



**Work conditions and respecting of employees' rights in supermarkets in Poland
from the gender equality perspective¹**

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² SAAB is an advisory body founded within the KARAT Coalition project “Labour Rights Protection from Gender Perspective in Super/Hypermarkets in Poland.” in order to work out recommendations and amendments to the regulations or practical following of the labour law. The members of the body are representatives of the Chief Labour Inspector, non-governmental organisations, trade unions in super- and hypermarkets, lawyers, scientists and researchers.

1. Introduction

At the turn of 1989 one of the important and at the same time very new elements of the developing free market in Poland were chains of foreign super- and hypermarkets. Politicians, media and public opinion are interested in the large area retail stores usually in the context of limiting their expansion in Poland and protecting the rights of small retailers. The problem of work conditions and respecting of employees' rights is omitted altogether, which is puzzling, taking into account the number of workplaces these outlets provide. Several years ago public opinion started hearing from the courtrooms clear signals of violating employees' rights in supermarkets, in connection with the publicised cases against Jeronimo Martins Dystrybucja S.A., the owner of the chain "Biedronka". Former employees have won cases of unpaid remuneration for overtime, work during statutory holidays and overnight. During the court proceedings it often became clear that in the supermarkets there often functions a system of purposeful lack of recording overtime for which, in result, the employees were not remunerated. Moreover, the employees were expected to perform various tasks which were not part of their job responsibilities. They were forced to perform hard, exhausting physical work, exceeding the norms of BHP (work health and safety) rules. It was affecting both their mental and physical health. Despite proving and publicising the existing violations, thanks to either those cases or reports of the State Labour Inspection, no detailed analysis of work conditions in super- and hypermarkets and no specific solutions to protect the rights of the persons employed in the large area shopping centres and to improve their working conditions have been worked out.

This issue – with a particular focus on improving work conditions of female employees in super- and hypermarkets who constitute 90% of the staff of shopping centres – has been in the interest area of the KARAT Coalition, which has been, for years, acting and realising projects concerning the economic and social situation of women, monitoring the situation of women on the labour market and developing programmes related to the problems of the labour market from the perspective of gender equality. In order to influence the improvement of work conditions and the level of protection of employees' rights in supermarket chains, in the years 2008-2009 the KARAT Coalition, supported by the Open Society Institute and the Freidrich Ebert Foundation, is carrying out the project: "Labour Rights Protection from Gender Perspective in Super/Hypermarkets in Poland"³. The hereby report discusses the regulations of employment law in the context of violations identified during the research.

1.1. Polish employment law

Polish employment law is mainly regulated in the labour code which describes the rights and responsibilities of employees and employers, as well as the work system in Poland, ways of signing and terminating job contracts, work hours, salary protection, vacations, time off,

³ Information about the project available at www.karat.org.

maternity/paternity leave, issues of job safety and health. Apart from the labour code these issues are also regulated by other laws, executive acts, decisions of collective work settlements, collective agreements, regulations and charters in specific work places.

An important influence on the shape of the Polish employment law were the norms set by the International Labour Organization and European Communities. The necessity of adjusting the rules to the law of the said organisations brought many significant changes introduced mainly in 2001-2004. The work week was shortened to 40 hours a week, terms of work relation and vacation rules became better defined, regulations concerning prohibition of discrimination in the work place, including gender discrimination, were introduced, regulations on setting and calculating work time were changed, an obligation of informing employees about employment conditions was introduced, regulations concerning safety and health conditions were improved, mandatory contents of work regulations were broadened.

2. Discrimination and mobbing⁴

2.1. Discrimination

It seems that women, even though they constitute 90% of staff in stores, are less desired as employees due to commitments connected to housekeeping and childcare. Even at the recruitment level the “problem” of their motherhood surfaces. According to the interviewed women questions about their marital status, age and number of children, life plans and planned pregnancy are common. There are opinions showing that not all employees-parents are in a worse situation or are treated worse at work because of it: it is only the women, and it is the women who receive remarks such as: “and who told you to give birth?”. During the interviews the women said that men proportionally more often than women are given managerial positions in super- and hypermarkets⁵. Preference for placing men in managerial positions is an example of unequal treatment, however, it seems that the interviewees did not define these practices as discrimination. In supermarkets the division of labour according to gender is evident. Security and warehouse personnel are men exclusively, while cashiers and sales staff are mainly women. Security and warehouse staff, if there is such a position in a given store at all, because it is not a frequent practice to have such positions, are positions better paid than cashiers or sales staff. However, if women hired as cashiers or sales staff do some work in a warehouse, it is not considered additional work and is not better paid. According to the interviewees the job of security personnel is to not only to watch over customers and store property, but also the

⁴ The report omits issues of sexual harassment since during the focused research there was only one case of sexual harassment mentioned: the perpetrator was punished and lost the job, and the regulations of the labour code in this area do not cause concerns.

⁵ Disproportionate number of men hired in managerial positions to the overall number of men employed in the large-area retail and also to the number of women employed there.

working women, which causes troublesome situations for the latter⁶, and security guards are, unlike cashiers, not required to do physically hard jobs like unloading or carrying merchandise.

One should note that women (with minor exceptions) did not point out examples of discrimination. It may mean that indeed there is no unequal treatment in large area retail stores. The research, however, shows that discrimination and mobbing are terms that are difficult to specify, and, therefore, difficult to identify.

2.2. Mobbing

The interviewed women described the work atmosphere as “terrible”. It was caused mainly by the bad relations with direct superiors, which consisted of: lack of good will of the managers towards the employees, ignoring needs of the employees, instrumental treatment, ridiculing, insulting, degrading in front of other employees and customers, threatening, using female employees to perform work exceeding their physical capabilities. Those were repeated situations. Contacts with the superiors were usually accompanied by fear and mistrust. The women who openly complained about the work conditions or demanded respect for their rights were met with persecution and unequal treatment by the superiors, which transpired in, for example: malicious work hours, long sequences of work days, work on weekends and all holidays, lack of breaks during work, insults, etc. The interviewees also pointed out that it is difficult to receive a promotion because the abilities and predispositions are worth less than good relations with the superiors. The described occurrences are characteristic of mobbing.

The definition of mobbing in the labour code used unclear and under-specified terms. Therefore, in practice it is very difficult to prove all, and very complex, traits of mobbing, and they always have to appear together. If an employee cannot prove it, he or she can sue for violation of personal rights in a civil court. While violation of personal rights is easier to prove, the costs of a civil case are higher than that of a case in labour court.

2.3. Conclusions

The line between prohibited discrimination and allowed differentiation of employees is vague and every doubtful case should be considered separately. Similarly, mobbing circumstances are also unclear and every case should be analyzed independently. It seems that the present laws regarding mobbing, due to being so unclear, significantly limit the possibility of being used by the employees for protection they are supposed to provide them with.

It seems that mobbing is such an unwelcome phenomenon in the workplace that it should be possible to effectively eliminate its existence. In order to minimise the threat of the situation of mobbing it should be possible to, for example, describe in the employment regulations what

⁶ Specifically there was an account of the necessity of explaining to the security guard frequent visits to the restroom during menstruation

kinds of behaviours and activities are considered harmful and undesirable, describe the way of internal explanatory proceedings and ensure its confidentiality, specify sanctions with regards to the mobber in case the complaints were confirmed. It should also be possible to ensure the employees the possibility of freely voicing their opinion on subjects related to work and relations between the co-workers and between them and their superiors, organise workshops on the subject of mobbing and discrimination, and, periodically, carry out anonymous questionnaires with questions on mobbing. The management staff should be carefully chosen and properly trained on subjects of mobbing and discrimination, and also proper methods of managing a company should be used.

3. Contracts

3.1. Job Contracts

The most frequent basis for work relations is a job contract. The research shows that the agreements signed in super- and hypermarkets are usually temporary job contracts or mandate contracts⁷. It happens that for some tasks, for example putting merchandise out on the shelves, employees are hired by outside companies called “services”⁸. Employment based on the job contract usually starts with a trial agreement for a period of 1 to 3 months. The next contract is for a specified time period, extended to additional periods of time, even up to 10 years. The problems indicated by the interviewed women with regards to the scope of their responsibilities concerned two matters: discrepancy between the tasks listed in the scope of responsibilities and the actual tasks they were required to perform, and the lack of clarity in the clause “other tasks not specified in the contract” which, according to them, was used to force cashiers to unload merchandise or clean stores⁹.

It seems, based on the rules of labour code, that signing temporary job contracts for a specified period of time can be justified only if certain regulations describe in high detail the circumstances and conditions allowing for such contracts, or if the common goal of both parties was to sign such a contract. However, none of the interviewees wanted to sign a temporary job contract. There are no circumstances or rational reasons for supermarkets to sign such long-term temporary job contracts. One can assume that this solution is there exclusively in order to make it easy for an employer to terminate the job contract and lessen the obligations during the termination period, and therefore, can be treated as a way to circumvent the regulations of the employment law about protection of stability of permanent job relations. These types of job

⁷ Mandate contracts are mostly used during the time of high shopping traffic and work overload in the large-area stores during the pre-Christmas period, summer vacations to substitute the employees who are away on holidays or during inventory.

⁸ It was not clear from the statements of the respondents, but it most likely refers to workers hired by agencies of temporary work.

⁹ The respondents claimed this clause was usually printed in fine print.

contracts are usually disadvantageous to an employee, because he or she is void of the sense of stability and employment security¹⁰.

The scope of responsibilities is usually defined in a separate document, which is an appendix to the job contract. If the scope of responsibilities is put on paper, it has to be included in the personal file of the employee. The determined by the employer scope of responsibilities must agree with the type of work or the given job position held by the employee. It is a specification of the type of work. Depending on the type of work, listing all of the responsibilities related to the position of an employee may be impossible or difficult. Therefore, the scope of responsibilities may contain an expression such as: “tasks other than listed”, “carrying out other jobs as stipulated by the superiors” where those “other ones” must be performed by the employee provided they were ordered by an authorised person and according to the law. However, even those ones have to correspond to the type of work described in the contract. Therefore, it may seem that an employee hired as a cashier or sales representative may refuse to do a job related, for example, to the responsibilities of warehouse staff and it should not be treated as a refusal to fulfil an order/obligation. An employee confirms with a signature a statement of understanding of what his/her scope of responsibilities is and commits to fulfilling it. This is the moment when she/he can ask questions about validity and relevance of the given scope of responsibilities to the type of work. The scope of responsibilities cannot be arbitrary and the employee is allowed to rely on it also whenever he/she is ordered to do tasks outside of the type of job or position he/she is assuming.

3.2. Commission Contract

Commission contract is a civil-law agreement and does not offer the same protection to an employee as a job contract. Commission contract may be terminated by either party at any time. Furthermore, entering into a commission contract instead of a job contract when all the conditions of a job contract are present, is a violation of the employee’s rights and a subject to a fine.

3.3. Conclusion

Both the job contract as well as the scope of responsibilities should be as clear, easy to understand to an employee and as precisely formulated as possible. Employers should also accurately describe the position and tasks that an employee is to fulfil, as to leave no doubts with regards to the type of the job and tasks/responsibilities both parties had agreed upon.

¹⁰ A permanent job contract cannot specify when it ends. It seems that this type of a contract is most advantageous to an employee. Terminating such a contract requires agreement of both parties, or the employer has to give reasons for the termination. This last type of job contract termination is regulated by law, which allows an employee to enjoy relative job stability.

4. Remuneration

From the employee's point of view remuneration is one of the most important elements of a job contract, because this is what ensures his/her own and his/her family's well being. In the opinion of the majority of the interviewees their monthly earnings were not adequate to the performed tasks or work conditions or living expenses. Monthly salary was usually only enough to cover bills and food, while other important family expenses had to be paid for with loans. It seems that the most pressing issues related to the remuneration of female employees in super- and hypermarkets were not taking into account all of the elements of the remuneration in the monthly paycheques and not paying for overtime.

In the context of wages, correct, meticulous and honest records of the hours worked play a particularly important role for setting the amount of remuneration and other payments related to the job. The employer is obligated to record the hours worked in a way that would allow for calculating remuneration of the employees and other benefits related to the job. The employer also has the responsibility of allowing the employees, on their request, to view the records of the work hours so that the employees could constantly control the honesty of the records.

Overtime work is another service by an employee for an employer, exceeding the obligatory norm and the required work hours. This type of work is particularly regulated, cannot be planned and absolutely cannot be a constant element of a work arrangement. In supermarkets, however, it is a part of the work arrangement system which means that the interviewees treat it as a regular way of earning additional income. Of course, such an approach is illegal, however it makes it possible to understand why lowering the remuneration or the lack of payment for overtime is for the interviewed women such an important problem. In such a situation they feel cheated and abused. Such an action of an employer has negative consequences for their lives: they receive less money (or none at all) for the actual overtime worked, which meant less time for their private life because of having worked additional hours. Besides the normal remuneration an employer should pay for overtime additional 50% or 100% or give additional paid vacation days.

Overtime remuneration is paid at another time than the basic salary and it is given without a paystub, which makes it possible, as it seems, to conceal violations related to exceeding allowable overtime and its regularity. Moreover, as described above, it results in cheating the employees when it comes to the amount of the remuneration, which generates concrete profit for the employer. And the lack of payment, regardless of the reason, means a serious violation of an employer's obligations.

4.1. Conclusions

A poorly paid job is usually performed carelessly and unwillingly, and a poorly paid employee, who is also cheated on, will quickly start looking for another job. This is a problem that supermarkets in Poland have been dealing with for a long time. A significant rotation of

employees or lack of people willing to work is a daily issue for supermarkets which either decide to keep hiring new people or to improperly record time worked, which is meant to use the employees to perform tasks that should be done by additional workers. It seems that it does not solve their problems, but leads to serious violations of the employment law. A recommended solution is raising remuneration and proper calculation of the overtime hours. The female employees who are faced with the latter problem may be advised to keep their own record of the hours worked in their private calendar, which can then be used as proof in case of a legal claim for unpaid remuneration for overtime.

5. Work hours and vacation time

Supermarket employees, according to the interviewees, usually work a shift system: 8-hour shifts Monday to Friday and 12-hour shifts weekends and holidays. It happens that they work several (even more than 10) days in a row without a day off. The norms concerning overtime are constantly violated. In order to keep the violations secret there may be two different schedules: an official one which ends up in the human resources documents and which is correct with the regular and overtime norms, and an unofficial one, which is in the hands of a manager and shows the actual hours worked. In all the supermarket chains the employees have no influence over their work schedules and are completely dependent on the superiors responsible for the schedules¹¹. It is important to point out here that during internal controls carried out by regional managers, all the responsibility for violations and irregularities related to the hours worked is transferred from the schedule managers onto the employees.

As the research shows, the norm of 11-hours of rest between work shifts is respected in the international chains, but not in the local, Polish ones. In the latter ones a very common situation is for the employees not to be able to use a 15-minute break at work that they are eligible for. Many women stressed that in their exhausting work 15 minutes is not enough to use the restroom, eat something and rest a bit. Women working as cashiers said that they are often not allowed to leave in order to use a restroom.

Based on these findings it can be concluded that employees of large shopping centres work a lot more and longer than would be indicated in their job contracts, work schedules and hourly records. They are not eligible for adequate breaks and time off.

5.1. Conclusions

The policy regarding hours of work and hours of time off, seems to regulate the issue appropriately. The interviewees, when asked for the reasons for irregularities related to the time spent working, unanimously pointed to underemployment, which they believed was due to the

¹¹ Emergencies and life situations of an employee are not taken into account at all in setting schedules. It is particularly problematic for single mothers and students.

store managers' thriftiness. One should agree with that. The most important reasons for having two schedules is, as it seems, hiding violations. If the extent and regularity of the actual overtime was disclosed, it would be evident that the law is being violated. This way, however, formally, on paper and in records, everything remains in agreement with the law. We recommend honest controls of work hours records by work inspectors.

6. Vacations and other days off

When it comes to vacation time there are significant differences between large international chains and, for example, Biedronka and Polish chains. In the former ones, at the beginning of a calendar year, the employees determine dates of their vacations and they have a guaranteed period of at least 10 days in a row of vacation time. In the latter ones – vacations are given very unwillingly with forced dates of when they can be used. The interviewed employees claim they often had to change vacation plans. It is similar with requesting time off for other reasons. There is no problem with this issue in the international chains, whereas time off is almost impossible to obtain in the local chains.

As the research shows only a small portion of the people employed in super- and hypermarkets use sick leave at all. Instead, they either use vacation days for their own illness (or care over sick children), or they work while sick. It is caused by fear of the sanctions¹², and also the fact that sick leave (confirmed with a doctor's note) results in lower paycheque while the financial situation of female employees of super- and hypermarkets is already bad.

6.1. Conclusions

Refusal to grant vacations or making it impossible to use any time off when it is essential for an employee (or, as described earlier, lack of possibility of using a break during work) – are issues so important, that they can significantly affect work relations in the super- and hypermarkets.

A doctor's note confirming an illness is given to an employee in order to justify her absence at work if she is not able to perform the job-related tasks due to her own illness or in case of having to take care of a sick family member. It is the basis for a claim for sick leave benefits. It must be pointed out how incredible and difficult to understand is the fact, that employers, with no resistance, give unplanned vacation days to sick employees (instead of sick leave) and do so very unhappily when an employee actually needs it. One should note that whenever vacation days are used for an illness, the actual yearly vacation time gets shortened. If a person is forced to take vacation days several times a year instead of sick leave, but use it in place of sick leave, she will have no actual vacation days left to use as her rest time, or the period of rest will be so short that

¹² A person using sick leave is considered unavailable and inefficient which may result in loss of bonuses or a worse schedule.

the norm of 14 consecutive days off will not be satisfied. It is unclear what the reason behind an employer giving vacation days for illness is.

7. Parenthood and work

During the focused research the women pointed out to such problems related to their motherhood as: discrimination during the recruitment process or impossibility of using 2 days for child care they should be eligible for. The interviewees stressed the difficulties of balancing care of preschool- and school-aged children with their job. But the deciding role in this matter is being played not by law and regulations, but by practical agreements, or the lack thereof, between the employee and her superiors. The superiors, according to the interviewees, never take into account accidents or life and family situations of the women, which is particularly problematic for single mothers.

Admittedly, the Polish law does not contain a wide catalogue of employees' rights related to motherhood, but there are, however, regulations giving parents certain rights. The female employees of supermarkets were not able to use them, as they said themselves, because of the excess of work and a small number of workers. These are not, as it seems, valid reasons for an employer to deny or make it difficult for an employee to claim the parental rights she is eligible for. Problems pointed out earlier, such as high rotation of employees, maintaining a minimal number of workers and inappropriate work organisation also have a negative impact on people and lead to violations of employee rights.

8. Workplace health and safety (BHP). Work-related illnesses.

8.1. BHP

The research shows that all new employees go through compulsory trainings on work health and safety, however their length and intensity varies among the companies. In some cases they last a whole day, in others – only an hour. The new workers take part in a short training on the store's organisation, placing goods on the shelves, operating the cash register, but they admit it is usually not thorough enough to allow them to perform their tasks efficiently. Due to low numbers of employees, there is not enough time for thorough training.

All of the respondents went through a doctor's examination before starting the job. The examinations were, however, related to the concrete position, most often – the cashier-sales representative, and not with the tasks which the women are, in fact, ordered to perform. The everyday tasks of the cashiers, apart from working at the cash register, are: unloading the goods, work in the warehouse, shelving the goods, cleaning the store, stacking shopping baskets. As a consequence, the women, while performing the work they are not prepared for, suffer from many ailments. Most of the women complain of back pain, but also problems with joints, hips and

wrists, also they often suffer from headaches and stomach aches. These complaints are usually the result of lifting heavy loads and sitting in uncomfortable chairs at the cash register, moving merchandise on the conveyer belt at the cash register (the interviewees pointed to the problems with poor servicing of equipment and necessity to work with broken conveyer belts) and lifting, carrying or moving very heavy loads (according to the interviewees there is often shortage of various equipment, carts, working tools).

Regulations describing workplace health and safety rules are specified in the employment code and in executive regulations in high detail. It is the employer and the management who are responsible for workplace health and safety.

Work in large-area outlets is, from the point of view of workplace health and safety, a very specific job, mainly because most of the employees do not have set workplaces and move about the entire complex. The variety of tasks that have to be performed causes the workers to be exposed to various dangers, often non-typical, avoiding which is often more related to the organisation of work and the ability to properly and safely carry out the tasks, than satisfying the requirements of the regulations. The results of controls of the State Labour Inspection (PIP) in super- and hypermarkets in the year 2007 testify to that. The revealed violations in the area of workplace health and safety were mainly related to the equipment of health-sanitary rooms, goods warehousing and order in passageways. The last two violations were much more common than in previous years and they were detected in more than 50% of workplaces. The remaining violations regarded mainly observing the norms of manual handling of goods, marking and securing dangerous zones, usage of engine carts, violating requirements of providing employees with work clothing and footwear, as well as means of personal safety.

The reasons for BHP violations in supermarkets result mainly from a lack of BHP regulations, ignoring safety measures by the management staff, and lack of proper supervision of observing the regulations. Additional reasons were listed by the Chief Labour Inspector :

- high rotation of employees,
- improper work organisation and maintaining a minimal level of employment,
- lack of adequate equipment aiding manual transportation work,
- packaging of goods in the distribution centres into pallet units with weight exceeding the norms,
- excessive – relative to the capacity of warehouses – flow of goods, which forces them to be stored in places that are not meant for it,
- pressure from the central administration on the local management staff to maximally lower the costs, which negatively affects determining work conditions
- inadequate competences of the management staff in the area of determining work conditions

8.2. Occupational injuries and work related illnesses

Despite the information collected during the research about specific illnesses or groups of illnesses among the female employees in supermarkets, there is no data on the incidence, intensity and types of illnesses specific to this work group. Out of the ailments listed by the interviewees caused by the performed work, only carpal tunnel syndrome is considered to be an industrial injury. None of the other ailments that the interviewees suffer from is considered an industrial injury. Because of that the regulations concerning industrial injuries apply only in a very limited extent to do markets' employees.

Health issues of supermarkets' employees are indirectly related to the insufficient scope of prophylactic examinations: both initial and periodic (employers give false data about work conditions and load in the workplace in the referrals). Because of that the examinations are not directed to determine physical capabilities (exertion exam) during recruitment of workers for heavy or semi-heavy physical work which is performed in super- and hypermarkets. Employees also do not take into account the fact that physical abilities of workers tend to lessen with age and in 40-year-olds physical ability is 10% lower when compared to 20-year-olds, while in 60-year-olds it is 40% lower. Due to that fact heavy loads are well tolerated by young persons, but are excessive for older persons. That should require changes in work organisation.

8.3. Conclusions

Due to the number of people working in the large area retail centres and the lack of data concerning industrial injuries in such a large group of workers, there is a necessity to carry out detailed research and analysis of musculoskeletal disorders in this industrial group. Moreover, it is important to work out a different model of defining and qualifying illnesses related to the performed work, which would imply changes to the labour code as well as publishing of new regulations.

With regards to BHP it seems that the existing regulations are enough to guarantee work health and safety in super- and hypermarkets. The problem is violation of regulations by the employers and the management staff. It is worth reminding here that even though the enforcement of the BHP norms belongs to administrative and control centres, especially State Labour Inspection, the employees themselves can also demand for the norms to be observed. The interests of the employees should be protected by a social work inspector, among others.

9. Trade unions

The level of knowledge of the interviewees about trade unions and the area of their activity in their workplaces was limited. None of them belonged to a trade union, most of them were not interested in membership. The interviewees described the role of unions in very general terms as an organisation looking after the security of employees' rights or providing social benefits. When asked what they thought unions should be dealing with, they answered: control of work schedules, hours worked, possibility of using breaks and days off by the employees, control of

salary, immediate social benefits or taking care of proper relations between the workers and the superiors.

The labour code mentions unions only in a few articles. This issue is specifically regulated by rules in the act on trade unions. A trade union during its statutory activity is independent on the employer, state administration and local government or other organisations.

According to the report “Working Polish People 2006”¹³ less than 15% of workers total belong to trade unions, and the scale of “unionisation” is at a similar, low level. It seems that the ratio is even lower in supermarkets, which is likely a result of a high employee rotation, hiring employees under temporary contracts and other difficulties from the employers. Union members are often persecuted and discriminated against at work. It may be related to the fact that the goals of unions include, among others, protection of employees from exploitation which seems to be taking place in supermarkets.

10. Summary

As it is shown in the post-inspection report of PIP (State Labour Inspection), observations of non-governmental organisations and media reports, employees’ rights in retail chains are still subject to violations. A small fraction of cases ends up in labour courts or with law enforcement authorities. Supermarket employees, pressed by the economic situation, afraid of either losing their job or being persecuted, often give up on the arduous process of claiming their rights. It is a result of a limited awareness of law, lack of knowledge regarding employee rights and responsibilities of employers. The research shows that, for example, mobbing is confused with discrimination by the female employees of supermarkets.

Another factor which negatively affects the abilities of protecting employees’ rights is shortage of professional and affordable legal aid. Salary of supermarket workers is usually around the minimum wage and they cannot afford to hire a lawyer who could take their case. Social organisations attempt to fill the gap in the legal aid, but these attempts do not bring about the desired effect. Polish legal authorities do not promote in their ranks providing *pro bono* type of aid for the economically underprivileged social groups.

It also seems necessary to, for example, essentially strengthen union workers. It is disturbing that only a few percent of complaints received yearly by PIP come from the unions. The competences of PIP inspectors are also not adequately used, because they could give out payment orders, removal of violations, moving of an employee, they can issue tickets, direct complaints to courts and file notifications on suspecting a crime being committed.

¹³ The research carried out by Zakład Badań Naukowych Polskiego Towarzystwa Socjologicznego for Polska Konfederacja Pracodawców Prywatnych Lewiatan; the report is available at: <http://www.google.pl/search?hl=pl&q=raportu+%E2%80%9EPracuj%C4%85cy+Polacy+2006&lr=>

Despite the fact that based on regulations it is essentially possible to protect the rights of supermarket employees from abuse and exploitation by employers, according to the KARAT Coalition's research, the violations still take place there. The violations are mostly related to the hours worked (such as illegally lengthening time of work, lack of breaks at work, disregarding length of vacation time, not paying appropriate remuneration and benefits for overtime) and BHP (work health and safety). There is also mobbing, the female workers are persecuted. Other issues are related to signing appropriate work agreements and delegating the employees to perform tasks listed in their job descriptions, referring to doctor's examination, issuing proper vacation time and other days off work.

According to the interviewees, the reasons of these violations are related to insufficient numbers of employees, which is caused by thriftiness of stores managers and high rotation. The employees often leave their jobs very quickly because earnings in super- and hypermarkets are very low. The work conditions are difficult, mainly due to taking advantage of the employees and giving them too many responsibilities, as well as necessity to work on Saturdays, Sundays and holidays. The leave also because the relations between the workers and their superiors are inappropriate, which causes work atmosphere to be unbearable. One should also add lack of knowledge of the employment law by employers, management staff and the employees themselves (low legal awareness), inappropriate applying of regulations and also incorrect managing of stores chains and particular supermarkets.

As a result of the inspection in 2007 PIP revealed yet again the existence of several violations related to work conditions and inadequate protection of workers' rights in super- and hypermarkets. They are to a large extent similar to the violations shown by the KARAT Coalition's research, but they are worth mentioning because PIP inspections also reveal the scale of the violations. The inspectors exposed 126 violations against employees' rights, most of which were violations against work health and safety rules. In 40 cases they stopped the work due to glaring violations of the regulations, directly threatening health and life of the employees, and transferred 31 persons to other jobs – they were mostly women – due to excessive weight of transported goods. In 51% of inspected stores PIP discovered violations regarding employees personal files, in 31% of the stores errors in time-taking records (faulty calculations of overtime and night shifts) and in 21% the inaccuracies related to lack of payment or lowering the payment for overtime. In 20% of workplaces PIP revealed violations in using eligible vacation time, 24% ignored the norms of 5-day work weeks, in 25% of the inspected stores the vacation time was inaccurately issued to employees who gained eligibility for it in the given year. In 27% of workplaces there were inaccuracies concerning work agreements. In 50% of inspected workplaces goods are improperly warehoused and cleanliness and order were not respected in passageways. Other revealed violations in the area of work health and safety, as has been mentioned earlier, were related mainly to lack of equipment in the health-sanitary rooms, ignoring the norms of manual handling of goods, marking and securing dangerous zones,

exploitation of engine carts, disregarding the rules concerning proper clothing and footwear for the employees (39%) and means of personal safety (19%)¹⁴.

Due to all of the above-mentioned we recommend:

- raising the awareness of the workers' rights and the law system rules among the employees as well as encouraging them to be active in learning about their rights and job responsibilities themselves,
- developing a legal culture so that there is good will to properly use employment law in super- and hypermarkets, training the management staff in the area of employment law,
- carrying out an analysis of the ways of managing the markets; skilful recruitment of the management staff,
- supporting the establishment of workers' representations,
- improvement in the area of observing and applying BHP rules, meticulous PIP inspections,
- recording work time in such a way as to make it possible to properly calculate overtime, ensure the employees get an appropriate number of hours of rest and breaks during work hours, particularly meticulous analysis of documents related to schedules kept in markets by PIP inspectors.

Abbreviations

BHP – Work Health and Safety

PIP – State Labour Inspection

PIH – State Retail Inspection

ZUS – social insurance institution

¹⁴ Report of the Chief Labour Inspector of the activities of the State Labour Inspection in 2007