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Summary of the doctoral dissertation entitled  
“European Union action in the field of wage setting”

The dissertation is dedicated to the matter of the European Union's (EU) competences and binding legal acts relating to the setting of wages. The overall objective of the dissertation is to analyse the legislative activity of the EU aimed at adopting binding acts relating to the setting of remuneration for work, in particular its minimum level or components, in the context of compliance by the EU legislators with the principle of conferral.

In the dissertation three main research hypotheses were identified to be verified by means of analysis. The first is based on the assumption that the provisions of the Treaties do not allow the EU institutions to enact laws affecting the level of wages in the Member States. In line with the second hypothesis – by adopting binding measures on minimum wages in the adequate minimum wages directive, the impetus for the adoption of which was provided by the European Pillar of Social Rights – the EU institutions (the European Commission, the European Parliament and the Council) exceeded the limits of powers conferred on them by the Treaties. According to the last research hypothesis, the change in the mechanism for the determination of remuneration of posted workers introduced by Directive (EU) 2018/957 constituted an unlawful interference by the EU legislator in the manner in which the remuneration of posted workers is determined, which led to distortion of the distinction between the posting of workers and the free movement of workers.

In the context of those hypotheses, four main research objectives were established, which form the axis of consideration within the respective chapters of the dissertation. The first research objective is to examine the development of the legal framework relating to wages. Hence, the first chapter is dedicated to the concept of wages and the adjectives used to describe their functions (minimum, decent), as well as the evolution of international and EU labour law, with a particular focus on the law on remuneration. That chapter also outlines the debate on the introduction of EU coordination of wage legislation, which has contributed to the evolution of EU legislation. The second research objective is to analyse the competences of the EU in the field of wages. Accordingly, the second chapter is dedicated to the examination of the EU competence in the field of social policy, including working conditions, and to an analysis of the concept of wages. Furthermore, the exclusion of pay

from the scope of the competences of the EU is examined and the views of legal academics and jurisprudence on the legal basis to be used for the adoption of an EU directive on wages are discussed. The third research objective is to examine the status of the European Pillar of Social Rights in EU law and whether it can form a legal basis for a binding legal act on pay, as well as whether the content of the adequate minimum wages directive, which is a binding legal instrument on wages adopted on a legal basis in the field of social policy, takes into account the limits of EU competence in the field of remuneration for work. Accordingly, in the third chapter the legal status of the European Pillar of Social Rights and its relevant content pertinent to the issue under examination are discussed. That is followed by an analysis of the purpose and content of the adequate minimum wages directive, allowing for an analysis of the legal basis used by EU legislators. The fourth research objective is to identify the differences in the context of EU law between a posted worker in the context of the provision of services and a worker benefiting from the freedom of movement of workers, as well as to verify the possibility of adopting a legal instrument on pay on a legal basis relating to the freedom to provide services without recourse to a legal basis in the field of social policy. For that reason, in the last chapter the freedom of movement of workers and the provision of services are briefly discussed insofar as to allow for a comparison between a worker benefiting from the free movement of workers and a posted worker. That is followed by an analysis of the posting of workers, including the issue of applicable law and the changes introduced by Directive (EU) 2018/957, highlighting the differences between that form of labour mobility and the movement of workers. That chapter concludes with an analysis of the legal basis of Directive (EU) 2018/957 relating to internal market freedom rather than social policy.