite failure in negotiation over the agreement concerning the employee involvement, the European company will have procedures of informing and consulting employees, and participation will be continued as well. As the analysis of the provisions of law made in the monograph proved, in each European company employees obtain the right to information and consultation automatically, along with the decision about applying standard principles, and regardless of the mode of company creation. In principle, the European Union law introduces a uniform model of information and consultation in the European company, separate from national legal orders. It was noticed that applying the standard principles of participation is characterized by

[9] See order of the Supreme Court from 8.7.2015, I PK 250/14, not published.

some separate features, compared to the remaining forms of involvement. Firstly, applying the standard principles of participation depends in reality on the mode of creating an SE and the number of people employed who were previously included in this form of participation. In this respect either the rule of automatic application or freedom of decision of the organ representing the employees is binding, which may lead to "escape" from participatory solutions (with the exception of a company created by transformation). Secondly, the discussion showed that the European company does not have its own original model of participation since the solutions present in the participating companies taking part in its creation are transferred onto this entity. Thirdly, as it was determined in the study, the provisions of Directive 2001/86/EC, referring to the standard principles of participation, are not adjusted to the monistic structure of the European company. In the monistic system, the employees obtain "stronger" rights in terms of participation than in the companies establishing the European company: not only control rights, but also those related to the management of company matters. This state of affairs raises doubts in the context of proportionality of the applied means to the purpose of the directive, which is the protection against the disappearance or limitation of the employee involvement in the companies making up the SE. It was observed that a new meaning may now be attributed to the "before and after" principle as it is not only limited to adopting the solutions which were present in a national company.

The considerations related to the similarities and differences which can be found in the norms related to the European economic entities led to the conclusion that the European company may become a model in respect of employee involvement for the regulations binding in the European Cooperative Society and the company created as a result of cross-border merger. The basis for this assumption is the position expressed in the light of the conducted analyses throughout the whole monograph that there are close connections between the European company and employee involvement. They mainly concern the condition for a company registration, influence of structural changes of the company and influence of Regulation 2157/2001 on the legal character of agreement concerning the employee involvement, and standard rules. This particular feature does not appear in the solutions referring to the European Works Councils. On account of the differences the possibility of consolidating the regulations concerning the European Works Councils with the norms related to the employee involvement in the remaining European economic entities was rejected. The current studies led to presenting in the monograph the proposition of creating one model of

solutions concerning the employee involvement in the management of the European economic entities.

V. Discussing other academic and research achievements

A. After being awarded the title of Doctor of Juridical Science, in my academic and research work I dealt with the following issues belonging to five thematic areas:

1. "Employment relationships in territorial self-government"

2. "Codification works in the Polish labour law"

3. "Employment in the EU countries"

4. "Employee involvement in the management of European economic entities"

5. Other publications

A considerable part of my academic and research output are my works concerning the **establishment and termination of an employment relationship in the territorial self-government as well as specific duties of self-government employees.** The result of my studies in this respect, which marks the beginning of my interest in this kind of issues, is a monograph called *Election as Basis for Establishing an Employment Relationship with Self-Government Employees, Wolters Kluwer, Warsaw 2008, p. 358,* awarded first place in the competition organized by the "Samorząd Terytorialny" magazine ("Territorial Self-Government"). The analysis of the issues in this area was conducted on two levels: 1) discussing specific problems concerning the establishment of an employment relationship only with the above-mentioned category of employers (evolution of legal solutions related to the legal status of persons performing executive functions by election in territorial self-government and in presidiums of National Councils by election, sources of law and their character, entities authorised to establish an employment relationship by election in territorial self-government, mode of election) and 2) the concept of election as a source of establishing an employment relationship. On the one hand, it allowed for understanding the essence of an employment relationship by election with self-government employees; on the other hand it had as its aim to fill the gap in the research output of the Polish scholars, which was to determine when election is a basis for workers' employment. The discussion conducted in the monograph confirms the thesis that in the current legislation in force there is no clear, coherent and comprehensive concept of employment based on election, not only in the territorial self-government, but also in trade unions, political parties and other social

organisations. When formulating detailed conclusions *de lege ferenda* a thesis was put forward according to which it is not desirable to renounce election as a separate basis for establishing an employment relationship and replace it by a fixed time contract.

The subsequent publications in this thematic area are a continuation of the undertaken research themes or show these problems in a different context. The changes which appeared with the act on self-government employees in 2008 were a starting point for preparing the study *New Provisions of Law About the Basis for Establishing an Employment Relationship with Self-Government Employees (Labour Law Monitor 2009/4, pp. 179-183)*, in which I expressed my critical attitude towards leaving appointment as basis for establishing an employment relationship in the territorial self-government. In the study I drew attention to a narrow range of applications for this basis of employment and proposed entering into fixed term contracts with wójt (head of a rural commune), town mayor and city president deputies, modelled on contracts with advisers and assistants. Generally, I made a positive assessment of the change of basis for the employment in the position of a powiat (district) secretary, making reservations, however, about the unclearly defined competences of this self-government employee. The article which inspired me to take part again in the discussion about introducing amendments to the self-government regulations was the text *Limitations on the Employment of Foreigners in the Polish Self-Government Administration (Public Administration, Polish and International Studies 2010/2, pp. 207-217).* In this publication I did not only subject to critical analysis the Polish regulation, but I also broadly presented the judgments of the Court of Justice of the European Union, which should be taken into consideration by the authorities of a member state for the purpose of defining the job positions in the public sector, reserved only for the citizens of this country.

In the article *Evolution of Employee Status of the Members of Executive Bodies in the Territorial Self-government Units [(in:) The Systematic Position of Executive Bodies in the Territorial Self-government Units, M. Stec, K. Małysa-Sulińska eds., Wolters Kluwer, Warsaw 2014, pp. 147-161]* I referred to the issues connected with the developments introduced over the years in subsequent acts on self-government employees. I postulated that the legislator notice the need to regulate the status of not only public office managers, but also other employees by election. The issue of a detailed assessment of an employment relationship by election had been discussed earlier in my article *Assessment of the Regulation Concerning the Establishment of an Employment Relationship by Election – Selected Problems [(in:) Employment Relationships of Self-government Employees, M. Stec ed., Wolters Kluwer, Warsaw 2008, pp. 79-91].* It had also appeared in *The Term of Establishing an Employment*

Relationship Based on Election in the Territorial Self-Government (Labour Law Monitor 2007/10, pp. 523-526), where I quoted theses and arguments contained in my monograph. The issue of employment relationship by election in the territorial self-government was discussed by me in the studies: *Indirect Election of Wójt, Town Mayor and President of the City [(in:) Local Elections and Referenda: Legal and Politological Aspects, M. Stec, K. Małysa-Sulińska eds., Wolters Kluwer, Warsaw 2010, pp. 91-104]* as well as in *Self-Government Employer in Employment Relationships by Election, (Research Bulletins/Helena Chodkowska University of Management and Law in Warsaw/ Legal Journal 2008/2, pp. 79-90).* To a large extent these articles are based on the theses and arguments contained in the monograph *Election as Basis...*

In the first research area I developed a keen interest towards the legal issues connected with the so-called anti-corruption act. Focusing on this area of study I prepared an article called *Limitations to Economic Activity by Self-government Employees Pursuant to the Act of 21 August, 1997 [(in:) Research Bulletins/ Helena Chodkowska University of Management and Law in Warsaw /Legal Journal 2009/2 ,p.189-196],* where I especially concentrated on the analysis of a subjective and objective ban on economic activity suggesting, for example, that this regulation should cover the members of territorial self-government unions' management. I broadened these considerations by including the problem of sanctions connected with the infringement of ban on economic activity. In my study *Dismissal and Termination of an Employment Contract with a Self-Government Employee as Sanctions for the Infringement of Ban on Economic Activity [(in:) Anti-corruption Regulations in Public Administration, M. Stec, K. Bandarzewski eds., Wolters Kluwer, Warsaw 2009, pp. 207-225]* I tried to identify irregularities in the legal regulation, especially in respect of not adjusting the sanctions to the specific character of an employment relationship by election.

Moreover, the issue of not complying with the formal requirements connected with granting another unpaid leave to a self-government employee, a councillor elected for another term of office was discussed in the *Notes on the Judgement of the Supreme Court from 11 December, 2007, I PK 160/07 (Judicial Practice of the Polish Courts 2010/10, pp. 723-729).* Analysis of the regulation, made when discussing the judgment, allowed for formulating postulates for making changes in self – government acts in the terms for taking necessary measures to grant an unpaid leave. In much the same way, in keeping with the profile of the magazine, I focused on the practical aspects of the issue connected with the employment of self-government employees in my popular science article *Equal Treatment of Self-Government Employees in Employment (Self-Government Employee 2012/5, pp. 30-35).*

The research on employment in the territorial self-government gave rise to broader considerations about non-contractual bases for establishing an employment relationship and issues connected with discontinuation of an employment relationship. In this area of interest, I am an author of a study *Protection of the Lasting Character of an Employment Relationship by Appointment [(in:) Protection of the Lasting Character of an Employment Relationship in the Social Market Economy, G. Goździewicz ed., Wolters Kluwer, Warsaw 2010, pp. 229-243].* In the article referred to above the object of analysis were the problems connected with indicating the cause of dismissal, claims a dismissed employee is entitled to, protection of employees at the time of justified absence from work, employees in the pre-retirement period and pregnant employees as well as the protection of employees arising from the provisions not included in the Labour Code. I made an assessment of the current legal regulations and put forward proposals *de lege ferenda*. The issue related to the subjective employment relationship by appointment, based on the example of a member of the National Broadcasting Council was discussed by me in the *Notes on the Judgment of the Supreme Court from 6 May, 2009, II PK 95/09 (Judicial Practice of the Polish Courts 2011/7-8, pp. 586-593).*

The above detailed considerations were presented in greater depth in a broad chapter of the commentary on the Labour Code *Employment Relationship Based on Appointment, Election, Nomination or Cooperative Employment Contract: Art. 68-77 [(in:) Labour Code – Commentary on the Labour Code, K. Walczak ed., C.H. Beck, Warsaw 2012, pp. 294-353].* In this publication I made an analysis of diverse issues (including the issue of appointment in commercial law companies, self-government appeal courts and cooperative law as well as of the legal character of an act of appointment), using a broad spectrum of opinions shared by legal scholars in the field of labour law, judicial practice as well as draft regulations in this respect.

I discussed the issue of claims related to the discontinuation of an employment relationship in the three studies: 1) *Notes on the Judgement of the Supreme Court from 7 April, 2010, II PK 287/09, Territorial Self-Government 2012/6, pp. 83-87*, 2) *Restoring the Time Limits for Pursuing Claims Arising from an Employment Relationship, Labour Law Monitor 2012/2, pp. 62-67,* 3) *Remuneration of the Employee Restored to a Job by a Court Judgement [(in:) Current Labour Law and Social Security Issues: Jubilee Book by Professor Walerian Sanetra, B. Cudowski, J. Iwulski eds., Temida 2, Białystok 2013, pp. 127-140].* The first paper was devoted to the problem of indicating the employer and their representative in judicial proceedings (based on the example of the head of a powiat family assistance centre). The second article is focused on the premises for efficient restoration of the exceeded time

limit for pursuing claims related to an employment relationship. The debate in the third study is centered around the detailed issues connected with an employee's remuneration for the time out of work in the case they undertake it on being restored to a job, and the remuneration for the time when an employee could not undertake any work on account of the refusal on the part of employer.

Another research field which lies in the sphere of my scientific interest is the issue connected with the **works on codification of the Polish labour law.** I came across the materials related to that problem when working on my book *Election as Basis*. Within this area of interest I concentrated on showing plans, so far unknown to a broader circle of scientists, to codify labour law, which were created after the Second World War. The issues of appointment, election and nomination were covered in the article *Bases for Establishing an Employment Relationship in the Draft Labour Code from 1949 [(in:) Two Books on Law and History of Law: the Studies offered to Professor Adam Lityński in Honour of the Forty-Fifth Anniversary of His Scholarly Work and His Seventieth Birthday. Book II, editorial board: Marian Mikołajczyk et al., University of Białystok Publishing House, Białystok; Katowice 2010, pp. 485-496].* The issues of employee protection as regards work safety and hygiene as well as working hours, protection of pregnant women and young workers were discussed in the study *New state, new law? An unknown draft of the Polish labour code from 1949, Studies in Logic, Grammar and Rhetoric 2011/24(37), pp. 57-71),* published on the list of the European Reference Index for the Humanities (*ERIH).* Moreover, the issues of the subjective and objective scope of the draft labour code and its layout were presented in the article *Fundamental Premises of the Draft Labour Code from 1949 [(in:) 40 years of the Labour Code, Z. Góral, M. A. Mielczarek eds., Wolters Kluwer, Warsaw 2015, pp. 347-360].* The culmination of the conducted investigation in the above area of research was publishing the monograph *The Draft Labour Code from 1949, Napoleon V, Oświęcim 2015, pp. 218.* Here, I made an attempt to answer a number of detailed questions regarding who the members of the Labour Law Codification Commission were, what the work of the Commission looked like, what issues were debated at its meetings, which of them inspired controversy, what issues were planned to be included in the Labour Code and what the proposed provisions were. Resolving these doubts was meant to answer two fundamental questions: 1) did the draft propose new solutions indeed, or were the specific issues just singled out from the unified law and combined as whole in one act? 2) where and to what extent did the newly-created law follow the Soviet patterns?

A few of my publications are connected with the area of **employment in the European Union member states.** I got interested in these issues on account of delivering a lecture of the same title to the students in the field of European Studies. The selected issues connected with the obligation of employee to refrain from any form of competitive activity in the German law were presented in the article by *A. Giedrewicz-Niewińska, M. Szabłowska, Ban on Employee Competitive Activity in the German and French law [(in:) The System of Legal Protection of Competition – Selected Issues, A. Giedrewicz-Niewińska, A. Piszcz, Adam Marszałek eds., Toruń 2012, pp. 114-138]* (50% contribution in preparing the article and collective publication). In another study *Employment Contract as Basis for the Employment of European Union Employees, (Public Administration. Polish and International Studies 2012/1, pp. 21-32)* I presented the analysis of almost unknown norms regarding the employment relationship with the employees of the European Union institutions, who are not European Union officials, contained in the Regulation on the Conditions of Employment of Other Servants of the European Union. In the conclusion I drew attention to a noticeable increase in the tendency to enter into fixed term agreements within the European public service. I made a critical assessment of the current policy of the European Union towards the disabled in my article *The UE Social Policy Towards the Disabled [(in:) Employment of the Disabled, A. Giedrewicz-Niewińska, M. Szabłowska-Juckiewicz eds., Difin, Warsaw 2014, pp. 89-96]* (50% contribution in preparing the publication).

Another area of my scientific interest concerns the **involvement of employees in the management of European economic entities.** The result of my works in this respect is an earlier presented monograph *Employee Involvement* and a study *Procedures Used for Agreeing on the Mechanisms of Employee Involvement in the Polish - German Company with a Registered Seat in Germany, Work and Social Security 2014/10, pp. 11-17*, as well as an article demonstrating the way European companies function based on statistical data and executed agreements, entitled *Employee Involvement in Corporate Governance in the European Union company [(in:) 8 International Conference of the series: Contemporary Phenomena in Economy. Government or Market?: 18-19 June, 2015, A. P. Balcerzak ed., Economic Research Institute, Toruń 2015, pp. 202-218).* This text, somewhat altered, was later made available to a wider circle of readers in the article *Involvement of employees in corporate governance in European company, Ekonomia i Prawo (Economics and Law) 2015/3/14, pp. 327-340.* The above mentioned spectrum of issues is referred to in the study *Impact of the Employer Size on the Employee Involvement in the Management of a Work*

Establishment [(in:) Employment Relations with Small-Sized Employers, G. Goździewicz ed., Wolters Kluwer, Warsaw 2013, pp. 259-277]. On the one hand, I subjected to analysis the legal regulation in which the occurrence and type of employee involvement in the management of a company are influenced by the size of employer. I devoted the second part of the article to the draft EU regulation establishing the statute of a European Private Company and the principles of employee involvement in this entity. The article concerning the discussed problems, currently in print, is the text *Industrial Democracy and Employee Involvement in the European Union Company, (Białystok Legal Studies 2016/20).*

The remaining publications which could be regarded as belonging to the area of labour law are:

1. *Principles of Work Time Management in Anti-Crisis Legislation [in:] Pracovni pravo 2009 : sbornik, prispevku z mezinarodni vedecke konference na tema Pracovni doba - teorie a praxe, D. Hrabcová ed., Brno 2010, pp. 70-81*
2. *Social arbitrage as a method of collective dispute resolution in Poland [w:] Court Culture. Conciliation culture or litigation culture?, M. Etel, I. Kraśnicka, A. Piszcz eds., Białystok 2014, pp. 72-82*
3. *Employee Aspects of Outsourcing [in:] Flexible Forms of Employment, A. Bieliński, A. Giedrewicz-Niewińska, M. Szabłowska-Juckiewicz eds., Difin 2015, pp. 216-227* (50% contribution of the collective publication authors)
4. *Employment of Academic Teachers – report from the 14th Regional Labour Law Conference, "Work and Social Security" 2014/ 9*
5. *Punishing an Academic Teacher with the Disciplinary Penalty of Deprivation of the Right to Practise a Profession as Basis for the Discontinuation of an Employment Relationship [(in:) Employment of Academic Teachers, W. Sanetra ed., Wolters Kluwer, Warsaw 2015, pp. 508-524*
6. *Notes on the Judgement by the Supreme Court from 14 January, 2013, II PK 54/14, Judicial Practice of Polish Courts 2016/3, pp. 312-322*

B) I also published an article which can be found on the list of the European Reference Index for the Humanities (*ERIH),* entitled "*New state, new law? An unknown draft of the Polish labour code from 1949, Studies in Logic, Grammar and Rhetoric 2011/24(37), pp. 57-71.*

C) I was awarded a monthly scholarship from the German Academic Exchange Centre (Deutscher Akademischer Austauschdienst, - DAAD) to conduct a research project: *Employee Involvement in the European Union Company*, at Ruprecht-Karls-Universität Heidelberg; 1.10-31.10.2013.

I obtained funds from the Young Scientists Research Award for the year 2012-2013, University of Białystok (BMN 536) for my research project: *Employee Involvement in the European Union Company.*

I took part (as a contractor) in the project *"Modern and Effective Education in Cooperation with Entrepreneurs",* co-financed by the European Union within the framework of the European Social Find, Human Capital Operational Programme in the year 2011 (UDA-POKL 04.01.01-00-368/08-00)

D) I took the first place for the doctoral dissertation "*Election as Basis for Establishing an Employment Relationship with Self-Government Employees"* in the fifth edition of the "Territorial Self-Government" monthly and Wolters Kluwer publishing house for the best doctoral dissertations connected with the territorial self-government and the issue of decentralization defended in the year 2007.

Białystok, 18.03.2016r. A. Giedrewicz-Niewińska