

## Book review

Wratny, Jerzy, *Fenomen partycypacji pracowniczej w nurcie przemian stosunków pracy* [*Phenomenon of worker participation in the context of employment relations transformation*], Warszawa: C.H. Beck: 2019: ISBN 978-83-8158-367-1

There is no need to introduce Jerzy Wratny to Polish readers. For the international audience, some background information on the Author will be useful, nevertheless. Wratny has been for decades a leading researcher and critical analyst of industrial relations in the circle of Polish labour lawyers. With all due respect to many his eminent colleagues, Wratny's writings have always stood out thanks to 'sociological imagination' – in the very sense defined by Mills (1959) – the Author showed. Sensitivity to the social context allows Wratny to adopt a broad perspective and see actual consequences of legal regulations in daily life, lifting his analyses above formalistic discussions the community of law scholars is often prone to.

The book *Fenomen partycypacji pracowniczej w nurcie przemian stosunków pracy* [*Phenomenon of worker participation in the context of employment relations transformation*] is a monography devoted to evolution of worker participation in Poland. The book consists of five chapters. Chapter 1 has introductory nature. The Author, in a concise manner, explains the basic notions and ideological roots of worker participation. Chapter 2 delivers structural analysis of participation, covers historical developments of legal regulations concerning participation, presents position of participation in the EU legislation and finally describes the worker participation in specific institutional, pan-European context facilitated by the EU law (in particular European Company, *Societas Europaea* and cross-border company of limited liability mergers). Chapter 3 forms the core of the book, as it is not only the most extensive

of all but also concentrates on the evolution of worker participation in Poland. The time span runs from the early 1980s to present days. The Author begins with a presentation of worker self-government in the state-owned enterprise. That part delivers the historic account on progress and ultimate demise of the most ambitious and far-reaching institutional arrangement in the field of worker participation that has ever appeared in the Polish system of industrial relations (employee council and the general worker assembly). The following parts aim at providing legal analysis of existing forms of participation. First, Wrątny turns his eye to the issue of worker representation in the governing bodies of commercial enterprises (a board and a supervisory board). Second, he goes through the regulations introduced to the national legal framework in course of EU law implementation. In particular, the Act on European Works Councils (EWC), the Act on the European economic interest grouping, the Act on the European Company, the Act on *Societas Europaea*, the Information and Consultation Act are covered, when it comes to autonomous legal regulations adopted by the Polish parliament. Implementation of the Directive 2005/56/EC (on cross-border mergers) is also included in the analysis. The issue of ad-hoc worker representatives is covered as well. Most attention, however, is paid to works councils (established by the Information and Consultation Act). The chapter closes with recommendations (*de lege ferenda* proposals) on how to possibly revise the legal environment of worker participation in Poland. Chapter 4 is centred around the issue of financial participation and employee ownership. The general historical background is supplemented with legal-historical analysis of employee ownership (shareholding) in Poland, with the presentation of the EU stance on the issue, the discussion of prospects for so-called capital privatization and final reflections on the legal character of financial participation in the local context added.

The book delivers a very thorough analysis of the long-term evolution of employee participation conducted on three levels, which intersect: global, EU and Polish/national. The overall tone of the book is quite pessimistic, as we are witnessing a general setback of worker participation in the economically developed world, and the results of the process are much more apparent and painful in the regions, which have long suffered from underdevelopment of worker representation and participation such as the Central and Eastern Europe, Poland included. The modern history of worker representation in Poland looks like a string of failures: demise of employee councils triggered by disappearance of state-owned enterprises, 'crib death' (if I may use such a brutal metaphor) of works councils, who had always been treated like a unwanted child by major actors of industrial relations, not to mention the most important and impactful phenomenon (even though it does not belong to the scope of

the book, and the exclusion is perfectly understandable, considering that trade unions cannot be explicitly recognized as an institution of participation), deunionisation. Yet, the consequences of trade unions marginalization are obviously dreadful for worker participation. No representation, no participation.

While the downfall of worker participation is omnipresent, in the CEE it has begun in far less favourable circumstances than in the West, in particular the EU-15. Wrątny seems not to be accepting those trends easily. Another remarkable Polish representative of the labour law research community, Michał Seweryński in the Preface to the book writes that 'the Author follows the idea he has consistently addressed in his writings, that is, »*empowerment of individual in the working environment*«, a tool for achieving which is participation, as it paves the way for a worker to emerge as a co-owner of his/her workplace' (p. XI). In his own words, the Author strongly reiterates his credo, saying that 'as long as the paid-labour system exists, and the employees in a large part perform their duties in actual work-places, they have a right – in line with a cultural pattern still present i.a. in Poland – to have their interest representation at the workplace level. Secondly, workers' interest representation should have a different profile than diminishing institution of employee council, dysfunctional institution of works council or rudimentary regulations regarding ad hoc employee representatives (p. 160).

To sum up, what we are getting is an excellent analysis, whose content is rich and thoughtful, delivered by a leading expert in the field. The question readers are left with as they reach the end of the book is as follows: are we going to see a revival of worker participation any soon? The prospects for that to happen do not look too good, yet this might change provided that protagonists themselves will stand up to their rights, which – as the Author firmly believes – they deserve.

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