

85 years of the Polish Labour Inspectorate

It is already 85 years since the 3 January 1919, when Józef Piłsudski, the Head of the Republic of Poland, born anew after many years of being partitioned, signed a temporary decree on the establishment and activities of a labour inspectorate. The said decree came into force on 13 January that year, that is in the third month after Poland regained its independence. Initially, the labour inspectorate was created on the territory of the former Congress Kingdom and in Białystok region. By the end of 1928, the labour inspectorate offices operated already throughout the country.

Supervisory inspection bodies, organised as industry inspection by the authorities of the invading countries, had existed on the Polish territory already earlier than that. At first, in the sector annexed by the Prussians - since 1869, in the sector annexed by Austria - since 1883, and in the sector annexed by Russia - since 1886.

In August 1915, soon after the Germans entered Warsaw, a Factory Inspection, attached to the then Citizens' Committee of Warsaw, was created. The Inspection comprised an Organisational Commission that acted as a body for developing draft proposals. Initially, the Commission operated in attachment to the said Committee, and then to the Warsaw authorities. At that time, the said Commission selected 6 factory inspectors.

The decree of 3 January 1919, by virtue of its Article 1 introduced a provision that the labour inspectorate supervises application of regulations on labour protection in all spheres of hired labour.

On 1 December 1916, Eng. Franciszek Sokal, a factory inspector from the fourth district, was nominated as the head of the Section for Industrial Issues and Labour Protection, that operated within the self-

government authorities of Warsaw. At the same time, he became the Chief Factory Inspector, which was a managerial post in relation to the Factory Inspection in Warsaw.

In April 1918, the Ministry of Social Welfare and Labour Protection was established, which had within its structure the Section for Labour Protection, also under the management of Franciszek Sokal.

In April 1918, the said Section developed a draft decree on the temporary establishment of a labour inspectorate. The said draft was criticised by the government of Germany (which still had Poland under its rule), and a ban was issued on its implementation in the work of the labour inspectorate. Therefore, a new draft was developed, in which the name "labour inspectorate" was omitted, whereas the power to influence nominations of factory inspectors was bestowed upon the Minister of Industry and Trade. It was based on the solutions that existed in the Prussian labour inspection. The said draft, although it was approved by the then Council of Ministers, was not officially published. It took place only after Poland regained its independence.

The decree of 3 January 1919, by virtue of its Article 1 introduced a provision that the labour inspectorate supervises application of regulations on labour protection in all spheres of hired labour. In other words,

For the first time after the loss of independence, Poland could participate in enacting international legislation.

Article 1 includes an unspoken rule that inspection supervision is common and uniform, covering conditions of any hired labour. The said rule was different from regulations that existed in this respect in the countries which partitioned Poland, i.e. Germany, Austria and Russia. In the said countries factory or industrial inspectors were limited in their powers not only by the size of employment in enterprises but also by a ban to carry out inspections in some branches of industry.

The rule of common and consistent inspection of labour was threatened on the territory formerly annexed by the Prussians when a specialised labour inspection for agriculture was established by an ordinance of the chief People's Council, dated 15 June 1919. The said agriculture inspection operated until 1927, that is by the time an ordinance on the labour inspectorate was issued. Unification of the Polish territories after regaining independence and the development of administrative bodies, as well as the enactment of the decree of 3 January 1919 in other regions of Poland - all these helped to make inspection structures uniform.

The decree of 3 January 1919 introduced also another rule, namely of the independence of the labour inspectorate from administrative authorities. Attempts to make the labour inspectorate subordinate to local authorities were real. At the end of 1919, an ordinance of the Council of Ministers was

On 3 January 1919 Józef Piłsudski signed a temporary decree on the establishment and activity of a labour inspectorate.



enacted (dated 13 November 1919) that established norms for organising state administration of the lower instance. The said ordinance contained a regulation on the inclusion of labour protection issues, that is also labour inspection bodies, into the scope of competence and operations of the so-called "voivodes", that is heads of state administration at the regional level. Independent structures of the labour inspectorate, established under the Minister of Labour, were successfully defended at the labour inspectors' convention, which took place in 1921, when labour inspectors protested against the a/m proposal (by submitting their termination notices).

The rule of making the labour inspectorate independent of other bodies of state administration was confirmed as late as on 14 July 1927 when the President's ordinance on the labour inspectorate was issued.

The decree made grounds for a significant level of independence of the labour inspectorate as it established the post of the Chief Labour Inspector, as well as the heads of regional and local labour inspectorates. As far as nomination to these posts is concerned, it was reserved only to be the competence of the Head of State.

"Whoever is honoured to serve the Polish State at the time of its reconstruction, should sacrifice anything for that honour".

In terms of the scope of responsibilities, the decree included a provision that labour inspectors supervise if employers and employees observe the regulations on their obligations and mutual relations. They were authorised to issue executive by-laws helping to implement in practice ordinances and decisions of the Minister of Labour, having at the same time a duty to supervise the observance of those regulations. The labour inspectors' powers related to preventing collective labour disputes between entrepreneurs and workers were of great importance. They were of real political value as they helped to mitigate any symptoms of social unrest.

Supervision of the observance of labour law was limited due to the limited scope of legislation in this respect. Not long after Poland regained independence, only two legal acts were enacted - a decree of 23 November 1918 and then a law of 18 December 1919, on working time. These were the only Polish regulations on the legal protection of labour until the provisions on the protection of women's work

and adolescents' work were enacted in 1924, and the law on an employment contract for blue-collar and white-collar workers, of 1928. Until then, the Russian factory legislation was in force on the territory of Poland. The said legislation remained in force to a large degree, particularly as regards work contracts, outliving the fall of the Tsar rule and the Russian October Revolution. Russian legislation on employment contracts obliged an entrepreneur to furnish an employee with a "clearance booklet", in line with a set specimen. Issuing a booklet was equal to concluding a hired labour contract on terms as mentioned in the booklet (the amount of pay and the date of salary payment were set). Russian regulations also forbade the payment of salary in kind instead of cash, banned imposing upon workers the costs of medical assistance and required factory work rules to be developed.

On 25 January 1919 the Peace Conditions Conference, convened by the Highest Allies Council, took place. The said Conference selected, from among its participants, the Committee for International Labour Legislation, which met soon after,

independent state for 3 months only, trying hard to create the foundations of its autonomous existence after 150 years of being partitioned. At the said Peace Conference, Poland was represented by: count Jan Ziolkowski - a member of the Polish National Committee, Stanisław Patka - a member of the Highest Court, Franciszek Sokal - the Chief Labour Inspector, an eminent expert on labour legislation.



Franciszek Sokal (1881 - 1932) - the first Chief Labour Inspector of new-born Poland.

At the Paris Conference, the time and venue for the 1st International Labour Conference were agreed. It was to take place in Washington. Poland received from the US government an official invitation to participate in the conference

and was present at its opening. Franciszek Sokal, the governmental delegate and Chief Labour Inspector, headed the Polish delegation. During the Washington Conference, following a motion by Franciszek Sokal, a standing conference of labour inspectors was established with the aim to agree on the forms of labour inspections' activities in individual countries.

The work of Franciszek Sokal was conducive not only to strengthening labour inspectorate bodies in Poland but also to introducing the Polish labour inspectorate to international circles and promoting it there. The biggest success of Franciszek Sokal as Chief Labour Inspector and Minister of Labour was, among others, lay-

The decree of 3 January 1919 was not only one of the first acts enacted in Poland after it regained independence but it was also the first modern act which established a state body for supervising work conditions - the professional labour inspectorate.

on 1 February 1919. The Committee membership comprised representatives of the five great world leaders: the USA, the British Empire, France, Italy and Japan, as well as members from 4 other countries: Poland, Belgium, Czechoslovakia and Cuba. For the first time after the loss of independence, Poland could participate in enacting international legislation. Significance of this decision comes from the fact that at that time Poland has existed as an

ing the foundation for labour inspectorate activities and for protective legislation. It was under his supervision that conciliation proceedings were created, or the rules of registering trade unions in Poland were unified. It should be mentioned that he worked and created the inspectorate in the period when there was a threat of a revolution and the war of 1920 happened. Franciszek Sokal died on 31 March 1932 in Geneva, and was buried at Evangelical cemetery in

Warsaw. The life and work of Franciszek Sokal is perfectly characterised by his short statement in a private conversation with Przemysław Podgórski, editor of the

Loss in the number of inspectorate's staff during the war reached the level of about 20 % as compared to the pre-war period.

"Labour Inspector", when he said: "Whoever is honoured to serve the Polish State at the time of its reconstruction, should sacrifice anything for that honour". The said sentence can be a motto but also an example of attitude to work for all labour inspectors.

An equally eminent figure was his successor, Marian Klott, who was the Chief Labour Inspector until the outbreak of the 2nd World War.

As far as legislative work is concerned, the Polish Labour Inspectorate has a lot to owe to him. As a member of the Parliamentary Committee for Labour Protection and a governmental representative on the part of Minister of Labour,

break of the 2nd World War, and remained in force by March 1950.

It has to be reminded that the ordinance specified NLI powers consistently for the whole country because the labour inspectorate covered with its supervision all spheres of hired labour. Further on, it instituted administrative penalty, an "order" and a "written improvement notice" - that were used in civil-legal relations. Finally, it transposed the labour inspectorate into an autonomous body of public administration, not comprised in the overall administrative structures. A division between purely inspecting functions and the "police-like" functions was also introduced, the latter ones being typical of the Prussian and Russian inspectorates.

In 1923 Marian Klott submitted to the ILO Conference a draft ordinance on the labour inspectorate, developed as early as in 1919. The 5th ILO Conference adopted the Polish draft as theses for the Conference agenda, which served to popularise not only the Polish labour inspectorate but also the Polish legislative thought.

The outbreak of World War II and the September defeat of 1939 put an end to the work of Polish institutions and offices. During the German occupation many

between the wars, as the legislation, competence, responsibilities and structure of the inspectorate remained basically the same.



Commemorative medal of the National Labour Inspectorate

The overall supervision over the labour inspectorate was within the competence of the Minister of Labour and Social Protection. The post of the Chief Labour Inspector was not established then, the functions taken over by the director of the Labour Department at the Ministry of Labour and Social Protection.

By virtue of Articles 36 and 37 of an Act of 20 March 1950 on local bodies of unified state authorities, tasks of the labour inspectorate were taken over by national councils.

On 10 November 1954, the State Council enacted a decree to the effect that the trade unions took over the tasks related to enforcing laws on labour protection, occupational safety and health, and inspection of labour. The idea that conditions of work are supervised in particular industrial branches by the trade unions became reality. It was a break from the rule of common and consistent supervision executed by the inspectorate; the rule instituted by a decree of 3 January 1919, confirmed and continued in the President's ordinance of 14 July 1927. The said rule was restored in the Act of 6 March 1981 on the National Labour Inspectorate. The Inspectorate, established anew in 1981, has continued the traditions of the pre-war National Labour Inspectorate, practically in all legal solutions in its activity.

Edward Zajac

District Labour Inspectorate of Warsaw



he himself was involved in legislative work on labour protection and labour law. The most important regulation - one might say "the labour inspection constitution", is the ordinance of the Polish President of 14 July 1927 on the labour inspectorate. The said law was crucial as it regulated thoroughly activities of the labour inspectorate bodies until the out-

labour inspectors, known for meritorious service, lost their lives.

Loss in the number of inspectorate's staff during the war reached the level of about 20 % as compared to the pre-war period.

In its activity commenced anew after the war, the labour inspectorate continued the work similarly as in the previous period