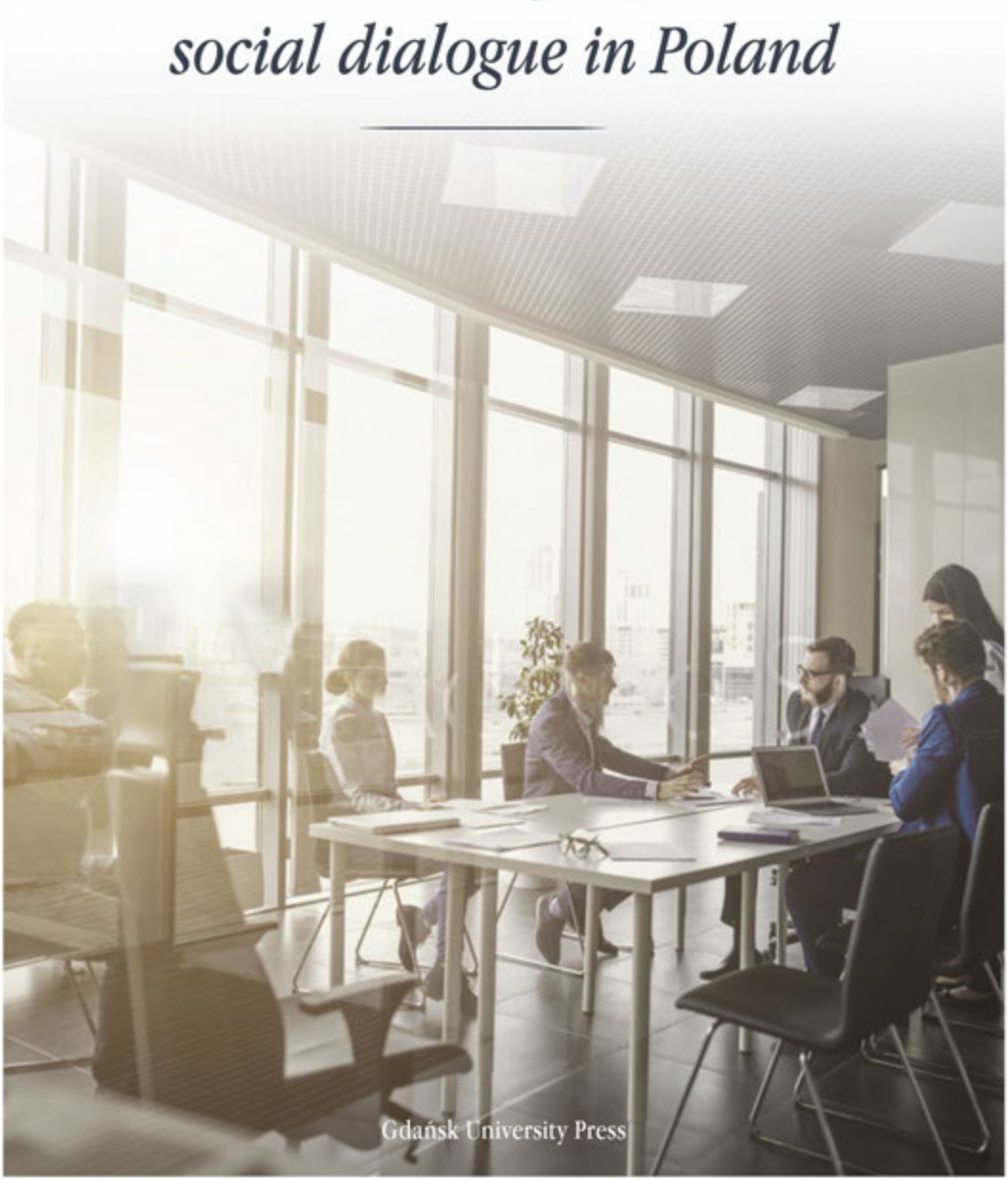
Maciej Łaga Jakub Stelina Jakub Szmit

Institutions of tripartite social dialogue in Poland



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Introduction

The dialogue and cooperation of social partners is one of the constitutional pillars of the economic system of the Republic of Poland (Art. 20 of the Constitution of Poland[1]).The term "social partners" is generally understood as trade unions and employers' organisations. The constitutional regulation concerns various levels of functioning of the economy – from central, through regional and local, to the level of individual employers.

Four years after the Constitution had been adopted, social dialogue at the national level found a formal basis and was institutionalised by the Act of 6 July 2001, on the Tripartite Commission for Social and Economic Affairs and Voivodship Commissions for Social Dialogue.[2] The Tripartite Commission established under the law became a forum for meetings, discussions and arrangements between trade unions, employers' organisations and the government side. From the very beginning, the Commission's idea was vitiated by certain ill-conceived solutions that could have threatened its efficient and effective operation, and as it turned out, the threats (the too strong position of the government or rather too weak of social partners, in the first place) led to a collapse of tripartite dialogue at the national level in 2013. The period of actual suspension of the dialogue clearly showed how essential an element of operation of the state it was. The former members of the Tripartite Commission fully realised the necessity for correcting that state of affairs and returning to talks, albeit in a slightly changed formula.

On 11 September, 2015, the Act on the Council for Social Dialogue and Other Social Dialogue Institutions[3] entered into force. The body began

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[1] Constitution of the Republic of Poland of 2 April, 1997 (Journal of Laws No. 78, item 483, with further amendments).

[2] Journal of Laws No. 100, item 1080, with further amendments.

[3] Act of 24 July, 2015 (Journal of Laws, item 1240).

operating on October 22, 2015, as soon as its members were appointed by the President of the Republic. As it is now three years since the beginning of the functioning of the body, the first conclusions can be drawn whether the new formula of tripartite dialogue, especially at the national level, can be considered positive or not. It can be stated, with a certain degree of caution, that the Social Dialogue Council works better than its predecessor, although after the first year of existence some symptoms appeared, heralding a possible return to the irregularities observed in the past. The practice of the functioning of the Council, as well as demands of social partners resulting from their vision of the operation of the institution have led to preparation by the President of a draft amendment to the Act, which should provide a new impulse for its development.

This monograph presents the evolution of social dialogue in Poland, as underlying its present shape. First of all, however, it contains an in-depth analysis of the Council itself, its composition, powers and the mode of operation. The issues of voivodship (provincial) councils for social dialogue have also been discussed.

The legal status taken into consideration is that as of 1 October 2018.

Chapter 1
Social Dialogue Council in the social and legal system of Poland

1.1. Introductory remarks

Understood in its broadest meaning, social dialogue usually means the various types of communication interactions that take place between entities representing different social groups.[4] The dialogue thus aims either at reconciling positions or obtaining opinions of the other side on a certain matter. In that sense, dialogue is the opposite of a dictate and confrontation, which solutions not only do not allow to settle conflicts and disputes peacefully but they even cause such situations themselves. Dialogue follows from mutual respect of its parties, although it can be also laced with deliberation and unscrupulous calculations. The idea of dialogue finds a strong axiological foundation in most philosophical currents, both earlier and modern. With the exception of the Marxist concepts, in which class struggle was seen as the only way to liberate the working people, the idea of dialogue usually has positive connotations. In that respect one can point out, for example, to the social teachings of the Catholic Church, from the encyclicals *Rerum novarum* by Leo XIII, *Quadragesimo anno* by Pius XI and *Laborem exercens* by John Paul II, to the statements of contemporary Catholic philosophers (to mention just the idea of solidarity by Cardinal R. Marx[5]), concepts called the philosophy of dialogue (philosophy of the

[4] A. Sobczyk, A. Daszczyńska, *Dialog społeczny jako narzędzie zbiorowego prawa pracy* [in:] *Dialog społeczny w praktyce przedsiębiorstw*, ed. J. Stelina, Gdańsk 2010, p. 9 (and the literature quoted therein).

[5] "Capitalism without humanity, solidarity and justice is immoral and has no future ahead" – R. Marx, *Kapitał. Mowa w obronie człowieka*, transl. J. Serafin, Kraków 2009.

meeting) or the philosophy of J. Habermas (the so-called theory of communication and deliberative model of democracy, according to which the citizens' discourse is a condition for the development of democratic public life) and J. Rawl's theory of justice.[6]

The idea of social dialogue also permeates various philosophical trends of jurisprudence. Putting aside general perspective of the structure of contemporary political and social systems, it is worth paying attention to the role which various forms of social participation, including social dialogue (negotiations), play in the legal policy. Increasingly, they are perceived as an important component of the law-making process. Nowadays, the role of various types of contracts (i.e. acts that are negotiated) as sources of law, is no longer negated. The imperative model is opposed by the so-called negotiated law-making system (into which concept, as far as the area of labour law is concerned, collective labour agreements and other collective arrangements are, *inter alia*, included). Entrusting social partners with the law-making powers mirrors a number of values of importance to the democratic socio-political system.

First of all, the limitations that the negotiating system creates for a destructive instrumentalisation of law are pointed out. This is due to the fact that the law-making process is based on democratic procedures, in which different values and interests are articulated and agreed on. Of course, the mechanisms of democratic appointment of the state authorities and their legitimisation in this way involve participation of the social factor in the exercise of power. However, the point is that the democratic mechanisms of modern world are not always a factor sufficiently involving society in public affairs.

The best proof of that is the constantly decreasing turnout in various elections (in Poland rarely exceeding 50%). Meanwhile, it is impossible to ensure proper functioning of any social system without involvement of its members in matters concerning the public. Hence, increasing the role of social participation can be seen as a correction and complement to the democratic system.

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[6] For a broader discussion see M. Gładoch, *Dialog społeczny w zbiorowym prawie pracy*, Toruń 2014, p. 38 *et seq.*

According to E. Kustra,[7] in so-called procedural programs (consensual sources of law) "the least noticeable difference is that between those who make the law and those who are supposed to execute it. Contracts, which are a form of creation of procedural programmes, are supposed to reconcile the idea of law, based on instrumental rationality, with the idea of law based on the principle of communication rationality, in other words – harmonise the control tasks of modern states with the rights and freedoms of individuals. Hence, in the latest theoretical and legal literature, the agreements *sensu stricto* are considered the most 'secure' form of law creation and it is from thence that their popularity grows." However, a precondition for reaping the benefits of the consensual forms of law-making is due representation of those participating in the dialogue.[8]

It is worth recalling, at this occasion, the concept of the developmental model of law suggested by Ph. Nonet and Ph. Selznick, which assumes dynamism of the legal system. The changes taking place in it have the nature of developmental stages that correspond to the ideally discerned types of law: repressive, autonomous and responsive. The evolution of the legal system is, meanwhile, part of a wider phenomenon related to the transformation of political power and the entire social system. The factors that determine the general trend of that evolution are: reduction of the authoritarian mechanisms and their replacement with principles based on the idea of social contract. As the above indicated concept of the developmental law claims, the legal system evolves from the type of repressive law, through autonomous to the responsive law.[9] The repressive law system assumes full dependence of the individual and society on political power. This dependence is established mainly through an extensive law enforcement apparatus. The aim of law in the system is to legalise the political order. Seen against that background, the most important features of the autonomous law system include independence of the law from politics, limitation of coercion, control of the legality of decisions made by state authorities (including legality of the law and acts whereby the latter is ap-

[7] E. Kustra, *Polityczne problemy tworzenia prawa*, Toruń 1994, p. 21.

[8] *Ibid*.

[9] P. Nonet, P. Selznick, *Law and Society in Transition. Towards Responsive Law*, New York 1978, p. 29 (quoted after *ibid.*, p. 34 *et seq.*).

plied). Those characteristics of the autonomous law model create the basis for building an "institutional system of arrangements",[10] and it is but one step away from the responsive law, which should be considered the most mature legal system. Typical of it is openness to social needs and aspirations, replacement of coercion with self-limiting obligations, and purposeful argumentation of legal decisions. As regards law-making, it is important to note that within the system of responsive law it is the negotiating forms of creating legal standards that prevail.

As E. Kustra writes, "the current shape of democracy, involving the majority-based mechanism of parliamentary democracy, is undergoing changes. A so-called contractual democracy becomes a decision-making system complementary to the majority democracy. Within that setting, negotiations and consensus are treated as basic processes of reaching optimum decisions within the political system. A proof of the transformation is a change in the type of law-making processes, already observable in modern Western democracies. The durability and growing tendency for a withdrawal from state control, and the de-juridisation processes (consisting in public authorities declining from centralised regulation of social life using the instruments of law or a transfer of the legislative powers to associations) must be, in particular, pointed out to."[11]

It should certainly be added that the directions of evolution of the legal system described above are dictated by various factors. Not always do they result from any objective regularities or the will to empower citizens. The so-called democracy deficit is a common phenomenon, although for obvious reasons unevenly affecting various countries. There is no doubt, though, that hardly are the countries with a long-established system of liberal democracy free of it, since it is difficult to talk about genuine social participation where ideological pluralism and freedom to express one's views are missing. In addition, a problem has always been rivalry between states with different political systems (democracies versus dictatorships). And states often have to compete with powerful multinational corporations whose available financial resources exceed, in many a case, the budgets of individual countries. Negotiation mechanisms may in such cases

[10] *Ibid.*, p. 37.
[11] *Ibid.*, p. 47.

serve to disguise the state's own impotence in the field. However, the above said does not change, in any event, a positive assessment of the idea of dialogue, including social dialogue, as modern policy instruments.

1.2. International and constitutional legal environment of social dialogue

The issue of social dialogue is also important as far as the axiology of the international and transnational law is concerned. Remaining within the scope of social matters it should be stated that social dialogue is one of the four pillars of the International Labour Organisation (besides the rights at work, job creation and social protection).[12] The General Conference of ILO, meeting in Philadelphia on 10 May, 1994 recognised the solemn obligation of the International Labour Organisation to further among the various nations of the world, programmes that would achieve, *inter alia*, the effective recognition of the right of collective bargaining, the cooperation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures. It is upon the declaration that further numerous conventions of the ILO that promote and guarantee trade union freedoms and the right to bargain between social partners have been built.[13] In a similar vein social dialogue is mentioned in the European Social Charter signed in Turin on 18 October, 1961.[14] Art. 6 concerning the right to bargain collectively provides that – "With a view

[12] L. Florek, *Prawnomiędzynarodowe uwarunkowania zakładowego dialogu społecznego* [in:] *Zakładowy dialog społeczny*, ed. J. Stelina, Warszawa 2014, p. 36.

[13] *Cf.* for instance conventions: No. 87 concerning Freedom of Association and Protection of the Right to Organise, San Francisco.1948.07.09 (Journal of Laws of 1958, No. 29, item 125) and No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, Geneva.1949.07.01 (Journal of Laws of 1958, No. 29, item 126) and No. 151 concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service, Geneva.1978.06.27 (Journal of Laws of 1994, No. 22, item 78).

[14] Journal of Laws of 1999, No. 8, item 67.

to ensuring the effective exercise of the right to bargain collectively, the Parties undertake: 1. to promote joint consultation between workers and employers; 2. to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements; 3. to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes; and recognise: 4. the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into"; through the ratification document the Republic of Poland committed itself to observing the three initial paragraphs of the provision in question.

As can be seen, the approach taken towards social dialogue in the above mentioned acts of the international law makes them focused on the dialogue in its narrower meaning, referring to the dialogue of social partners. This is perhaps due to the fact that the acts come from the early times, when issues of social partners' participation in shaping the state policy were not as developed as they are now. As opposed to the international law, matters of social dialogue have been treated more broadly in the law of the European Union. The most fundamental act of the primary law, i.e. the Treaty on the functioning of the European Union, concerns not merely the dialogue of social partners, but also the tripartite dialogue. Art. 152 provides that "the Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy. The Tripartite Social Summit for Growth and Employment shall contribute to social dialogue." Thus, there already appears in the TFEU a clear reference to the inclusion of dialogue instruments in the shaping of social policy, in particular that concerning employment. And the European Union has also been equipped with a mechanism whereby agreements concluded by the European social partners may be given a status of universally binding provisions of law. Initially, the legal basis for the mechanism was the Agreement on social policy concluded in Maastricht on 7 February, 1992, annexed to Protocol No. 14 of the same date, supplementing the Treaty establishing the European Community (so-called Maastricht Treaty). Next,

the mechanism in question was included into the Treaty establishing the European Community itself, first as Art. 118b, then Art. 139, and according to the current numbering – as Art. 155 of the Treaty on European Union (as amended by the Lisbon Treaty). The provision stipulates that the social partners at the Union level (UNICE – the Union of Industrial and Employers' Confederations of Europe, CEEP – European Centre of Employers and Enterprises Providing Public Services and Services of General Interests, ETUC – European Trade Union Confederation) may conduct a dialogue leading, should they so desire, to contractual relations, including collective agreements. The collective agreements concluded at the EU level are implemented either in conformity with the procedures and practices relevant for the social partners and Member States or, in matters falling within the fields of competence of the European Union (Art. 153 of the Treaty) – at the joint request of the signatory parties – by a Council decision, at a proposal from the Commission (after the European Parliament has been informed). It is at that stage that a directive is enacted, giving the general legal effect to the agreement reached by the European social partners; the result is the legal power of the agreement being identical to that of a directive. The thus described mechanism has been used several times so far (among others, in Directive 96/34 on the framework agreement on parental leave, Directive 97/81 on part-time work or Directive 99/70 concerning the framework agreement on fixed-time work). Certainly enough, social dialogue is promoted and consolidated using instruments of the secondary law, mostly directives concerning dissemination of information and consultation procedures in Member States (Directive 94/45 of 22 September, 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees,[15] Directive 2002/14/EC of the European Parliament and of the Council of 11 March, 2002 establishing a general framework for

[15] Implemented into the Polish legal system by the Act of 5 April, 2002 on the European Works Councils (Journal of Laws No. 62, item 556, with further amendments). The directive has been discussed by J. Wratny, *Europejska Rada Zakładowa (Nowa instytucja wspólnotowego prawa pracy)*, PiP 1996, Issue 8–9, p. 104; S. Pawłowski, J. Stelina, M. Zieleniecki, *Ustawa o europejskich radach zakładowych z komentarzem*, Gdańsk 2006.

informing and consulting employees in the European Community,[16] and directives concerning workers' participation in the European Company and European Cooperative Society[17]). Turning to national issues, it should be noted that one of the key institutions of the dialogue is the Social Dialogue Council (SDC). Unlike many of its counterparts in other states[18] it is not directly recognised by the Constitution of the Republic of Poland. The said does not mean that it exists in a kind of constitutional void, though. First of all, the name of the body itself and the objectives for which it was established indicate that it is a instrument of social dialogue, a phenomenon well-anchored in the Constitution of the Republic of Poland.

Before moving on to an analysis of the Constitution regarding social dialogue, it is well-worth paying some attention to the general regulations concerning the status of the SDC. In Art. 1 of the Act of 24 July, 2015 on the Social Dialogue Council and Other Institutions of Social Dialogue[19] the SDC is referred to as a "forum of tripartite cooperation" of the employees, employers and the government (Art. 1 para. 1) and indication is made that the Council conducts dialogue on matters of socio-economic devel-

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[16] OJ L 2002/80/29, Polish Special Edition 2005/4/219. The Directive is discussed, in detail, by L. Florek, *Informacja i konsultacja pracowników w prawie europejskim*, PiZS 2002, No. 10, p. 2 *et seq.*; Ł. Pisarczyk, *Wybrane problemy dostosowania prawa polskiego do wspólnotowych standardów w zakresie informowania i konsultowania pracowników*, PiZS 2005, No. 12, p. 2 *et seq.*; M. Tomaszewska, *Informacja i konsultacja z pracownikami w przedsiębiorstwach i zakładach funkcjonujących na terenie Wspólnoty Europejskiej* [in:] *Zatrudnienie i ochrona socjalna. Acquis communautaire*, ed. Z. Brodecki, Warszawa 2004, p. 360 *et seq.*; S. Koczur, P. Korus, *Dialog społeczny – prawo pracowników do informacji i konsultacji*, Kraków 2003, p. 153 *et seq.*; J. Stelina, M. Zieleniecki, *Ustawa o informowaniu pracowników i przeprowadzaniu z nimi konsultacji z komentarzem* (co-authorship), Gdynia 2006.

[17] Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees 2001/86 (OJ L 01/294/22, OJ Special Edition 2006/4/272) and Council Directive 2003/72 of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees (OJ L 03/207/25, OJ Special Edition 05/4/338). The directives are discussed by S. Pawłowski, J. Stelina, A. Wowerka, M. Zieleniecki, *Ustawa o europejskim zgrupowaniu interesów gospodarczych i spółce europejskiej z komentarzem* (co-authorship), Gdańsk 2008.

[18] E. Sobótka, *Rady Gospodarczo-Społeczne w krajach Unii Europejskiej jako zinstytucjonalizowana forma dialogu społecznego*, PiZS 1994, No. 10–11, p. 3 *et seq.*

[19] Journal of Laws, item 1240, hereinafter referred to as "the Act".

opment, enhancement of competitiveness of the country's economy and social cohesion (Art. 1 para. 2). Furthermore, the Council is expected to work for the implementation of the "principle of social participation and solidarity in the field of employment" (Art. 1 para. 3) and "improvement of quality of formulation and implementation of socio-economic policies and strategies, as well as building social understanding around them" (Art. 4 para. 1). To that end the Council conducts transparent, meaningful and regular dialogue of social partners and the government. And – last but not least – the Council is expected to support social dialogue at all levels of local government (Art. 1 para. 5).

As seen above, social dialogue and activities related thereto are mentioned in general provisions of the Act almost in every possible way. The Act is thus one of the most essential pieces of legislation creating legal framework for social dialogue at various levels of the country's socio-economic and political system. And although – as mentioned before – the statutorily created institutions for conducting social dialogue both on the national (SDC) and regional (voivodship social dialogue councils) level do not have direct foundations in the Constitution, they are, nevertheless, very closely related to the constitutional axiology. In the preamble to the Constitution social dialogue has been recalled (side by side with such values as respect for freedom and justice, cooperation of authorities and the subsidiarity principle) as the support for the state's fundamental rights expressed in the basic law. Even more specifically, the concept is used in connection with the characteristics of the country's economic system. Mentioned as its grounds is the social market economy, based on the freedom of doing business, private property and solidarity, dialogue and cooperation of the social partners (Art. 20 of the Constitution). And Art. 59 para. 2 of the Constitution provides another details, stating that trade unions and employers (and their organisations) have the right to bargain, in order to resolve collective disputes in particular, and to conclude collective labour agreements and other arrangements. While in both latter provisions (those of Art. 20 and 59 para. 2) it is the dialogue of social partners that is mentioned, there is no doubt that it is part (perhaps even the most essential one) of the more broadly termed social dialogue. As W. Sanetra rightly observes, the "constitutional social dialogue is a superior (more general) category, incorporating the notion of the dialogue of social partners. And

the dialogue between employers and their organisations and trade unions, provided for in Art. 59 of the Constitution to be their (political) right, is a particular – and in our realities the most important one – case of a dialogue between social partners."[20] It can be thus stated that in the provisions of the Constitution the discussed phenomenon forms a kind of a multilevel conceptual triad involving: social dialogue *sensu largo* – dialogue of social partners – dialogue between trade unions and employers (and their organisations). It is not clear, though, how the notion of social dialogue, as used in the preamble to the Constitution, should be understood, and whether the tripartite dialogue falls within its limits. In the opinion of W. Sanetra, such a broad interpretation of the notion gives raise to doubts and should be referred solely to instances of a dialogue conducted by social bodies.[21] The dialogue with the participation of the government is called by the author as one involving the "government and the society."[22]

The approach to issues of dialogue in the Constitution allows to venture a few general observations. First, there appears a question regarding the scope of the social dialogue's impact. It should be observed that the Constitution does not place the concept of the dialogue within any broader context embracing all matters related to the functioning of the state. From the provisions of the Constitution it follows that only two areas come, in fact, into the play. These are the country's economic system (as Art. 20 states directly) and, perhaps, the political system (the proof being the structure of the Constitution and placement of Art. 59 in the part concerning political rights and freedoms). However, should it even be accepted that the social dialogue (negotiations between social partners) does have impact on politics, this can perhaps be true only in the dialogue's broadest meaning. If social partners have the right to bargain for, *inter alia*, conclusion of collective labour agreements and other arrangements, it is not the influence on the state policies (mechanisms of affecting decisions of the government) that is at stake. It is giving social entities access to the autonomous

[20] W. Sanetra, *Prawnokonstytucyjne uwarunkowania zakładowego dialogu partnerów społecznych* [in:] *Zakładowy dialog społeczny*, ed. J. Stelina, Warszawa 2014, pp. 24 and 25.

[21] W. Sanetra, *Dialog społeczny jako element ustroju społecznego i politycznego w świetle Konstytucji* RP [in:] *Zbiorowe prawo pracy w XXI wieku*, eds. A. Wypych-Żywicka, M. Tomaszewska, J. Stelina, Gdańsk 2010, p. 23.

[22] *Ibid.*, p. 24.

law-making processes that matters (and the law-making always is a political category, to a larger or lesser extent). And hence, as it follows from the above said, other, non-economic issues are left beyond the scope of influence exerted by the social partners.[23] That assessment is not altered by the general formula concerning social dialogue, contained in the preamble of the Constitution. It states that the fundamental rights contained in the Constitution are based on a number of values, including social dialogue. A straightforward reading of the passage may lead us to the conclusion that the values mentioned therein were taken into account when formulating the catalogue of the fundamental rights and, consequently, that their role was limited only to the process of giving shape to the Constitution. Should, however, such a strict interpretation of the text of the Constitution be rejected, it is still rather unclear what the phrase "the Constitution of the Republic of Poland, as the basic law for the State, based on (…) social dialogue (…)" should actually mean. It seems doubtful that enshrined in it is a requirement that the state authorities should proceed all their decisions using the social dialogue instruments.

Secondly, in the few places wherever the Constitution does make a reference to the idea of dialogue, the concept is supplied with the "social" adjective. Since the Constitution does not define its meaning, reference should be made in that respect to that notion of social dialogue which is well established in legal provisions, scholarly opinions of the jurists and case law. And there it has strong connotations with the area of social matters and social partners (the entities representing interests of employees and employers). A further conjecture might, perhaps, be undertaken to explain whether the adjective "social" could not possibly refer to any social factor (i.e. some communities operating within the society) but this would clearly undermine the hitherto accepted understanding of the dialogue, all the more that other types of dialogue are also present in the language of public debate, such as the civic, community dialogue and the like. And once it is so, the narrow approach to the issues of dialogue in the Constitution may seem surprising. Not only is it limited to matters of the country's

[23] That circumstance is highlighted by W. Sanetra, *Prawnokonstytucyjne uwarunkowania…*, p. 21.

economic system, but skipped by it are also entities other than social partners (e.g. the various associations of citizens).

As seen above, problems of dialogue in general, including the social dialogue, despite ubiquitous expectations, do not occupy much space in the Constitution. Nor does the Constitution stress any important consequences of the existence of the phenomenon to the functioning of the state. Actually, hardly may the regulation providing guarantees to the autonomous dialogue between social partners (Art. 59 of the Constitution) be regarded as one of greater importance. More essential in that respect is Art. 20 of the Constitution, although – given the above indicated limitations of the scope of the regulation – it does not exert any further-reaching impact on the shaping of the country's social policy. The said does not mean that matters of social dialogue, in its national dimension, cannot be present in the country's public life at all. The Constitution, after all, does not prohibit direct involvement of the social forces in the activities of the state agencies, even on a broad scale. One of major elements of the process is the so-called tripartite dialogue, i.e. cooperation of social partners and public authorities in making important decisions affecting the society. As mentioned above, it is not quite clear whether such a dialogue may be referred to as "social", once the government is not a social partner. However, whether we consider it a social dialogue, a governmental-social dialogue, or perhaps a dialogue (communication) between authorities and social partners, the notion includes an element of presence of the social forces in the processes of shaping the state policy (mostly that concerning social and economic matters).

In the history of our country, there are numerous cases of such a dialogue being conducted by the state authorities with the society (social partners), both in the period of the totalitarian state, and today. In the event that such communication takes place *ad hoc*, in order to strike a consensus on important (most often current) matters, it is of non-institutionalised nature. It can also take the form of a permanent scheme (e.g. that of regular meetings) or be formalised and exist as an institution. Such is the nature of the Social Dialogue Council, which in 2015 replaced the Tripartite Commission for Socio-Economic Affairs. It is that very body that will be the subject of further detailed analyses.

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