

The fact of introducing relatively complex regulation concerning the issue of trade union freedoms and its limits on the constitutional level proves that this issue is particularly important for both the national lawmaker and the society. Solidarity, dialogue and cooperation between social partners should be seen as the basis of the economic system of the Republic of Poland (Article 20 of the Constitution of the Republic of Poland). In order to assure appropriate process of shaping legal and economic order through social dialogue of three partners – the state, employers and employees’ representatives - it is necessary to create legitimate and functional frameworks that shall guarantee adequate degree of freedom of coalition and action of trade unions and employers’ organisations.

However, we shall not forget that there are no absolute freedoms and rights. Therefore, in order to assure proper functioning of all legally recognised freedoms it is necessary to shape and define its relevant legal limits. In that connection, it seems that the constitutional lawmaker has decided to rely on international standards, as the Polish Constitution on the field of legal limits of freedom of association and other trade union freedoms directly refers to binding international agreements (Article 59(4) of the Constitution of the Republic of Poland). Consequently, in order to properly determine or evaluate existing limitations of trade unions freedoms it is necessary to identify specific standards coming from extensive provisions of international agreements and then refer such standards to particular solutions adopted under the national law. Undisputed complexity of presented issue proves also that focusing precisely on those aspects which restrict trade union freedoms should be considered as a necessary step to conduct more detailed and relevant study on the nature of trade unions freedoms.

The research project aims to answer the question about the way in which the national legislator restricts trade union freedoms and how such limitations should be formed in accordance with standards coming from binding international agreements. The path to reach so defined main objective of the research project will be based on the analysis of current legal system in terms of existing legal acts, actual judicature, literature and chosen statistical data regarding European and worldwide labour movements.

The issue presented in the research project is important and remains relevant, especially in the light of dynamic evolution of labour market that forces national labour movements to evolve and adapt to changing reality. Identification of functioning limitations of trade union freedoms can lead to the conclusion that current legal system has to be adapted to the needs of the modern world. The results of the research, presented in the form of monograph and scientific articles, can contribute to the national collective labour law doctrine. The research project also has practical potential that may be utilised by lawyers or other state functionaries, who are in constant contact with social partners.