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ABSTRACT OF THE DOCTORAL DISSERTATION ENTITLED

"SUCCESSION MANAGEMENT IN LABOR LAW"

The Law of July 5, 2018 on Succession Management of a Natural Person's Business (hereinafter: "Succession Law") introduced into Polish law the institution of succession management, the purpose of which is to enable the continuation of business activities after the death of an entrepreneur who is a natural person.

This dissertation analyzes the solutions of the Succession Law from the perspective of labor law in order to solve the following scientific research problems:

- 1) to determine the impact of the solutions of the Succession Law on labor law from a subjective perspective, i.e. to determine whether, upon the death of the entrepreneur, it is possible to legally identify the person who is the employer in relation to the employees employed by the deceased within the meaning of Article 3 of the Labor Code, to examine the problem of the legal permissibility of the existence of an employment relationship without an employer; and to analyze the legal status of entities exercising the rights and duties of the employer and the limits of their authority;
- 2) to examine the impact of the death of an entrepreneur conducting business, on the basis of an entry in CEIDG, on the existence and content of the employment relationship from the perspective of the solutions introduced by the Succession Law; and to answer the question of whether the new regulations allow for the prolongation of the existence of employment relationships, or whether they lead to their transformation;
- 3) to determine the subjective aspect of liability in labor law cases, in the face of the solutions introduced by the Succession Law, with the aspect of administrative liability in the sphere of obligations specific to the employer as a payer of public payments related to the employment relationship;

- 4) to determine the impact of succession management on separate proceedings in labor law cases.

The dissertation's deliberations consist of the following:

- presentation of the methodology and research purposes (introductory part),
- presentation of the general threads in Chapter 1, i.e., the problems of business succession before the Succession Law, statistical aspects proving the significance of the research problems, solutions adopted in other legal systems in order to demonstrate the originality of the solutions of the Polish Succession Law, as well as an indication of the axiological basis of the studied issues;
- outlining the construction and concepts of the Succession Law in view of its use of concepts not found in other legislation:
 - Chapter 2 deals with the concepts of: succession management and inherited enterprise;
 - Chapter 3 deals with the concepts of the successor administrator (including the *sui generis* construction of an indirect substitute), the owner of the inherited enterprise, and the temporary representative;
- the main part of the consideration from the perspective of labor law in order to answer the research problems:
 - Chapter 4:
 - defining the employment relationships covered by the solutions of the Succession Law;
 - presenting the meaning of Succession Law terms in employment law including, but not limited to, inherited enterprise, owner of an inherited enterprise, or succession administrator;
 - examine the admissibility of the existence of an employment relationship without an employer and the point at which the owners of the inherited enterprise become employers;

- presentation of special solutions for the civil partnership and temporary exercise of rights arising from the entrepreneur's spouse share in the perspective of labor law;
- Chapter 5 – examining the impact of succession management on the sustainability of labor relations, including:
 - a comparative view of the solutions in place before and after the introduction of the Succession Law, including the appointment of a succession management upon and after the death of the employer;
 - examine the legal nature of agreements on the continuation of employment, the period of excused absence after the death of the employer, the order to perform work in accordance with the employment contract and the reemployment of employees by the successor administrator;
- Chapter 6 – examining the limits of the exercise of the employer's rights and obligations under the regime of the Succession Law by the successor administrator or temporary administrators and the special arrangements for the employer's rights and obligations implemented during the period of application of the Succession Law;
- Chapter 7 – examining the subjective principles of liability in labor law cases under the Succession Law, including:
 - liability of the owners of the inherited enterprise for obligations, including during the period of performance of so-called preservation activities;
 - liability of the successor administrator together with: liabilities incurred for the account of the owners of the inherited enterprise and liability for damages for improper performance of duties;
 - liability for damages in the case of a defectively elected successor administrator;
 - subjective liability for failure to perform the payer's duties in cases involving employees;

- Chapter 8 –examining the impact of succession management on special proceedings in labor law cases including:
 - procedural status of the successor administrator;
 - the relationship between labor law cases and cases arising from the operation of the deceased's business;
 - the impact of the death of the employer on trial proceedings in labor law cases;
 - the impact of the termination of the administrator's functions or the expiration of the successor administration on the course of proceedings;
 - the impact of succession administration and the death of the employer on the conduct of enforcement proceedings.
- Summary of research conclusions and formulation of *de lege ferenda* postulates.

Luanna Jones