

## A WORKPLACE AS THE CENTRAL INSTITUTION OF LABOUR LAW. BUT ALSO AN ADMINISTRATION ENTITY?

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**Abstract.** A workplace, for the sole fact of being a public administration entity, would be realising a public interest. This allegation of legality of activity, and so of realising the rule of law, would also affect different application and practice of labour law. To be brief, labour law would receive a real chance of becoming “socially just.” And this would be achieved through the authority of the state, whose structural element would be a workplace.

**Keywords:** workplace, labour law and workplace, public interest in labour law

Dedicated to Prof. Maciej Świącki  
A Renown Polish Scholar  
On the 50th anniversary of death

### INTRODUCTION

One of the key theses expressed in a monograph by A. Sobczyk, titled “Zakład pracy jako zakład administracyjny,” apart from the one where the Author claims that a workplace is an administration entity, applies to a statement according to which a workplace constitutes the fundamental institution of the labour law. The author concludes in his monograph: “It turns out [...] that it is not the employment contract, but rather the workplace, that is the central institution of the entire labour law system. People do not work at an employer [...]. They work in workplaces.” He then follows: “The matter of the labour law is [...] solely the social policy [...]” [Sobczyk 2021, 277]. I believe that these conclusions made by A. Sobczyk reflect the nature of the modern, humanistic labour law, and to say more, of the Polish labour law, if the law is required to conform to the Constitution and international standards accepted by Poland. I cannot think of a more accurately expressed characteristics of labour law, whose aim is the well-being of humans. At the same time, I am aware that this means, sadly, even though I am noting this with a bit of satisfaction, that

the neo-liberal vision of labour law, forced by the Polish labour law doctrine especially in early 1990's and maintained throughout subsequent decades, when the focus was put on employment relationship understood as a reciprocal relationship, failed to prevail [Baran 2005, 165; Florek 2003, 16].

## 1. THE NOTION OF WORKPLACE IN LABOUR LAW

Still, as I have already written, this is only one of numerous theses expressed by A. Sobczyk. However, as I have already mentioned, it may be the most important one for me, because it establishes the absolutely correct vision for analysing the subsequent, detailed institutions (issues) with regard to the labour law, which is what I wish to focus on in this paper predominantly. The thesis expressed in the mentioned monograph, where the Author classifies a workplace as an administration entity, is another key one. This thesis constitutes a further consequence (on the grounds of a more advanced, legal qualification of a workplace) of acknowledging an absolutely fundamental importance of a workplace as a labour law institution. Although I believe that this issue calls for another paper and obtaining a “black & white” outcome may be difficult, unless certain pre-conditions are set, I remain deeply convinced that an analysis of a workplace in an analogy to an administration entity has a staggering potential in terms of understanding the normative nature of the entirety of the Polish labour law and presents itself to be highly useful in the process of, so to speak, de-privatisation of thinking of the law. To put things in order.

A. Sobczyk finds, very accurately, that the notion of a workplace is an absolutely central labour law institution, but follows, with equally high accuracy, that the workplace constitutes an institution “without which the discipline [labour law - A.M.] is impossible to understand” [Sobczyk 2021, 30]. He then proceeds to present, in details, the unimaginably complex legal structure of the institution of a workplace, citing a series of labour law stipulations and analysing them in minute details. One of his statements: “[...] a workplace has property and goodwill (Article 100(4)(4) of labour law). A workplace also has premises (Article 22<sup>2</sup> of labour law). We are also aware that a workplace has a structure and bodies, since it is subject to management (Article 18<sup>2</sup> of labour law). A workplace also has its laws (e.g., its own collective agreement).” Which is followed by: “A social labour inspector conducts inspections. The employer manages the workplace’s social benefits fund.” A. Sobczyk then goes on to conclude: “These are but a few elements with which we can, with some effort and with relative accuracy, define what a workplace is” [ibid., 30–31]. Particular attention should be paid to the following Author’s observation: “As a community, a workplace is characterized by goodwill (the workplace’s goodwill), meaning a total of conditions that optimise the growth of both the community’s members and the community itself. From the solidarity perspective,

the common good is justified in that private enterprises bear the costs of services and social transfers of employees. As a community, a workplace is an organisation of people where the rights and freedoms of its members are interfered with in order to achieve an optimal state, which justifies maintaining its autonomy in the name of the principle of subsidiarity” [ibid., 31].

An exhaustive, normative analysis of institutions of a workplace has led the Author to observe that a workplace is predominantly an immensely well organised structure, perfectly reflected in its “workplace order.” The Author presents the relation of the “workplace order” to the notion of “order in the labour process,” indicating a reduced scope of meaning of the latter, but most importantly discovers a massive content potential encapsulated in the notion of “workplace order.” Taking advantage of the Constitutional Tribunal’s jurisprudential *acquis*, A. Sobczyk creates the definition of order in a workplace and writes: “[...] the notion of order encompasses everything that creates conditions for the growth of individuals and societies. Therefore, the material sphere is also a value protected in the name of order. So, if the purpose of ensuring order in a workplace is to achieve optimal economic results, which is certainly the case, then we still have social order in our minds” [ibid., 63]. He then follows: “Yet that is not all. Acknowledging a man’s work as a form of self-fulfilment breeds the effect that just organising work so that it creates a possibility of development is an element of social order” [ibid.]. The employer’s obligation to ensure order in a workplace, and thus order in a labour process, is rightly by A. Sobczyk to be the employer’s meta-task [ibid., 64].

## 2. THE CONSEQUENCES OF THE NOTION OF WORKPLACE IN LABOUR LAW

Consequently, the author proceeds, in a natural way, to considering the problems of labour law sources. Understanding the importance of order not only in a labour process, but also more broadly, in a workplace, addressing labour law sources was unavoidable. However, the most important thing in A. Sobczyk’s considerations, speaking of law sources, constitutes, by virtue of being diligent and thorough, the real emphasis, apparently a first in labour law, of their completely fundamental importance on the ground of the legal setting of social work relationships. From the perspective of ensuring order in a workplace, the Author discovers, in a sense (because I have not seen such deeply driven considerations lately), a certain importance of work regulations. Following an in-depth analysis, A. Sobczyk shows, making a very fair point, that work regulations are a source of labour law, rather than an act of its application. Even more, he accurately argues that they are a source of internal law from the perspective of systematics of sources of law [ibid., 170]. The conclusion that there is an obligation, and not just “a right” to introduce

regulations in a workplace deserves special approval, since it brings very positive consequences in the aspect of building order in a workplace. The author appropriately states: “[...] a thesis may be postulated with relative confidence that the employer should introduce order-related regulations when, given the concentration of individuals performing work in one place, the rules of conduct should be **standardized** [emphasis by A.M.]” The explanation continues: “Within this context, the following statement may be made. Firstly, there is probably no reason to introduce work regulations at an employer with 49 tele-employees. Secondly, workplace regulations should be introduced in a workplace where 20 employees work and where 30, or more, so-called contractors, or self-employed individuals are employed, as long as they perform work in the same place and time. Especially that with regard to OHS, these individuals are subordinate to the «employer» and obligated to collaborate with them” [ibid., 180]. Finally, the author adds, again on point, on a case made by their monograph only seemingly complex, clarifying doctrinal debates around the issue of the rationale behind sobriety tests in a workplace, for which the Supreme Court has managed to amend its jurisprudential approach: “In the context of the performed analysis, there should be no doubts that work regulations specify the terms of being present in a workplace. These terms may, apparently obviously, apply to sobriety, being drug-free or undergoing an inspection” [ibid., 181].

Therefore, viewing a workplace in labour law aspect as its completely fundamental institution, specifically a reference point for determining the rights and obligations of work relationships, and at the same time emphasizing the importance of labour law sources in establishing workplace order, A. Sobczyk manages to find, in an obviously easy manner, answers to what he himself describes as “trivial” questions on, among else, the admissibility of sobriety tests for employees and non-employees as administered by the employer [ibid., 13]. I would say that these questions are “trivial,” but in a situation where, just like the Author did, one has covered the entire analytical process of the labour law system, because only then is the, so to speak, “internal” structure of the labour law visible, along with the labour law in the context of the entire legal system. The fact that so many, sometimes completely divergent views on these “trivial” questions have been expressed in discussions over the Polish labour law doctrine, and where the jurisprudence managed to radically shift its direction of thinking, to make matters worse, is the ultimate proof that the overhaul of the entire labour law system, without losing the necessity of considering its place in the context of other areas of law from the sight, has not happened, apart from the works of the mentioned Author. Otherwise, the answers to these “trivial” questions would be known and, consequently, it would be possible to move on to the more advanced labour law problems, thus functioning “more” in a humanistic world of labour and human rights culture,

which, in the context of the Polish level of labour law doctrine that still lingers at the level where labour law is treated as a commodity [Mitrus 2017, 356–57), whereas employment relationship, understood as a mutual obligation relationship is granted a key role in labour law theory [Stelina 2017, 93], all while completely ignoring the workplace.<sup>1</sup> After all, many professors and labour law experts protested to the idea of reviving the idea of a workplace as a community of people, rejecting the proposal to introduce the workplace institution to the labour law project that was in development from 2016 to 2018 [Musiała 2019, 139–53]. This is why it brings me a lot of joy that A. Sobczyk noticed the fundamental nature of the workplace institution in his monograph, consequently making the workplace institution a starting point for the remaining labour law analyses. The pleasure is even greater, because I am finally achieving coherence of the Polish labour law doctrine with the world's most renowned authors addressing the problems of the contemporary world.

I am now thinking about a book by Y. Mounk I recently read, “The People vs. Democracy” [Mounk 2019], which made me realise not only the importance of the topic of labour community, but actually the necessity to discuss it, if we want to stop the spread of populism, which we are now facing in Poland. According to the Author, the employment, understood as Monk attaching to a group, achieving a certain social status, allows us to remove cultural differences, find a plane of co-existence with various people, regardless of their race or religion. Seen in this way and performed in a certain community, our work also constitutes an entire set of social bonds that make life full of sense and order. The Author says: “When our acquired identity slips away, we generally revert to the «assigned» identity, consequently making our ethnic origin, religion and nationality crucial for our worldview.” He then goes on to say that in the world of social media all of this, meaning the differences, is magnified even further. [ibid., 283]. The need to submit to certain, imposed and commonly developed rules, in other words the need for heteronomy, was also addressed by A. Supiot, who also warned about the danger stemming from splitting communities and labour communities, followed by these specific, potential consequences in the face of different origins, ethnicities, etc. [Supiot 2019, 344].

It therefore seems that there are no doubts to what A. Sobczyk wrote, and what I have already mentioned, that: “People work in workplaces,” which also applies to the massive positive potential this thesis can bring, provided these

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<sup>1</sup> As indicated in the discussed monograph, A. Sobczyk notes in the *Labour Law System*, issued just three years ago, the notion of “a workplace” not only received its own editorial unit, but also, apparently, this notion has not been defined anywhere, despite many authors referencing it. As further accurately noted by A. Sobczyk, the same applies to the volume on collective labour law, which, after all and among else, applies to unions and collective disputes [Sobczyk 2021, 30].

communities are built correctly, under democratic rules. In other words, the issue is the role played by a workplace across numerous planes of human existence, starting with the fact that men find fulfilment through work, in relations with others, in that a workplace is a place of fulfilment of work related human rights, and finally in the context of work performed within a community with others pedagogical element is achieved, because people learn how to function together and respect other humans in a properly organized workplace, where the order has been created on the basis of the workplace law, rather than as a product of bilateral agreements. An effective tool of combating populist tendencies, and thus the progressing fall of civilisation, can only be achieved in a workplace organised in this manner, namely subject to transparency principles, which can only be achieved with democratically developed workplace law. Thanks to the Author, A. Sobczyk, we can enjoy these reflections in the Polish labour law literature – by finding an encouraging convergence with the results of analyses conducted by renown researchers from outside our scientific circle.

The thought presented by A. Sobczyk, about an employee's social status as the effect of their work in the workplace, also made me especially happy. So far, I was able to find this though only in Western European literature [Supiot 2002, 143; Dockes 2017, 448]. At any rate, it was pointless to look for it among the Authors writing about Polish labour law, most of whom representing a neo-liberal point of view and consequently writing about the labour law's protective function [Skąpski 2006], the employer's risk [Pisarczyk 2007] or business partners as the parties of work relationship [Stelina 2017, 93; Czerniak–Swędzioł 2017, 628–29), despite the fact that over 70 years passed since the adoption of the Declaration of Philadelphia.<sup>2</sup> On the other hand, *notabene*, the process that is intensifying as we speak, namely of “removing” the Polish legal culture from the Western civilisation and pushing us towards the state of social and economic collapse, may have already started

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<sup>2</sup> The Declaration of Philadelphia underscores the understanding of labour as a social value, not an exchangeable commodity; labour understood in this manner was to allow men to “find satisfaction from the fullest use of their skills, to fulfil themselves” and provide “the biggest input to common welfare.” The declaration is commonly known as the Constitution of the International Labour Organisation. On May 10, 1944, during the twenty sixth session in Philadelphia, the General Conference of the International Labour Organisation adopted the Declaration concerning the aims and purposes of the International Labour Organisation and principles that should inspire the policy of the Member States. The conference confirmed the basic principles on which the Organisation is founded, in particular: 1) labour is not a commodity; 2) freedom of expression and of association are essential to sustained progress; 3) poverty anywhere constitutes a danger to prosperity everywhere, 4) the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

right there and then. Going back to this thought with regard to the public status achieved by men working in a workplace, I wish to say that this turns out to be an unusually useful construct for the purpose of describing the situation of an employee in labour law, because it allows us to notice the importance of effects of fulfilling work related human rights. A man who finds employment, “enters,” so to speak, the entire social security system, thus gaining living guarantees, not only for themselves, but for their entire family [Sobczyk 2021, 115]. The Author, A. Sobczyk, takes his considerations even further, using the public status achieved by an employee through work to draw further conclusion and writes about the employee’s work as a service for the common good. He then notices: “Placing an employee as an individual performing public tasks as a part of a public law organisational unit explains numerous service elements present in employment, typical for relation with the state” [ibid., 118]. I am guessing the Author’s intents, presumably aiming at bringing back the real sense to the employee’s obligations with regard to diligent and thorough performance of their work and the care for their workplace – hence referencing the notion of service. However, it seems to me that calling on employee ethos may be insufficient [Musiała 2020]. I am writing this having in mind that the Author is familiar with the idea of noticing the public and legal nature of private law standards - and idea very accurately noticed by the Author anyway [Sobczyk 2021, 146].

Looking for an accurate legal characteristics of a workplace, the Author proposes treating a workplace as an administration entity. As I have already noted, facing this calls for a separate paper, in general a symmetrical one, i.e., a monograph, but most importantly it must be determined whether we are moving in the plane of *de lege lata* or *de lege ferenda*. The said proposal by A. Sobczyk – just as the Author wrote himself, and similarly, which he pointed out, the public nature of the workplace and its “centrality” in labour law theory – “rebuilds the way of thinking about labour law” [ibid., 277] and thus calls for very in-depth discussion. I do believe that his public workplace thesis and the fact a workplace is a central labour law institution do not necessarily require any “rebuilding of the way of thinking about labour law,” but only indicating that the current, doctrinal deliberations with regard to labour law were simply erroneous in that they failed to take into account the axiological assumptions of the Constitution in force. In short, the fundamental nature of a workplace in the context of labour law is very deeply rooted in the Preamble to the Constitution, where the role of communities in the structure of the social and state organisation is discussed, along with the principle of subsidiarity, but also where a claim is made that the Polish state respects human rights *in genere*, also meaning the social rights, which are realised in a workplace. After all, it is there that the realisation of subjective, public rights, connected with human labour, is done. Consequently, all considerations within the labour law,

not considering the importance of the subject of the law, namely the workplace, must be, in my belief, understood as performed with no respect for the social-economic order introduced by the Constitution in 1997.<sup>3</sup>

## SUMMARY

For me personally, orientating the thinking about a workplace as an administration entity, for now leaving the final result of the “zero-one” qualification, is extraordinarily valuable, because it somehow allowed me to completely free myself from a fully erroneous way of thinking of work relationship as a reciprocal obligation. Following the “test” which A. Sobczyk conducted in the context of examining the workplace as an administrative workplace, every fragment would convince me how very “public” a workplace is, and most importantly how fundamental the workplace law is for a workplace. Consequently, the issue of employment contracts, built with respect, although a limited one, for the principle of freedom of contracts, is marginalised. Still, I no longer have any doubts that an employee simply accedes to a workplace, which is the only possibility, as they enter a certain, existing arrangement. I can see the biggest “convergence” in the process of analysis of a workplace with an administration entity, apart from the fundamentality of workplace law in both cases, in administrative supervision over a workplace, similarly to the case of an administration entity. After all, the control and supervision over observing the law by the employer in a workplace are conducted by the National Labour Inspectorate. Simply speaking, looking at a workplace as an analogy to an administration entity – even if we ultimately question the “zero-one” qualification of a workplace as an administration entity *de lege lata* - constitutes immeasurably valuable considerations that allow to grasp the nature of work relationships and the characteristics of the employer’s legal situation, which mostly boils down to its legal competences conjoined with an employee’s

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<sup>3</sup> See a review by K. Ślebzak with respect to the post-doctoral dissertation of M. Bosak–Sojka, “Krytyka w stosunkach pracy,” on the basis of which one may get an impression that the community nature principle of a workplace is unknown to Professor Ślebzak. The reviewer wrote: “If we were to determine the subject of research after reading the reviewed monograph, a question arises whether it was supposed to be about: [...] the community nature of a workplace (whatever this notion refers to) [...]” This continues: “The last subchapter constitutes a sort of *novum*, as it features the aspect of the impact of criticism in work relationships, being a representation of the freedom of speech on the community nature of a workplace. [...] In my opinion this subchapter does not fit the title of chapter III or its purpose. I also have an issue with relating the chapter to the topic of the entire book and the purpose that boils down to determining the limits of permissible criticism within work relationship. I understand that this was about the fact that the good of the workplace’s community, whatever the origin of the good, may constitute independent grounds for limiting the law to criticism formulated by the parties to the work relationship.” Review received from the post-doctoral student.

obligations, so briefly speaking to authority, just like the case is with authority in an administrative entity. Even more, this optics of an administrative entity for a labour law entity allows to see the importance of the National Labour Inspectorate and, consequently, make a reflection that in neoliberal thinking of labour law, this particular institution could not have its rightful place. After all, its importance was being reduced through the labour law doctrine for the sake of economic freedom that shunned all sorts of limitations [Musiała 2016, 622–23]. *Notabene*, this is perfectly seen thanks to the incredibly far-reaching considerations that A. Sobczyk has been conducting with regard to the nature of the institution of the presence of a labour inspector.

Which is why I remain so grateful to the Author for the conducted analyses with regard to a workplace from the perspective of the institution of an administration entity. Because this is how, in a way, I became completely confident that effective labour law, i.e. labour law that is realised from the perspective of subjective rights, namely employee rights, which are *de facto* human rights, cannot be achieved without acknowledging the fundamentality of a properly functioning workplace, in other words a workplace that serves the man, where the man's subjective rights are realised, with the workplace based on democratic rules, ultimately meaning that workplace law is the point of origin for the workplace "life." Due to their scale, workplaces that operate in this manner may guarantee, and *de facto* constitute a major guarantee of a well-functioning society that participates in the state's decision-making processes and that understands the issue of responsibility. A mature society, in other words. And in the further perspective this means a society that does not yield to populism [Krastew 2013]. Which is why, may I add, I am very surprised by the voices of opposition of the labour law doctrine in Poland with regard to acknowledging the nature of a workplace that is based on deep democracy, which is only guaranteed by workplace law, making the workplace space public, along with effective supervision by the state – and, on the other hand, the criticism aimed at the today's government. It is as if the doctrine completely failed to understand the connection between raising standards with regard to the man's social rights and the people's political choices. After all, it is this neo-liberal labour law that significantly contributed to the populist rule in Poland. Reading the existing labour law handbooks, even cursorily, allows to see that the labour law's core is work relationship, being a bilateral obligation, created with the observance of the principle of freedom of contracts, outside the context of a workplace in which the work relationship is realised, and in general without automatically connecting this relationship to the state's supervision system, and actually while combating it.

The readers of this paper will not find it surprising that I consider labour law as a part of civil law, just as family or inheritance law are parts of civil law [Musiała 2020]. I categorically refuse to recognise law that is based on

obligation relationship in the understanding of Section 3 of the Civil Code. Reading A. Sobczyk's monograph has allowed me to even more clearly see the public nature of labour law as a part of private law. The difference between seeing labour law by A. Sobczyk and me is both "significant and insignificant." It is "significant" in that I consider labour law, although public, as regulated with a private-legal method. The Author, however, understands it as administration law, because he sees the law's main subject, namely a workplace, as a public administration subject. On the other hand, my view of labour law, where an employment contract is treated as an organising contract, all while acknowledging the fundamental nature of the workplace labour law and the far-reaching control conducted by the state's bodies, *de facto* nullifies any differences between us. I believe that in a state of law, a state that protects the rights and interests of its citizens, follows the principles of subsidiarity and proportionality – moderating administrative authority should be among the most important objectives [Zimmermann 2013, 143].

However, I am aware that the vision of labour law as a private law, despite its public nature and the ability to bring out the public interest, did not prevail. In fact, the practice of application of labour law in Poland for the last 30 years has led to its collapse. Viewing it through the angle of mutual obligation "blocked" seeing the fundamental importance of public interest [Musiała 2021]. As it is, it had to be blocked, because the essence of mutual obligation is the subjective equivalence (*do ut des*) [Idem 2020, 140]. It is true that throughout the entire time of existence of labour law after 1980, the commonly binding legal regulations under labour law were in force, but the perspective of reciprocity of obligations in work relationship was "thwarting" the public interest, which may also come from the legal regulation binding the private law entities [Radwański and Zieliński 2012, 374; Pisuliński and Zawadzka, 2020; Grochowski 2020; Wilejczyk 2020]. However, the "voracious" nature of Polish capitalism in 1990's left no hopes to labour law as law where private entities realise public interest, without categorically incorporating the workplace (the employer) within the public administration system. Anyway, after the abolition of the subject of a "workplace" as a community of people and given the trend of competition among businesses, mainly through human labour, so typical for semi-peripheral states, there remained no possibilities of noticing the public interest in labour law anymore. As an example, the practice of observing leave regulations may be indicated, where a leave would be granted without "seeing" this institution as one not only realising the employee's right to rest, but also fulfilling their family-related obligations, which did affect when a leave was granted and due to another fact that this unique case had to be considered against the background of the group. The above is evidently seen in the emergence of practice of obligating employees to maintain confidentiality with regard to remuneration, but most importantly

in the failure to respect the equality of remuneration outside a workplace (however, equality of remuneration was also completely disregarded in the said workplace).

In short, the low level of culture of the Polish society, meaning the ruthlessness of especially the first generation of entrepreneurs, but not only this, because the new elites as well, in particular the legal elites, those related to my own circles, which also means the legal theory (doctrine) and practice (judges), formulating the foundations of a newly emerging democratic state had their hand in destroying the possibility of creating the labour law as a law constituting a part of the civil law in which a chance to implement public interest could be seen [Żakowski 2013, 56]. This was possible, as this is how French labour law is created, which is classified as private law that realises public order (although a part of this law constitutes a section of administrative law) [Canut 2004].<sup>4</sup> Polish law had this chance. Yet it failed to take it. In principle, this field of law, the labour law, was effectively pushed, with a great help from the Polish labour law doctrine, back to 19th century [Musiała 2020, 174].

This, however, had to happen. Labour law seen as private law with public order, where a workplace remains a subject of private law and is the addressee of obligations originating from the commonly binding law (not necessarily a subject of public administration, or an element of the state, so to speak) – given the Polish cultural context, where it is nearly impossible to enforce it sans restrictive law, only lead to the law of the mightier one. And it finally did. Today, in Poland, work relationships are by principle built only by the fear of losing a job.<sup>5</sup> The judicial system, with judges educated with regard to work relationship as reciprocal obligations, is all but a robust protection against social Darwinism.

Whatever the result of assessment of the modern state structures, I think that placing a workplace as a public administration entity may be the only chance of salvation. This would allow to use the authority of the state to reinstate civilisation in relationships with employees. As it is, we cannot hope that the subjects of contemporary work relationships, especially the employers, but sometimes also the “degenerated” employees themselves, who are not familiar with work ethos at all, will be able to use the freedom provided by the civil law, imposing upon themselves a “limit” in the form of a public interest in labour law.

Now, however, in A. Sobczyk’s take, a workplace, for the sole fact of being a public administration entity, would be realising a public interest. This allegation of legality of activity, and so of realising the rule of law, would also

<sup>4</sup> Although labour law section is recognized in the French administrative law.

<sup>5</sup> This has been widely discussed in sociological literature. See also Gitkiewicz 2017; Szymianiak 2017; Fajfer 2017.

affect different application and practice of labour law. To be brief, labour law would receive a real chance of becoming “socially just.” And this would be achieved through the authority of the state, whose structural element would be a workplace. This is the vision presented by A. Sobczyk in his monograph “Zakład pracy jako zakład administracyjny. Z problematyki kontroli, prawa wewnętrznego i innych zadań publicznych pracodawcy (zakładu pracy)” [Sobczyk 2021].

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