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**Does the Civil Society Concept Exclude the Possibility of Lockout?
Considerations upon the Basis of the Polish Constitution from 1997
and the Standards of the Council of Europe and European Union**

Keywords: civil society, lockout, right to strike, Polish Constitution, labour law, równość pomiędzy pracą a kapitałem

Słowa kluczowe: społeczeństwo obywatelskie, lokaut, prawo do strajku, Konstytucja RP, prawo pracy, equality between labour and capital

Summary

One of the most crucial principles of democratic regime is the concept of civil society. The implications of such concept are also visible within the area of labour law as the right to strike has been perceived as its core element. The primary purpose of the presented article is to consider whether the application of the doctrine of civil society automatically disables for a recognition of lockout for the employers' organizations within the Polish legal system as well as international standards. The presented paper will mainly rely upon the legal dogmatic analysis of the provisions of Polish Constitution from 1997 and international regulations. The author will also use the elements of the comparative analysis between Polish standards and norms enacted by the Council of Europe and the European Union. The innovative approach of the paper is the complex analysis of the Polish solutions from the international perspective in terms of equality between labour and the capital.

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Streszczenie**Czy koncept społeczeństwa obywatelskiego wyklucza możliwość lokautu? Rozważania na tle Konstytucji RP z 1997 roku oraz standardów Rady Europy oraz Unii Europejskiej**

Jedną z nadrzędnych dyrektyw ustroju demokratycznego jest koncept społeczeństwa obywatelskiego. Koncepcja ta pociąga za sobą istotne implikacje także w obszarze prawa pracy, gdyż przysługujące pracownikom prawo do strajku uważane jest za rdzeń społeczeństwa obywatelskiego. Podstawowym celem niniejszego artykułu jest udzielenie odpowiedzi na pytanie, czy przyjęcie koncepcji społeczeństwa obywatelskiego wyklucza prawną ochronę lokautu. Powyższe rozważania zostaną przeprowadzone w oparciu o dogmatyczno-prawną analizę przepisów Konstytucji RP z 1997 roku oraz najważniejszych regulacji prawa międzynarodowego. Autorka wykorzysta także elementy analizy komparatystycznej dla porównania polskich rozwiązań ze standardami wypracowanymi w ramach Rady Europy oraz Unii Europejskiej. Nowatorskie podejście niniejszego artykułu opierać się będzie na przeprowadzeniu kompleksowej analizy polskich unormowań z perspektywy międzynarodowej przez pryzmat zapewnienia równości między pracą a kapitałem.

I.

The main objective of the paper hereto is to conduct analysis regarding the compliance of the recognition of lockout with the doctrine of civil society. The secondary purpose of the article which applies only after confirming the conformity of two presented assumptions is the optimalization of the exercising of lockout by the employers' organizations which allows for possibly efficient practical realization of the civil society concept (including all its ingredients). The author will mainly operate with the usage of the legal dogmatic method with some limited implementation of the comparative analysis.

To commence such considerations it is essential to define the basic terminology of the paper. With reference to the institution of lockout, the author

will rely upon the definition proposed by J. Witkowski. According to this author, lockout can be understood as:

- Immediate, unilateral and collective dissolution of the individual work relation which combine the employer with his workers who are taking part in the progressive collective action
- Immediate, unilateral and temporary suspension of reciprocal obligations arising from the relation of work which lasts until the new regulation of the contentious matters
- Immediate and real closure of the working place encompassed by the workers' protest in order to cause the results analogous to the results of the liquidation of working place².

Such understood lockout shall be differentiated from workers' strikes and other kind of collective actions. While establishing the definition of strike, one shall again refer to the definition established by Fifteenth International Conference of Labour Statisticians, according to which strike is understood as temporary work stoppage effected by one or more groups of workers with a view to enforcing or resisting demands or expressing grievances, or supporting other workers in their demands or grievances³. As *expressis verbis* presented in the definition hereto, the right to strike is directly associated with workers and their interests, such as for instance working conditions, remuneration, social services as well rights and freedoms of workers and other groups which are entitled to associate in trade unions⁴. Such constructed definition undoubtedly serves upon proof of thesis that the term of lockout is not included in the definiens of strike as the terms of workers and employers are not equivalent, but rather opposite to each other. In constitutions of many European States such notion has been additionally confirmed by description of strike with the adjective "worker's".

Subsequently, it is essential to define the concept of civil society which has been established within the Art. 12 of the Polish Constitution from 1997. In

² J. Witkowski, *Prawo pracodawców do lokautu*, "Roczniki Administracji i Prawa" 2014, no. 14/1 p. 240.

³ European Trade Union Institute (2016). Interactive map on strikes in Europe from: <https://www.etui.org/Topics/Trade-union-renewal-and-mobilisation/Strikes-in-Europe-version> (3.07.2016).

⁴ Ibidem.

conformity with the presented provision, the “Republic of Poland ensures the freedom for creating and functioning of the trade unions, social occupational organizations of agriculturists, association, citizens’ movements and other voluntary associations or foundations”⁵.

Firstly, it must be emphasized, that the placement of such provision has been a result of consciously applied measure as it shall not safeguard certain human right or freedom, but prescribe a rudimentary system principle of Polish constitutional order⁶. Secondly, the presneted regulation expresses the principle of the union pluralism which shall be differentiated from the political pluralism. Such notion has been a derivative consequence of the statement that civil society as the indispensable condition for the human development⁷. In this context it must be said that the civil society cannot be identified only with the presence of pluralistic institutions which are able to balance the State authority. Such definition is incomplete as it indicates only one of its core elements. According to E. Gellner, the civil society shall be accompanied by the spirit of citizenship which imposes upon citizens the liability and duties connected with the public law and with economic growth⁸. The citizens spirit has been understood as *sui generis* moral consciousness regarding obligations and loyalty towards the others and something which Gellner describes as free market of political ideas and obligations⁹.

All of the presented elements will play a vital role in establishment the relation between recognition of lockout and civil society. Such problem shall be considered from various persepctives which are already underlined through the very essence of the civil society concept. On one side, the civil society requires the just balance between the rights of workers (duties of employers) and employers (duties of workers) as well as mutual liability for each other. Moreover, such perspective must also take into account the element of eco-

⁵ Constitution of the Republic of Poland from 2 April 1997 (Dz.U. no. 78, item 483).

⁶ W. Sokolewicz, M. Zubik, [in:] *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, T. I, eds. L. Garlicki, M. Zubik, Warszawa 2016, LEX.

⁷ W. Skrzydło, *Konstytucja Rzeczypospolitej Polskiej. Komentarz*. Warszawa 2013, LEX.

⁸ E. Gellner, *Conditions of Liberty: Civil Society and its Rivals*, London 1996, p. 184; D. Pietrzyk-Reeves, *Idea społeczeństwa obywatelskiego: Współczesna debata i jej źródła*, Toruń 2012, p. 234.

⁹ E. Gellner, *op.cit.*

conomic growth which constitutes a benefit all of the engaged groups but shall not prevail over their liability within the labour relation.

II.

This part of the article shall be commenced with a variety of functions of the civil society as understood by the virtue of the Art. 12 of the Polish Constitution. According to the statement of M. Safjan and P. Sarnecki: “for the concept of civil society one of the most significant factors is the idea of social dialogue which sets down the relation not only between the citizens and public authorities, but also between the different social groups – for instance between the labour and the capital. Such construction allows for protection of various interests and elaboration upon the compromising solutions. Such notion plays a key role for the perception of application of the principle of civil society within the labour relations”¹⁰.

From this perspective it is vital to pose a question whether the shape of the Art. 12 of the Polish Constitution ensures the just balance between the labour and the capital or leads to special consideration of certain party of the labour relation. At first, it is important that the literal resonance of the analyzed provision contains a direct referral only to creating and functioning of the trade unions, while it conceals the issue of employers’ organizations. Despite that, such observations cannot be deemed as a resolution of this dilemma as Art. 12 constitutes an open catalogue of the associations which may be created by the citizens. It has been proved by the opinion of J.P. Tarno who stated that Constitution prescribes a variety of organizational forms for the realization of the citizens’ freedom of association and the catalogue of the social organizations’ stated out in Art. 12 is not exhaustive. Therefore, for a citizen in order to realize his intentions can choose such kind of social organization which is the most beneficial for him”¹¹.

¹⁰ M. Safjan, P. Sarnecki, [in:] *Konstytucja RP. Tom I. Komentarz do Art. 1–86*, eds. M. Safjan, L. Bosek, Warszawa 2016.

¹¹ J.P. Tarno, *Glosa do uchwały NSA z dnia 12 grudnia 2005 r., II OPS 4/05, Teza no. 3, ZNSA 2006/1/150*.

An important hint for the solution of the presented problem can be derived from the Art. 59 of the Polish Constitution. By the virtue of Art. 59 (1), the freedom of association within the trade unions, social occupational organizations of agriculturists and the employers' organizations shall be ensured. Moreover, Art. 59 (2) stipulates that the trade unions as well as employers and their organizations are entitled to conduct the parley, particularly in order to resolve the collective disputes and to enter into collective bargaining agreements as well as other contracts. It is also vital to take into account the Art. 59 (3) sentence 1 which prescribes that trade unions are entitled to undertake the workers' strikes as well as other forms of collective bargaining within the limits specified in the statutory law¹².

In this context it is essential to differentiate between two rudimentary terms, such as the freedom of associations in labour relations as well as right to strike and other forms of collective bargaining. It shall be emphasized that under the Art. 59 of the Polish Constitution, the freedom of association in labour relations as well as entitlement to conduct parley is granted to both: trade unions and the employers' organizations. Oppositely, with reliance upon the literal resonance of the Art. 59 (3) right to strike as well as different forms of collective bargains seems to be conferred only to trade unions with exclusion of the employers' organizations. Such construction has been confirmed by the opinion of W. Sanetra, who stated that by the virtue of the Art. 59 of the Polish Constitution can be drawn the conclusion that the right to parley encompasses the sole possibility of conducting the parley as well as facility of legal conducting of collective disputes and entering into collective bargaining agreements as well as other agreements, but does not contain the right to organize strikes and other forms of collective bargaining¹³.

Taking into account the previous remarks, the core question remains which value-choosing between the special consideration for workers and their right to strike or the just balance between the labour and the capital is perceived as core value from the perspective of the Polish Constitution. Unfortunately, such issue had not been clearly resolved within the Polish legal system. As it was previously stated, one of the primary implications of

¹² Constitution of the Republic of Poland from 2 April 1997, op.cit.

¹³ W. Sanetra, *Wyrok przeciwko Turcji a sprawa polska*, "Praca i Zabezpieczenie Społeczne" 2009, no. 5, pp. 2–10.

the Art. 12 of the Polish Constitution is the existence of union pluralism. According to the presented doctrine, there are different and other than political spheres in which the social activity is purposeful or even essential. Certainly, one of such areas is the defense of the economic and social interests of the workers'. Therefore, within this area the activities are undertaken by the trade unions. Furthermore such remarks are also clearly visible within the jurisprudence of the Polish Constitutional Court. In compliance with its judicial practice: "due to engagement of collective organizations (first of all trade unions) the efficient (and therefore autonomous) protection of the workers, whose position in the collective negotiations is usually weaker in comparison with the employers, has been possible. Consequently, in the functioning of the trade unions it is possible to find one of the vital elements of the civil society"¹⁴.

However, the author of the paper presents the opinion that the situation while the workers' are encompassed with full scope of legal protection and simultaneously employers are not eligible for any form of collective bargaining remains contrary to the very essence of the civil society principle as such concept aims at protecting the justified interests of the various social groups. Undoubtedly, the scope of such legal protection may and even shall be differentiated for employers' and workers' forms of collective bargaining. However entire deprivation for the employers to undertake certain form of collective bargaining also renders illusory their right to association within the area of the labour law¹⁵. It shall be also emphasized that the protection of both: employees and employers is crucial from the perspective of economic growth which can be achieved through a balance between the labour and the capital. Such remarks had been confirmed through the observation of W. Sokolewicz and M. Safjan. Both aforesaid authors stipulated that: "an article 12 of the Polish Constitution are conferring certain guarantees to the trade unions and conceals their natural partners which are the organizations of the employers. It might be expected that the constitutional legislator will establish an adequate framework for functioning of all these units which cooperation and dialogue shall be perceived as the fundament for creation of the social or-

¹⁴ Judgment of the Polish Constitutional Court from 7th April 2003, P 7/02.

¹⁵ T. Hervey, J. Kenner, *Economic and Social Charter under the EU Charter of Fundamental Rights: A legal perspective*, Oxford 2003, p. 74.

der. The employers' organizations are granted the same constitutional guarantees as other voluntary associations. However such provision creates an impression of preference for the trade unions as well as a shaken balance between the parties to the social dialogue"¹⁶.

As presented within this article the Polish Constitution does not provide a clear solution regarding the relation between the legal recognition of lockout and the notion of civil society. Although there are many arguments against granting the organizations of employers the specific right to undertake certain form of collective bargaining, none of them automatically excludes its conformity with the constitutional provision. Such thesis will be purported in the latter part of the article hereto with reference to standards adopted by the Council of Europe as well as some of its Member States.

III.

This part of the paper shall be initiated with the referral to the provision of Art. 59 (4) of the Polish Constitution. According to an aforesaid regulation, the scope of the freedom of association within the trade unions and the employers' organizations and other union freedoms can be subjected only to such limitations which arise from the legislative measures which are acceptable under the binding for Republic of Poland international agreements¹⁷. In such context, it shall be stated that an aforesaid provision creates an independent legal basis for the application of international treaty within the Polish legal system. Within the analyzed scope, an international treaties are implemented independently from the fact whether they became a source of Polish commonly binding law within the meaning of the Art. 91(1) of the Polish Constitution. As a result, the act of Parliament which restricts the union freedoms to a wider degree than an international agreement is deprived of the legal authority primarily as an unconstitutional regulation and secondary as a contradictory to the international agreement¹⁸.

¹⁶ M. Safjan, W. Sokolewicz, [in:] *Konstytucja RP. Tom I...*

¹⁷ Constitution of the Republic of Poland from 2nd of April 1997, op.cit.

¹⁸ L. Florek, *Zakres ograniczenia wolności związkowych (Art. 59 ust. 4 Konstytucji)*, "Państwo i Prawo" 2000, no. 12, s. 3.

Such notion poses a question whether, taking into account regional and international solutions, it is possible to claim existence of certain uniform standard, at least among the European States. Such considerations shall be commenced with referral to the regulations established within the European Union. One of the grounds for such situation arises from the literal resonance of Art. 153(5) of the TFEU which states out that the matters of association as well as strike and lockout are excluded from the legislative competences of the European Union¹⁹. However, such provision does not exclude the existence of certain (at least partial) regulation of the European law regarding the right to lockout. Although the general shape of the relation between the right to strike and lockout has been attributed to the domestic legal systems of certain member States, it must be stipulated that regulations of the EU create some recommendation regarding the labour disputes resolutions. In this context, it is worth to recall the provision of the point 11 of the Community Charter of the Fundamental Social Rights of Workers which constitutes the right to collective bargaining, including strikes. Despite the lack of explicit mention of the right to lockout, such regulation encompasses the full category of collective bargaining, which does not give the precise answer to the presented issue. Similarly, under the provisions of the Art. 28 of the Charter of Fundamental Rights of the EU²⁰, workers and employers, or their respective organizations, have, in accordance with community law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action²¹. The resonance of the last of the presented terms is stronger as employers and their organizations are expressly mentioned among its addressees. As the employers cannot be subject of the right to strike, so consequently they shall be guaranteed the different form of defending their interests. Undoubtedly lockout shall be perceived as one of such forms.

¹⁹ Consolidated version of the Treaty on the Functioning of the European Union, Official Journal C 326, 26/10/2012 P. 0001–0390.

²⁰ Charter of the Fundamental Rights of the European Union, 2012/C 326/02, OJ C 326, 26.10.2012, pp. 391–407.

²¹ *The Lisbon Treaty and Social Europe*, ed. N. Bruun, Portland 2012, p. 66.

While analyzing the presented problematics, the particularly crucial meaning shall be attributed to the Art. 6 (4) of the revised version of the European Social Charter which has been enacted in Strasbourg on the 3rd of May 1996, under the auspices of the Council of Europe. In accordance with the analyzed provision, with a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake 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 comparison the regulations of the Art. 6(4) of revised version of ESC with the Art. 28 of the Charter of the Fundamental Rights of the European Union, one shall easily observe that the first of the presented provisions guarantees such right not only to the employees, but also employers. Despite the fact that as it was claimed by the majority of doctrine, the European Social Charter does not explicitly stipulate the right to lockout, the assumption of the inadmissibility of the right to lockout will mean that the guarantees towards employers are simply illusory.

Such remark has been confirmed by the practice of the European Committee of Social Rights which has recognized lockout as the basic form of the employer interests protection. Nevertheless ESCR does not require member States to regulate the institution of lockout through the national legislation²², but simultaneously the situation when lockout would be classified as a delict is considered to be the violation of European Social Charter²³. The tendency of conferring to employers wide possibility to exercise lockout was visible in the turn of 70. and 80. years of the XX century. In the aforesaid period, lockout has been perceived as a principle of general character, while its restrictions were deemed to be incompatible with European Social Charter or acceptable only in the minimal scope. This tendency has been overruled in 1984, when according to the statement of the vast majority of the doctrine, the concept of unlimited right to lockout has been replaced with accurate restrictions. The

²² W. Seroka, *Możliwość ratyfikowania przez Polskę artykułu 6 paragraf 4 ZEKS, dotyczącego prawa do akcji zbiorowej*, "Monitor Prawa Pracy" 2016, no. 9, <http://czasopisma.beck.pl/monitor-prawa-pracy/artukul/mozliwosc-ratyfikowania-przez-polske-art-6-4-zeks-dotyczacego-prawa-do-akcji-zbiorowej> (25.07.2016).

²³ Conclusions I, 39; F. Pennings, *Social Responsibility in Legal Relations: European and Comparative Perspectives*, New York 2008, pp. 486–492.

consequence of such approach is the notion that the competent State authorities may introduce limitations of the exercising of lockout with the reservation that both: legislations and decisions of the judiciary bodies will not cause the denial of the aforesaid right²⁴.

Such notion confirms the thesis that the judicial practice of ESCR enables for the wider scope of limitation of lockout than is permitted by the virtue of Art. 31 (3) of the Polish Constitution. As a consequence, if one anticipates the existence of the lockout guarantee within the Polish legal system (by the virtue of previously analyzed standards of the European Union and the Council of Europe), then in accordance with Art. 31 (3) of the Constitution, it might be limited only through the legislative measures. The possibility of its limitation also by the activity of judiciary power may blight the chance of efficient protection of the entitlement to lockout for the employers' organizations. Secondly, the construction of double references (Polish Constitution contains reference to the international treaties, while the European Social Charter makes a referral to the domestic solutions of certain member States) vitally threatens the legal certainty by creating the "vicious circle". What is more, the assumption that the international treaties provide the existence of certain uniform standards is a legal fiction. In this context, it is suffice to recall to the literal resonance of Art. 8 (1) (d) of ICESCR, which prescribes a relatively wide scope of protection for the right to strike under the condition of its conformity with the laws of the particular country without any reference to the recognition of lockout. According to the vast majority of doctrine, "it was deliberate choice not to mention lockout in the text"²⁵. The same skepticism towards the institution of lockout had been visible within the ILO Convention no. 87²⁶.

Such thesis implies a question: which international standards shall impact the Polish regulations regarding the relation between the existence of lockout and civil society. The biggest dilemma relies upon the fact of vivid inco-

²⁴ F. Pennings, *Social Responsibility*, op.cit., pp. 486–492.

²⁵ B. Israel, *Introduction to strikes and lockouts. A comparative perspective*, "Bulletin of Comparative Labour Relations" 1994, no. 29, p. 14.

²⁶ H. Wiczanowska, *Dopuszczalność instytucji lokautu – rozważania z perspektywy Europejskiej Karty Społecznej oraz polskiego i amerykańskiego porządku prawnego*, "Rynek, Społeczeństwo, Kultura" 2016, no. 1(17), pp. 66–76.

herence between the standards adapted within the regional European system and the universal system based on the existence of United Nations Organization. Another feature is relatively wide margin left to domestic solutions of certain member States, which currently denies the possibility of creating single uniform standard. On one hand, it shall be stated that the recognition of lockout as the measure to resolve the collective disputes is clearly justified by the regulations of international law. The author of the article generally adheres such view, however even taking into account the standards elaborated by the Council of Europe allow for wide degree of variety among certain countries. Moreover the European *acquis* is strongly linked to the heritage of International Labour Organization which was strongly visible in the judicial practice of European Court of Human Rights²⁷. With the high degree of probability, the EctHR will recognize the necessity of lockout protection exclusively in case when the vast majority of States and international organizations, including ILO would confirm its legitimacy²⁸. What is more, such problem cannot be resolved without establishing one coherent definition of the concept of “equality between the labour and capital” as such concept has been used by both: adherents and opponents of the recognition of lockout protection²⁹. Generally it must be stated that such concept constitutes the primary justification of legitimacy of both – strikes and lockouts within the German constitutional order. However the main restriction of their application is the fact that strike and lockout are perceived as *ultima ratio*, which means that they are only acceptable if constituting ultimate and necessary measure to resolve the collective dispute³⁰.

²⁷ Judgment of Demir and Baykara v. Turkey from 12th November 2008, no. 34503/97.

²⁸ The right to strike had been recognized as a component of the freedom of association (Art. 11 ECHR) upon the basis of the consensus among member State to recognize the necessity of protecting the right to strike.

²⁹ The Author of the article presents the argument of just balance or equality between the labour and the capital as the disadvantage of legal recognition of lockout. However the same concept is often reiterated by the opponents of protection towards admissibility of lockout. Vide R.B. Israel, *op.cit.* and T. Blanke & E. Rose, *Collective Bargaining and Wages in Comparative Perspective: Germany, France, the Netherlands, Sweden and the United Kingdom*, the Hague 2005.

³⁰ H. Wiczanowska, *Mutual Relationship Between the Frequency of the Right to Strike and Recognition of the Right to Lockout within the Legal Systems of Selected European States*, “Toruń International Studies” 2016, no. 1(9), pp. 87–101.

IV.

To conclude the presented paper, it must be stated that the concept of civil society itself does not exclude the possibility of legal protection towards institution of lockout. Moreover, the assumption of protecting the interests of various social groups as well as aiming at achievement of economic growth has been perceived as the part and parcel of the idea of civil society.

As confirmed within the conducted analysis, the regulations of Strasbourg system create the strong legal grounds for the recognition of the institution of lockout in order to genuinely protect the legitimate interests of the employers. However, the European Social Charter does not intend to unify the solutions adapted by various member States and consequently does not impose upon State the obligation to protect lockout through legislative measures. Therefore, despite the Polish standards do not constitute the violation of the European Social Charter, it will be highly recommended to regulate the admissibility of lockout within the legislative measure to ensure the principle of legal certainty. In the opinion of the author, such regulation will significantly contribute to the realization of the civil society concept in accordance with the Art. 12 of the Polish Constitution.

Literature

- Blanke T. & Rose E., *Collective Bargaining and Wages in Comparative Perspective: Germany, France, the Netherlands, Sweden and the United Kingdom*, Hague 2005.
- The Lisbon Treaty and Social Europe*, ed. N. Bruun, Portland 2012.
- Florek L., *Zakres ograniczenia wolności związkowych (Art. 59 ust. 4 Konstytucji)*, "Państwo i Prawo" 2000, no. 12.
- Gellner E., *Conditions of Liberty: Civil Society and its Rivals*, London 1996.
- Hervey T., Kenner J., *Economic and Social Charter under the EU Charter of Fundamental Rights: A legal perspective*, Oxford 2003.
- Israel B., *Introduction to strikes and lockouts. A comparative perspective*, "Bulletin of Comparative Labour Relations" 1994, no. 29.
- Pennings F., *Social Responsibility in Legal Relations: European and Comparative Perspectives*, New York 2008.
- Pietrzyk-Reeves D., *Idea społeczeństwa obywatelskiego: Współczesna debata i jej źródła*, Toruń 2012.

- Safjan M., Sarnecki P., [in:] *Konstytucja RP.T. I, Komentarz do Art. 1–86*, eds. M. Safjan, L. Bosek, Warszawa 2016.
- Seroka W., *Możliwość ratyfikowania przez Polskę artykułu 6 paragraf 4 ZEKS, dotyczącego prawa do akcji zbiorowej*, "Monitor Prawa Pracy" 2016, no. 9.
- Sokolewicz W., Zubik M., [in:] *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, T. I, eds. L. Garlicki, M. Zubik, Warszawa 2016.
- Tarno J.P., *Glosa do uchwały NSA z dnia 12 grudnia 2005 r., II OPS 4/05*, Teza no. 3, ZNSA 2006/1.
- Wiczankowska H., *Dopuszczalność instytucji lokautu – rozważania z perspektywy Europejskiej Karty Społecznej oraz polskiego i amerykańskiego porządku prawnego*, "Rynek, Społeczeństwo, Kultura" 2016, no. 1(17).
- Wiczankowska H., *Mutual Relationship Between the Frequency of the Right to Strike and Recognition of the Right to Lockout within the Legal Systems of Selected European States*, "Toruń International Studies" 2016, no. 1(9).
- Witkowski J., *Prawo pracodawców do lokautu*, "Roczniki Administracji i Prawa" 2014, no. 14/1.