

Description for general public:

Since the beginning of the 1990s Poland has been observing the development of flexible forms of employment. One of such forms of flexible employment is "self-employment", also referred to sometimes as "working for yourself", "independent economic activity", or "economic activity carried out by natural persons". In accordance with the Labour Force Survey (LFS), in the second quarter of 2017, the self-employment level in Poland accounted for 17.5% of all labour force and this is a much higher index than the UE average, which fluctuates around 16%. The total number of people working on their own account, based on the quoted research, amounts to 16,496 thousand, the considerable majority of whom are men (68.5% of population) and inhabitants of rural areas (52.8% of population). Self-employment is predominantly represented in the services sector, where more than half of the employees are sole traders.

The most important reason of the growing popularity of self-employment is the necessity of cost reduction by the contracting entity (offloaded onto the self-employed) and flexibility of production process (the principal may easily get rid of the self-employed worker). Development of self-employment is an important mechanism for tackling unemployment and professional activation of people out of work and constitutes an important factor in the reduction of the so called 'grey zone'. The increased interest in self-employment can also be explained by the social manifestation of such attitudes as resourcefulness and creativity.

Despite the fact that self-employment is common in present economic relations, the binding legal regulations to the extent of self-employment are insufficient. There is no comprehensive regulation, which would standardize fully and completely the most significant aspects of the work of those operating within the self-employment framework, such as the principles of the provision of services, conditions of work, scope of social and insurance protection and the specific legal status of such workers. Polish lawmakers show no coherent approach to the concept of self-employment, whereas the legal solutions regulating the situation of this category of workers are fragmented and random. This causes a number of controversies and doubts, both in the doctrine of law and judicial decisions, making the status of this group of workers unclear. Additionally, the legislature does not guarantee self-employed persons, the full protection of the workers employed on the basis of the employment relationship. In *de lege lata* Polish law, persons providing work (services) under civil law contracts are safeguarded by law with respect to: life and health, which concerns all workers (also the self-employed) performing their job at the premises of the employer; ban on discrimination and the requirement of equal treatment in employment; guaranteed minimum pay and protection of the remuneration for work as well as protection of maternity and parenthood. Another issue is the so-called bogus self-employment, which, as a pathology, is now a great social problem. It refers to the situation in which a natural person (a former employee) is pressurized to become self-employed and carry out the existing obligations for the benefit of the former employer in terms of subordination to the place, time and manner of work. It is estimated that over one million people in Poland are bogus sole traders violating the legal regulations in force in Poland.

The increasing commonness of self-employment, importance of the issues related to this phenomenon and no comprehensive regulation, which would standardize fully and completely the most significant aspects of the work of those operating within the self-employment framework justify the need for the in-depth theoretical research into the legal aspects of self-employment. The main objective of the foregoing research project is to provide a comprehensive legal analysis of the institution of self-employment, not only from the perspective of the legal regulations and the judicature in force in Poland, but also in terms of the solutions existing in international and European Union law, as well as in selected European countries. The project authors assume that it is justifiable to extend the protection of labour law regulations for those self-employed persons who perform work under conditions of economic dependence on the contracting entity, understanding at the same time that the scope of this protection may not be as wide as the one granted in case of genuine employment relationship. In the doctrine of the law there are opinions, that self-employed workers should also benefit from the protection of working time and the right to leisure. It is as well important to discuss the way of increasing the effectiveness of the legal mechanisms in force in Poland facilitating individuals to undertake work on a self-employed basis as well as increasing the effectiveness of legal measures used in tackling the problem of bogus self-employment. One of the most significant objectives of the project is an attempt to develop a coherent and comprehensive model of prevention of bogus self-employment, which will join solutions and mechanisms provided for by labour, tax and social security law.