

Introduction

This monograph consists of a series of papers given, and the discussions which followed, at the international conference entitled „Labour Unions – Current Situation and Future Perspectives” held in Warsaw on 13th and 14th June 2014. The conference was co-organised by the „Dialog” Centre for Social Partnership and Łazarski University. It was one of the largest meetings of European scientists and specialists in the field of the social dialogue in recent years in Poland, in that well over one hundred participants took part in the conference. They originated from Poland and other European Union countries, namely the United Kingdom, Belgium, the Republic of Ireland, Germany, Italy, Lithuania and the Czech Republic. Among those numerous participants there were European scholars renowned for their scientific papers on labour law in Europe who included, among others, Prof. *Manfred Weiss*, Prof. *Roger Blanpain*, Prof. *Jo Carby-Hall*, Prof. *Patricia Conlan* and Prof. *Fiorella Lunardon*, as well as prominent representatives of Polish Science labour law, such as Prof. *Ludwik Florek*, Prof. *Zbigniew Hajn*, Prof. *Łukasz Pisarczyk*, Prof. *Monika Tomaszewska*, Prof. *Marcin Zieleniecki*, Prof. *Leszek Mitrus* and many others.

The debate which took place during the conference raised some very relevant and important issues primarily concerned with trade unions and the challenges facing them currently and in the future. Much thought was given to the decreasing number of unionised workers in each of the European Union Member States. The participants discussed the various ways of cooperation with trade unions, the structure and legal status of such unions outlining the various models of unionisation and their historical background. Numerous participants noted that there was no doubt of the existence of a crisis regarding unionisation which manifested itself in a lack of interest in membership of trade unions, which in turn translated itself into the lack of an effective social dialogue system. Currently trade unions appear to be more interested in the workplace social dialogue than employers are. It would be beneficial for the social partners if employers were to be more interested in taking part in a social dialogue.

The most important thoughts flowing from the papers which were presented and the discussions which took place during the conference feature in this monograph. Such thoughts and discussions matured in the course of the two year publishing process.

It is hoped that the reader will enjoy perusing this monograph and that it will encourage many of those reading the materials therein, to reflect on basically three matters, namely (a) upon the role of trade unions and non-union employee representation in Europe, (b) on the future of trade unions in a global setting and (c) on the social dialogue between the social partners which is imperative in creating, encouraging to create, or attempting to create, an „entente cordiale” in an effective system of industrial relations. It is

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apt in this context to recall the wise words of Bill Morris in a speech he made in London to trade unionists, namely that „You cannot argue for democracy in the workplace unless you have the mechanism of democracy in your internal organisation”.

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Review

Publication of the „**Trade unions and non-union employee representation in Europe – the current state of play and prospects for the future**” edited by Prof. *J. Carby-Hall* and Ph.D *M. Rycak* carries certainly great importance in the labour law doctrine, and it is not only due to the fact that it presents a multitude of organizational forms of workers’ representations, but because it also portrays meaningful differences between them. The mere fact that the authors of articles examine the competencies, scope of power and interactions between trade unions and non-union employee representations in a broader European context makes the book main source of comparative analysis.

Such objective could be achieved thanks to a wide representation of authors who come from the United Kingdom, Germany, Ireland, Poland, Belgium and Italy. Unsurprisingly, all the readers are provided with a unique opportunity to review the contents of law solutions from six countries of various legal cultures. We are living and working within joined European Union countries and this situation alone requires a relatively new approach. We can no longer focus exclusively on one country and derive knowledge from one legal system, but we have to look at a variety of legal mechanisms and tools other legal system may have on offer. Comparative and contrastive studies in the pursuit of the best solutions seem very much in demand nowadays. Very demanding though such approach may seem, it is obviously invaluable and it will undoubtedly earn much appreciation from many of us who will decide to read this book.

Furthermore, noteworthy is the fact that the authors not only apply normative analysis itself, but they also support it with a historical study of the trade union and non-union employee representation in Europe. Comprising 25 articles, it shows indisputable theoretical advantages containing many considerations relevant to the study of European labour law. However, it is not the only thing that makes this book an outstanding read. In many articles, academic reviews develop further into a range of examples displaying practical problems that arise out of the multiplicity of the representation of workers in a workplace where their competencies tend to overlap. It is this significant message that should be read as demonstrating the importance of relationship building to increase visibility, influence and power of employee representatives through strengthening the social dialogue and activities jointly undertaken by the social partners. Such studies perfectly show the channels where theory and practice may effectively get reconciled.

Publication of the „**Trade unions and non-union employee representation in Europe – the current state of play and prospects for the future**” responds to a hot-debate theme pertaining to informal workers. Very interesting aspect raised in the discussion in the said publication is a real problem of representation of people who do not enjoy a legal status of employees but undertake forms of dependent work. In this regard, the publication

addresses challenges posed by new forms of work organisation, tendency to reduce labour cost, which creates a growing group of informal workers.

Nonetheless, this is only a brief presentation of a vast range of analyses which should be regarded as a great value of this publication. The scope of it concerns the social dialogue, the European framework agreement, the role of the trade unions in the creation of labour law and determination of remuneration, the consultation with trade unions during collective redundancies, the role of trade unions with regard to temporary work, the information about and consultation of employers with employees elected *ad hoc* and the termination of trade unions.

Thanks to its innumerable outstanding qualities, the publication of the „**Trade unions and non-union employee representation in Europe – the current state of play and prospects for the future**” edited by Prof. J. Carby-Hall and Ph.D M. Rycak can contribute to further insightful research and in-depth analysis in the field of collective labour law. Comprehensive academic and practical studies make the foregoing work recommendable for teaching process as well as for lawyers specializing in the collective labour law.

Prof. Monika Tomaszewska