

International Labour Office
Geneva, Switzerland

Legislative Series
1931 — Pol. 2

POLAND 2

Acts and Order: Employment of Women and Young Persons

A) *Ustawa z dnia 7 listopada 1931 r. w sprawie zmian i uzupełnień niektórych postanowień ustawy z dnia 2 lipca 1924 r. w przedmiocie pracy młodocianych i kobiet. (Dziennik Ustaw, 25 listopada 1931 r., no. 101, poz. 773, str. 1636.)*

Act to amend and supplement certain provisions of the Act of 2nd July, 1924¹, respecting the employment of women and young persons. Dated 7th November, 1931.

1. The following amendments and additions shall be made to the Act of 2nd July, 1924¹, respecting the employment of women and young persons (Dz. U.R.P. no. 65, poz. 636).

(1) The following new sections 5a and 5b shall be inserted after section 5:—

“ 5a. Young persons may be employed in all the undertakings covered by this Act up to a fixed percentage of the total number of adult employees engaged in the undertaking.

“ This percentage shall be fixed by the Minister of Labour and Social Welfare for particular classes of employment taking into account the size of the undertakings, after consultation with the chambers of industry and commerce, the chambers of handicrafts and the trade organisations of employers and employees, by Orders issued in agreement with the Minister of Industry and Commerce or the other Ministers concerned in the case of undertakings which are directly subordinate to them. The said Orders may apply to the whole country or to particular administrative districts.

“ 5b. If the number of young persons employed exceeds the number permitted, the labour inspector may order the number of young persons employed to be reduced to the prescribed percentage, by instructions issued in pursuance of section 23 of the Order of the President of the Republic dated 14th July, 1927², concerning the labour inspectorate (Dz. U.R.P. no. 67, poz. 590).”

(2) The following new sections 7a and 7b shall be inserted after section 7:—

“ 7a. The employment of young persons without remuneration shall be prohibited. It shall likewise be unlawful for an employer to accept a fee for training a young person.

“ The amount of the remuneration payable to a young person shall be fixed exactly in the contract and entered in the register which must be kept in pursuance of section 11 of this Act.

“ The Minister of Industry and Commerce and the Minister of Labour and Social Welfare shall issue special rules for the administration of the provisions of the preceding paragraphs of this section and rules for the exceptions to the provisions of this Act for apprentices

¹ Legislative Series, 1924 (Pol. 2); amendments, 1925 (Pol. 2, B), 1926 (Pol. 1).

² Legislative Series, 1927 (Pol. 8).

Price 2d. (4 cents)

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who are employed under articles of apprenticeship drawn up in writing, by means of a joint Order in pursuance of section 116 of the Order of the President of the Republic dated 7th June, 1927³, concerning industrial law.

“ 7b. A contract entered into with a young person contrary to the provisions of section 5a or 7a of this Act shall be null and void by the fault of the employer.

“ If a young person is employed contrary to the provisions of section 7a he shall be entitled to wages for the whole period of the employment.

“ The amount of the wages shall be fixed in conformity with the principles laid down in section 41 of the Order of the President of the Republic dated 16th March, 1928⁴, concerning the contract of employment of wage-earning employees (Dz. U.R.P. no. 35 poz. 324).”

(3) Section 17 shall be amended to read as follows:—

“ 17. Any person guilty of a contravention of the provisions of this Act shall be liable to a fine of not less than 200 nor more than 1000 zloty or imprisonment for not more than three months in the case of a first offence, and to imprisonment for not less than a fortnight nor more than three months in the case of a repetition of the offence.

“ The provisions laid down in the penal laws respecting mitigation of penalties shall not apply to the offences specified in this section during the period down to 31st December, 1932.

“ The district labour inspectors shall be competent to give judgment in respect of the offences specified in the first paragraph of this section.”

(4) A new section 17a shall be inserted after section 17:—

“ 17a. If the industrial undertaking is not managed by the owner himself, the manager of the undertaking appointed in conformity with section 9 of the Order of the President of the Republic dated 16th March, 1928⁴, concerning the contract of employment of wage-earning employees (Dz. U.R.P. no. 35, poz. 324), shall be liable for the offences specified in section 17 of this Act.

“ The owner shall be liable jointly with the manager if the offence was committed with his knowledge or if he has not appointed a suitable manager.

“ If the owner of the undertaking has not appointed a manager for the undertaking, he shall himself be liable. If the owner of the undertaking is a body corporate, the persons who are competent to represent the interests of the body corporate shall be liable.

“ The provisions of this section shall be without prejudice to the provisions respecting complicity in an offence.”

(5) Section 20 shall be amended to read as follows:—

“ The Minister of Labour and Social Welfare in agreement with the competent Ministers shall be responsible for the administration of this Act”.

³ Extracts in Legislative Series, 1927 (Pol. 4).

⁴ Legislative Series, 1928 (Pol. 3).

2. The Minister of Labour and Social Welfare in agreement with the competent Ministers shall be responsible for the administration of this Act.

3. This Act shall come into operation on the date of its promulgation⁵.

B) *Ustawa z dnia listopada 1931 r. w sprawie ograniczeń w zatrudnianiu pracowników młodocianych na obszarze górnośląskiej części województwa śląskiego. (Dziennik Ustaw, 25 listopada 1931 r., no. 101, poz. 774, str. 1637.)*

Act to restrict the employment of young persons in the Upper Silesian part of the province of Silesia. Dated 7th November, 1931.

1. Young persons for the purposes of this Act shall mean persons (irrespective of sex) who have not attained the age of eighteen years — including apprentices in industry and handicrafts and improvers — who are employed in industrial, mining and metallurgical undertakings, in commercial undertakings and offices, in communications and transport and in other undertakings, even if the said undertakings are not carried on for gain provided that they are carried on on industrial lines, irrespective of whether the undertaking belongs to a private individual, the State or a commune.

2. (1) Young persons may be employed in all the undertakings covered by this Act up to a fixed percentage of the total number of adult employees engaged in the undertaking.

(2) This percentage shall be fixed by the Minister of Labour and Social Welfare for particular classes of employment, taking into account the size of the undertakings, after consultation with the chambers of industry and commerce, the chambers of handicrafts and the trade organisations of employers and employees, by Orders issued in agreement with the Minister of Industry and Commerce, or the other Ministers concerned in the case of undertakings which are directly subordinate to them.

3. If the number of young persons employed exceeds the number permitted, the labour inspector may order the number of young persons employed to be reduced to the prescribed percentage, by instructions issued in pursuance of section 23 of the Order of the President of the Republic dated 14th July, 1927², concerning the labour inspectorate (Dz. U.R.P. no. 67, poz. 590).

4. (1) The employment of young persons without remuneration shall be prohibited. It shall likewise be unlawful for an employer to accept a fee for training a young person.

(2) The amount of the remuneration payable to a young person shall be fixed exactly in the contract.

(3) The Minister of Industry and Commerce and the Minister of Labour and Social Welfare shall by a joint Order issue special rules for the administration of the provisions of the preceding subsections of this section and rules for the exceptions to the provisions of this Act for

⁵ i. e., on 25th November, 1931.

