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Work on Sundays and Public Holidays

Summary in English

This dissertation focuses on the problem of legal regulation of work on Sundays and public holidays in the Polish legal system. The considerations made are devoted to labor in the broad sense of the word, and are not limited only to labor in the context of the employment relationship.

The primary purpose of this dissertation is to try to answer the question of whether the regulations of general legislation in the field of Sundays and public holidays work are compatible with international standards and the Constitution of the Republic of Poland.

The author -as a starting point-presents how Sundays and public holidays work has been regulated in international law and European Union legislation, and what for Sundays and public holidays work follows from the Constitution of Poland. The analysis of constitutional norms is carried out in the spirit of the concept of weighing the values that result from constitutional principles.

One of the main goals of the dissertation is to collect and classify the normative material containing regulations of work on Sundays and public holidays, as well as to outline the relations occurring between these norms. Also of key importance are the considerations devoted to the very definition of Sundays and public holidays. Based on the selected material, the author makes a detailed analysis of the legal construction of work on Sundays and public holidays depending on the basis of employment and in economic activities such as trade. Particular attention is paid to cases of the permissibility of Sundays and public holidays work in situations where it has been prohibited by law in a particular area of employment.

The dissertation also includes a detailed discussion not only of the very issue of the permissibility of work on Sundays and public holidays, but also of other measures provided by law related to Sundays and public holidays work. We are primarily talking about compensation for permissible work on Sundays and holidays, as well as other obligations primarily of the employer, which the law imposes in connection with work on Sundays and public holidays. The evaluation of individual legal institutions is accompanied by a comparative analysis,

focusing in particular on the values expressed in the constitutional principles to be implemented by the legislator, the fulfillment of which should result from statutory solutions.

In addition, the thesis contains a detailed discussion of the regimes of liability for violation of the separate provisions regulating work on Sundays and holidays.

On the basis of the analysis, the author concludes and constructs *de lege ferenda* conclusions regarding the coherence of statutory solutions with higher-order norms.