



Country Report and Guidelines on social dialogue

Poland

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Introduction

Poland is a medium-sized European country (about 38 million inhabitants) with a very dynamically developing construction market. Over the past several years, it has been one of the most dynamic investment markets for the construction industry, particularly in the field of road construction and infrastructure investment, which is due to the large demand for delays in the past and the new opportunities associated with the use of EU funds. Potentially a very large development market is the housing sector. In this respect social needs are very large. However, the relatively low purchasing power of potential investors and the current lack of strategic state policies in this regard is a barrier. In the sphere of green building, Poland is on one hand lagging behind the most advanced European countries, on the other hand demonstrates a high dynamics of development and introduction of green solutions in the construction industry, both in terms of new construction and revitalization of existing building resources¹.

1. The sustainable construction sector: main features

The Polish construction market is dominated by 5 out of 16 regions. Nearly 20% of the construction and assembly output is generated each year in the Mazovian region, and another one fifth is responsible for works in the regions of Małopolska and Silesia. With the addition of the regions of Wielkopolska and Lower Silesia, the total contribution to the construction industry of the five major regions exceeds 57%. Moreover, in the years

1 The report was prepared based on data from official national sources (statistics - Central Statistical Office, data - Ministry of Infrastructure and Construction, General Office of Building Control, Ministry of Education, Ministry of Labour), the data from employers' organizations, reports of non-governmental organizations, information from the interviews conducted by Trade Union Budowlani and Budowlani's own reports).

An important source of data was also information from the Voivodeship Councils for Social Dialogue and the central structures of national trade union organizations. Sustainable building statistics are updated primarily by building certification organizations and organizations focusing on sustainable building segments. Their own research is commissioned by construction companies dealing with sustainable construction, but these data are fragmentary and are mostly commercial in nature.

In general it should be stated that in Poland there are very few studies focusing on the problem of green construction. There were no separate studies on social dialogue in this area.

In the area of implementation and promotion of green construction, there are quite numerous but scattered activities of associations of companies (eg Polish Association of Ecological Building), government consultative agencies (Council of Low Emission Economy), local governments or individual large construction companies (eg SKANSKA).

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2017-2022 this share will approach 60%. The most lagging investment is the eastern region of Poland.

The Polish construction market is the seventh market of its kind in the European Union. It generates 7.4% of GDP (fluctuations from 6.5 to 8% over the past 10 years). The value of this market is PLN 115 billion (about 27 billion Euro in 2015). On the market there are about 480000 entities (with self-employed). The Polish market is atomized - 96% of companies are employing less than 9 people. Less than 200 companies are employing over 250 people, 1,300 companies - more than 49 people. Only 10-12 companies (mainly branches of international companies) are able to coordinate the implementation of large contracts. (data on 2015)

There were 5 567.600 residential buildings in Poland in 2011, including 535.100 multi-flats (CSO data, INHABITED BUILDINGS, National Census of Population and Housing 2011). Buildings in Poland in 2008 consumed 42.1% of final energy consumption. Residential buildings consume 29.9% of energy. It is important to note that the main sources of energy in single-family buildings are natural gas and coal.

In Poland (as of March 1, 2017), there are four international multi-criteria certification schemes (in alphabetical order): BREEAM, DGNB, HQE and LEED. The fifth, the latest WELL Building Standard, focusing solely on the impact of buildings on man, has the first certification on the project. At the beginning of March 2017, more than 10 million m² of usable floor space was used for all types of buildings, in all certification systems.

At the beginning of March 2017, 551 certificates were registered in all four systems in Poland.

The first environmental certificate was awarded to a Polish building in 2010. In 2016 the percentage of green buildings in Poland increased by 32%. This is a high growth rate, but it should be remembered that it is about a developing sector. The absolute majority of certificates belong to the office sector, which covers 70% of such buildings in the country. The largest number of them is in capital city of Warsaw, where there are 168 certified objects. There are as many as 189 in regional cities, which is a positive phenomenon.

249 certified buildings in Poland in 2016 were office buildings. The second place is occupied by the warehouse sector (25). New in Poland is the granting of green certificates to residential buildings - at this moment in the country we have only five such housing projects. The trend is reversed abroad, where leading certification organizations award multiple certificates for residential investment.

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In Warsaw there are as many as 47% of all certified Polish buildings, and in the Mazowieckie voivodeship, by 2016, 165 such projects were created. Cracow is ranked second with 34 certified buildings. The other cities are Poznan and Wroclaw. In both of these cities there are 22 green office buildings. An example of a proper green building policy is Szczecin, the first city in Poland that has decided to introduce a green tax relief for green projects (they need to achieve a minimum LEED level or Very Good for BREEAM).

Building certification is slowly beginning to interest the public sector. Cracow's department of buildings of the Marshal's Office of the Malopolska Region was awarded the BREEAM certificate at Excellent level.

Only in 2016 108 investments were BREEAM or LEED certified. Thus, Poland was ranked 4th among European countries in terms of number of buildings subject to environmental certification.

Green building was the most popular in the office segment. Research shows that the productivity and creativity of employees staying in office spaces with adequate access to daylight and greenery increases by up to 15%. This factor influences the decisions of large companies - office building investors and increasingly the decision of tenants of office space, which prompts developers to invest in green office buildings.

The most frequently mentioned advantage of sustainable construction is lower operating costs, but about 30% of the surveyed Polish companies also indicate the quality of the building confirmed by the certificate, tenant education and the higher value of the building at the time of sale.

According to World Green Building Trends 2016 Developing Markets Accelerate Global Green Growth report: Dodge Data & Analytics, the reduction of electricity consumption is still the most important reason for the construction of green buildings in Poland. Second is the saving of resources and the reduction of water consumption. Of course, these benefits can also be attributed to "ecological" housing estates, which are growing in Poland.

According to the report mentioned above, in Poland 19% of construction companies declared that over 60% of their projects are 'green' ones. This phenomenon is expected to increase in 2018 by 29%.

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■ *In Poland, the growth of green involvement is more measured, with only a 10 percentage point gain expected in the percentage of those doing more than 60% of their projects green, and limited growth among those doing less green work. The decline in those doing little to no green, however, is still quite substantial, from 31% to 18%.*

■ *Poland: One sector dominates the responses from Poland: 50% select new commercial construction as a sector in which they intend to build green in the next*

three years. Commercial interiors, at 27%, is a distant second, but it is still a bit higher than the 20% globally that expect to do work in this sector, demonstrating the importance of the commercial market for driving future green work in Poland. On the other hand, Poland has the lowest percentage of respondents from any of the countries included in the study who expect to be doing new green institutional construction. This reveals the need for greater green engagement by the major institutions and government in Poland.

From:(World Green Building Trends 2016 Developing Markets Accelerate Global Green Growth: Dodge Data & Analytics report)

According to this report, despite the high dynamics of sustainable construction, Poland is one of the European countries with a very low public awareness of the benefits of green building. Ecological solutions are still used in our country only sporadically, and regulations facilitating 'green' investments are not being implemented at the right pace. Still, the basic instrument for supporting sustainable building investment is the 2008 Law on the Promotion of Thermomodernisation. This is a very useful policy tool, but insufficient.

According to the Act of 21 November 2008 on the Promotion of Thermomodernisation and repairs, thermo-modernisation projects include:

- improvements that result in a reduction in the annual energy requirement for heating and DHW heating by 10 to 25%, depending on the type of refurbishment and previous improvements
- improvements that will reduce annual primary energy losses by at least 25% in the local heat source and local heating network

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- reducing the cost of purchasing the heat delivered to the facility by at least 20% per annum thanks to the technical connection to the centralized heat source and the elimination of the local heat source
- conversion of conventional sources of energy to renewable unconventional sources or use of high-efficiency cogeneration.

The above-mentioned points are determined by the most frequently occurring areas of green investments in existing housing stock in Poland.

2. NATIONAL POLITICAL FRAMEWORK FOR SUSTAINABLE CONTRUCTION

2.1. National Policies

Poland formally adopted, but with delay, all the regulations of the European Union regarding energy efficiency. Improving the energy efficiency of buildings is gradual but slow. The Polish government, however, assumes that the objectives of the EU in terms of reducing energy consumption and emissions reduce by 2020 will be achieved.

2.2. Main regulations at national level

In Poland legal regulations concerning buildings are contained in the Construction law (Act of July 7, 1994 concerning Construction Law) as well as in the Spatial Development Act (Act of March 27, 2003 on Spatial Planning and Development). A very important piece of legislation is the Regulation of the Minister of Infrastructure of 12 April 2002. on the technical conditions to be met by buildings and their location (Journal of Laws, 2002, No. 75, item 690). In the near future (in 2017) the Urban and Construction Code will be adopted, including construction and land use planning as well as the new Regulation on technical conditions to be met by buildings and their location.

Very important for the implementation of sustainable construction is the Polish Public Procurement Law, adjusted in 2016 to 2014 EU directives.

In addition to the Public Procurement Law, which is to be seen as a procedural law that provides the contracting authorities with first and foremost the appropriate instruments to enable them to purchase goods, services or works, there are other acts of domestic law connected with PPL. Among them is the Energy Regulation Act of May 20, 2016 (Journal of Laws, 2016, item 831), which obliges public authorities to:

- acquisition of energy-efficient products or

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- purchasing or renting energy efficient buildings or parts thereof that meet at least the minimum energy savings and thermal insulation requirements as laid down in the technical specifications for buildings and their location, or
- ensure that the recommendations contained in the energy performance certificate in the buildings owned by the Treasury undergoing reconstruction are complied with, or
- Implement other energy efficiency improvement measures for the energy performance of buildings.

In addition, when awarding a public service contract, public authorities should oblige the service contractor to use the products fulfilling the aforementioned conditions. Requirements if new products are purchased for the purpose of this service. Energy efficiency obligations imposed on public authorities and designated standards of purchased products apply to supply contracts, services or works with a contract value equal to or above the EU thresholds specified in the directives coordinating the award of public contracts.

The most important regulations in the field of construction are contained in the Construction Law. The implementing act for the Construction Law is the Ordinance of the Minister of Infrastructure of 12 April 2002 on the technical conditions to be met by buildings and their location (Journal of Laws, 2002, No. 75 pos. 690)

The Regulation on the technical conditions to be met by buildings and their location governs in detail the energy efficiency of buildings that are designed or built or rebuilt. The changes to the regulation introduced a gradual increase in the level of requirements up to 2021. These phase changes will, inter alia, allow for a smooth adjustment of the construction market to the legal requirements in force. The Regulation is currently being adapted to a parallel, comprehensive legislative act that will be the Urban and Building Code. However, significant changes are not anticipated in terms of energy efficiency regulations.

Important for the building design phase is the Regulation of the Minister of Transport, Construction and Maritime Economy of April 25, 2012 on the detailed scope and form of the construction project (Journal of Laws, 2012, pos. 462).

The changes introduced in this implementing act extend the obligation to analyze the feasibility of rational use of highly effective alternative systems for all buildings and change the scope of analysis. The aim is to popularize the use of alternatives (including

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decentralized energy supply systems based on renewable energy, cogeneration, district heating or cooling, or block, in particular when fully or partially based on renewable energy and heat pumps) where it has economic, technical and environmental justification.

Minimum requirements include:

- providing an EP value [kWh / (m²)], defining the annual computational need for non-renewable primary energy for heating, ventilation, cooling and hot water preparation and built-in illumination (in the case of public buildings, collective housing, and manufacturing plants), all calculated according to the methodology for calculating the energy performance of buildings, is lower than the limits set by the Regulation,
- The building's partitions and technical equipment should meet at least the thermal insulation requirements specified in the Regulation. Minimum requirements are deemed to be met for a building subject to rebuilding if the partitions and technical equipment of the converted building correspond to at least the thermal insulation requirements set out in the Regulation.

The basic document defining the energy parameters of the building is the Energy Performance Certificate

This document specifies the amount of energy required to meet the needs of the building (or part of it) for heating and ventilation, hot water preparation, cooling, and (for non-residential buildings) also lighting. The obligation to have certain energy performance certificates for a building or part of a building in certain situations is a result of European law. The purpose of introducing certification is to promote energy efficient buildings and raise public awareness about the potential for energy savings in buildings. With the information provided in the certificate, the owner, tenant or user can determine the indicative annual energy demand and hence the cost of living associated with the energy demand.

The energy performance certificate must be handed over to the buyer or tenant when the building, part of the building or premises is sold or rented.

The designer fulfills the minimum requirements for the building at the stage of the architectural and building project and then the construction manager at the stage of the project. Both the designer and the construction manager are obliged to take into account technical and building regulations when designing and building. The amended provisions

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shall always apply to newly erected buildings and, in the case of existing buildings, where they are subject, inter alia, to reconstruction.

The obligation to draw up the certificates, however, is limited. The provisions of the Energy Performance of Buildings Act do not provide for the obligation to draw up energy performance certificates when the building is put into use when the building is erected by the owner himself "for his own use".

Currently, the following rules govern the energy performance of buildings:

- The Act of August 29, 2014 on the Energy Performance of Buildings
- Regulation of the Minister of Infrastructure and Development of February 27, 2015 on the methodology for determining the energy performance of a building or part of a building and energy performance certificates
- Regulation of the Minister of Infrastructure and Development of February 17, 2015 regarding the method of and the detailed scope of verification of energy performance certificates and protocols of inspection of a heating or air conditioning system
- Regulation of the Minister of Infrastructure and Development of February 17, 2015 on the model of protocols of control of the heating system or air conditioning system

These provisions include, in principle, the overall issue of energy efficiency on buildings. It means that there is no problem in the cohesion of the national and EU regulations.

2.3. Initiatives Promoting a sustainable building and energy efficiency

Poland has a national plan aimed at increasing the number of buildings with low energy consumption. It was promulgated in the Resolution No. 91 of the Council of Ministers of June 22, 2015 on the adoption of the 'National Plan aimed at increasing the number of buildings with low energy consumption'. The resolution came into force on July 17, 2015.

At the same time there are projects aimed at certification of buildings (promoted mainly by large construction companies and the largest developers and numerous associations dealing with environmental protection, reduction of greenhouse gases and energy efficiency. There are mainly BREEAM and LEED certificates (437 certificates till 2016)

The most common form of reduction of energy losses in existing buildings is the program funding thermal insulation implemented and support for many years by the state (loans

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of Bank Gospodarstwa Krajowego) - thermal insulation of buildings consisting of writing off part of the loan. This program is used in multi-family housing.

In promoting energy efficiency and environmentally friendly technologies, the actions of manufacturers of construction materials and products, including cement, roofing, building ceramics, and windows, are important. Key Polish companies in this field maintain the highest European standards.

3. MAIN TRENDS OF GREEN BUILDING ECONOMY

3.1 Economic trends

Legal regulations are inadequately supported in funding initiatives in the area of green building. However, investments in energy-efficient construction and environmentally friendly building activity are still more expensive than traditional construction investment, the new programs are being slowly implemented. It should be noted, however, that majority of new construction projects (especially in housing) are implemented within the new standards, but with little regard for their further development. A large positive impact on the development of green building and improving the standards of existing buildings can have a reaction to the government and local authorities in major cities to increase smog pollution (originating mainly from building heating coal fuel of low quality). Decisions are made on raising standards and the introduction of penalties for emissions.

3.2. Occupational trends

In the Polish construction industry 840000 persons operate (employers, self-employed and employees) including 413000 employed under a contract of employment (GUS 2015). With a low level of unemployment in the country of 8.7% (2016) the chronic shortage of qualified specialists is common. The reason is the instability of employment and much higher salaries in other EU countries. As a result, constantly abroad in the EU countries is approx. 200000 construction specialists. The gap is partially filled by about 25000 migrants employed under an employment contract and 260000 (GUS 2016) migrants working temporarily in the Polish construction industry - 98% from Ukraine.

Formal education in the construction industry, both at the level of skilled workers, technicians and engineers, takes into account ecological and environmental aspects of the curricula (core curriculum implemented in 2012). However, this has a limited impact on the labour market, because only a small group of employees (except engineers) are

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gaining competences in the formal system. Non-formal education and prior-learning in the workplace do not take into account the issues of green building as much as formal education does.

3.3 Drivers a barriers for the green building

Within the framework of favourable trends in the development of green building in Poland, in addition to European trends, it is also possible to identify those that are specific to Poland, including, above all, a broad social campaign led by regional authorities aimed at counteracting smog in cities. The main barrier to the development of green building is: low social awareness and the belief that pro-ecological investments are expensive, lack of funds for proper investments and support of Poland's dominant power supply system on coal supplies.

DRIVERS FOR GREEN BUILDING

- **Compliance with European law (with delays)**

Poland has formally implemented all European Union regulations on sustainable construction. Although this implementation has been delayed, parliamentary legal acts are now being introduced at the level of implementing legislation, which should support green construction in the coming years. It is important that the new legislation also includes sanctions for investors and building users who do not comply with the adopted standards and standards.

Good examples of such government policies are:

- Ordinance of the Minister of Development and Finance of 1 August 2017 on the requirements for solid fuel boilers. Dz.U. 2017 pos. 1690. Date of entry into force: 01-10-2017
- Ordinance of the Minister of Energy of 18 May 2017 on the detailed scope of the obligation and technical conditions for the purchase of heat from renewable energy sources and the conditions of connection of the installation to the grid Dz.U. 2017 pos. 1084 Entry into force: 20-06-2017

- **New measures, requirements and national policies (building code and new public procurement law) and positive regional policies**

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Regulations promoting sustainable construction are included in all the newly proposed building regulations. The building and urban code, which will be introduced in 2018, will be of key importance as well as the new law of public procurement, in which environmental issues will be addressed in the terms of the contract.

- **“Green fashion” factor in residential building sector**

Fashion for green building is important for the development of this sector. In addition to the economic and social benefits of investors holding funds for green building investments, this is a very important factor influencing investment decisions. This applies to both office buildings, individual residential construction and construction investments in rental housing.

- **Positive involvement of big construction companies**

Promoters of green building in Poland are mainly large international construction companies. They started to promote building certification in Poland and they were the first to implement ecological solutions. Large companies also have appropriately qualified staff for green construction and train employees (also subcontractors) in this area.

BARRIERS FOR GREEN BUILDING

- **Coal based energy sector**

Regardless of the introduction of new green building technologies, it is important to remember that energy suppliers in Poland use primarily coal-based sources. Alternative energy sources are still poorly available. Many households in Poland still gain energy from their own sources, based on coal combustion. Changing these energy sources is costly.

- **Atomized structure of the sector**

The fragmentation of the sector is a barrier to the implementation of pro-ecological solutions and new technologies in construction companies themselves. Dominant small and micro-size construction companies, with low profitability, do not have the means to invest in environmentally-friendly technologies and most often use cheaper, non-ecological building materials.

- **Lack of capital sources and limited economic incentives**

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A survey shows that lack of access to financial resources (loans for green building) is one of the major barriers to the development of this sector. The same research shows that there is a lack of economic incentives to invest in green building. Tax policy is not conducive to this either.

- **Qualification and competences gap**

Most technical universities in the field of construction have already introduced education for green building. While the engineering staff is well educated, the 3 -4 EQF education and training in this area is still insufficient. Vocational formal education is at a high level and employs adequate programs, but in non-formal education, green construction is often absent. Also present is a poor system of training older workers in new competences.

- **Lack of client education – low level of awareness**

All research indicates low ecological awareness of Polish society. At the same time it is estimated that environmental education (including green building education) is insufficient. Attention is drawn to the need to develop primary education (primary schools).

- **Another barriers**

The barriers blocking the development of commercial energy efficient buildings in Poland include the absence of market data on media consumption in commercial energy efficient buildings and in buildings certified in LEED or BREEAM systems, lack of legal regulations supporting the development of commercial energy efficient buildings and unreliable energy certification public system.

Another important barrier to realizing the concept of eco-development is the low effectiveness of environmental law in Poland. It is adapted to EU requirements but not enforced. A major brake in this market for 41 % of responders is the lack of knowledge and adequate support from the central administration or local governments. (Dodge report 2016). Experts say Poland cannot afford to implement the EU directive. The costs of adapting public buildings may be higher than the penalties that Poland would have paid if it had not been implemented.

According to the Go4Energy report "Prospects for the development of energy-efficient buildings in Poland", as much as 85% of the respondents misjudge the government's efforts to prepare the economy for change. Most respondents also point to the low

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availability of funding tools and the lack of effective incentive schemes as the most important obstacles to the development of the green building sector in the country.

4. SOCIAL DIALOGUE AND GREEN BUILDING

In Poland, the social dialogue has not reached a high level of efficiency, mainly due to insufficient representation of employers' organizations, the weakening role of trade unions, and unfavourable dialogue policies of the government. Tripartite dialogue policies bring some effects. Bilateral dialogue exists, but because of a lack of legal instruments has little effect on industrial relations and the labour market. Collective agreements exist basically only at the level of large enterprises and the public sector and their number is decreasing. The Council for Social Dialogue operates at the national level, and Voivodeship Councils for Social Dialogue operate at the local level. The key sectors all have Sectoral Tripartite Commissions involving the government structures, trade unions and employers.

4.1. Industrial relations system in the construction industry

Collective agreements apply to a very small number of companies within the construction sector (approx. 40). Sectoral collective agreements do not exist. Some larger industry associations of employers (2) are not affiliated with the national employers' organizations and are not representative for the whole sector (small businesses do not associate). Two national trade unions (Budowlani and Solidarność) are members of two national forums - although there are formal and informal cooperation agreements between employers' organizations and trade unions. The main formal forum for dialogue in the construction industry is the Tripartite Commission. There are also formal structures of dialogue in the field of health and safety in construction.

4.2. Social partners, green economy and sustainable development

Social partners at the national level focus on environmental issues in the economy and sustainable development to a limited extent. The activity of social partners is limited to giving opinions on draft laws submitted by the government - there are few social partners' own initiatives.

Social partners at regional level are of greater importance for sustainable construction. Between 2015 and 2016, in 11 out of 16 voivodeships tripartite agreements were signed for an integrated regional development policy. Such agreements were signed by the voivodeship (regional government) authorities and representatives of regional

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employers and trade unions' organizations. Most of these agreements contain provisions for sustainable construction development plans in the region. One of the better examples in this area is the AGREEMENT FOR AN INTEGRATED SILESIA VOIVODESHIP DEVELOPMENT POLICY concluded in 2016, envisaging the development of low-carbon construction (both residential and industrial) and the revitalization of post-industrial areas. The Silesian region is the most industrialized region in Poland with a significant share of heavy industry - primarily coal mining. Old urban buildings dominate it. New investments, both residential and industrial, are being built in the area of old, shut-down industrial facilities. Most significant revitalization initiatives and actions for sustainable construction are taking place in the Silesian region.

4.3. Social dialogue and sustainable construction and buildings

Slightly better activity of social partners can be noticed at the sector level. It is practised primarily in joint initiatives in national and international projects in the sphere of professional education for sustainable building (Leonardo da Vinci and Erasmus+ projects). Especially important is the current initiative of the Sectoral Council of Competences in the Construction Industry (implemented from 2017). The "Budowlani" trade union is leading the organisation effort of the project, co-financed in the first phase (2017-2022) by the European Social Fund. This council will, among other things, focus on new qualification requirements for green building, new specialties and building techniques as well as the involvement of employers in vocational education and training. Another initiative is a joint development of Sectoral Qualifications Framework prepared jointly by employers' organizations, the Budowlani trade union, and scientific institutions – a framework which includes qualifications for sustainable construction.

The "Budowlani" trade union is one of the few trade union organizations dealing with sustainable building issues from the point of view of employee interests. Although this issue does not appear at the level of corporate social dialogue, national union structures have repeatedly called on government institutions to take into account the needs of the labor market in sustainable building. Energy saving measures in the construction process and especially maintenance of buildings generate new demands within the labor market and require new qualifications. It involves not only the training of new employees with the necessary qualifications but also the possibility of employing workers who may lose their jobs. This applies especially to older workers who are no longer able to carry out construction work (especially at high altitudes) but their qualifications are high. The union has been calling since 2014 to train and use these skilled workers to conduct energy audits in existing buildings. This applies above all to employees at level 3 and 4 EQF (technicians

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and skilled workers). At the same time, the trade union participates in works on the Sectoral Qualification Framework in the construction industry and works towards systemic introduction of vocational training in the knowledge and skills field for eco-friendly and energy-efficient construction as well as the management of construction waste. In the new training curricula adopted in 2012 as well as the new qualification standards, such mandatory records have been found.

4.4 Frameworks for social dialogue

The problem of sustainable construction and professional qualifications, the labour market and new technologies is also a part of the Tripartite Committee for Construction and Municipal Economy's activities. Due to the commitment to the work of the Committee of the Ministry of Infrastructure and Construction and four other key ministries for the construction sector this forum is and will be in the near future the main platform for social dialogue.

Another important platform for dialogue is the Sectoral Council of Competences in the construction industry. The Council represents all major employers' organizations, trade unions, chambers of commerce and occupations in the construction industry. In the Council are also representatives of vocational schools and universities and research institutes in the construction industry. The Ministry of Infrastructure and Construction has its representatives in the Council. One of the Council's tasks is to monitor the sector in terms of new qualifications needed for sustainable construction. "Budowlani" is the leader of the partnership managing the Council. The representative of the Union is the Vice-President of the Sector Council on Building Competence.

The forthcoming Council actions provide for identifying the qualifications that will be most needed in the Polish construction industry, taking into account legislative developments on sustainable construction, energy efficiency, new waste management procedures and asbestos removal.

Although the structure of the tripartite social dialogue in Poland is weak, it can be said that the regional structures of social dialogue (Voivodeship Council for Social Dialogue and Regional Labor Market Councils) play a positive role in the dialogue for sustainable construction.

It is the Voivodeship Council for Social Dialogue that is a body in which regional social partners have concluded agreements on the sustainable development of the regions.

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4.5 Drivers and barriers for the social dialogue

DRIVERS FOR GREEN SOCIAL DIALOGUE

- **Well-developed tripartite system of dialogue**

The structure of social dialogue institutions in Poland is well developed, both at central and regional levels. This structure is sufficient for a social dialogue on sustainable construction. In the construction industry there is a Tripartite Council on Building and Urban Management, which represents all the major organizations of social sector partners and the major chambers and professional associations of the construction industry.

- **Active social partners and administrative structures on the regional level**

At the regional level, representatives of social partners in construction are active in the Regional Councils for Social Dialogue and have the potential to influence regional green building policies.

- **Active trade unions focused on employment policies (new possibilities)**

Some trade unions - including the unions of construction workers - have already engaged in shaping employment policies in the green building sector. This is mainly used by the Sector Council on Competences in Construction Industry. The "Budowlani" Trade Union plays a key role in this Council.

- **Big employers oriented on co-operation and dialogue**

Green building is conducive to the involvement of the largest construction companies, which have a decisive role in managing large construction investments in Poland. These companies also have a decisive influence on the activities of employers' associations. Large companies are also undertaking joint initiatives to promote sustainable construction sector.

BARRIERS FOR GREEN SOCIAL DIALOGUE

- **Low level of awareness – both sides (employers and local unions)**

The awareness of green building needs in smaller construction companies and their trade unions is still low. Both employers and partners at this level still do not see the benefits

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of investing in green technologies in companies and appropriate training systems for employees.

- **Lack of collective agreements in the industry and ,binding tools'**

In Polish construction the number of collective agreements is small and still decreasing. There is no sectoral collective agreement. There are no other agreements that would address the issues of green building in autonomic dialogue.

- **Lack of representative partners on a national and regional level**

The weakness and under-representation of social partners in Polish construction is a serious barrier. There are no representative employers organizations in the sector. The scope of impact of trade unions is also limited.

- **Absence of social dialogue in small and micro companies**

Employers in small and micro construction companies in Poland are generally non-affiliated. The law on trade unions hinders and often makes it impossible to associate workers from micro-companies in trade unions.

- **Limited access to financial sources (all parties)**

Both sides of the social dialogue do not have the means to introduce and promote effective tools for green building. At the same time, the access of both employers' organizations and trade unions to public funds (including EU funds) is limited and difficult.

5. GUIDELINES FOR SOCIAL DIALOGUE IN SUSTAINABLE CONSTRUCTION

5.1. Tools to strengthen the social dialogue on the green building

NATIONAL AND REGIONAL POLICIES SUPPORTING 'GREEN' INVESTMENTS

Poland is a country with a central management structure, therefore green building regulations are created at the parliamentary level and executive acts at ministerial level. Local self-governments, however, play important role in this area, and they are deciding to implement public policies and investments in their area because they have local funds (from taxes). Since most public investment in green building, is local, especially in relation to old building stock, local governments decide on distribution of their own resources and frequently application for European Union funds. The most

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important level is the level of the municipality, because it has the majority of resources collected from local taxes.

The basic strategy legal acts on green building do not contain mechanisms to promote social dialogue in this area.

Such a document is Resolution No. 91 of the Council of Ministers of 22 June 2015 on the adoption of the "National plan to increase the number of buildings with low energy consumption." The resolution entered into force on 17 July 2015.

Similarly, the Act of 29 August 2014 on the energy performance of buildings with the most potential impact on green building policy does not contain mechanisms to promote dialogue in this area.

A useful tool to support the policy of renovation existing buildings is the Act of 9 October 2015 on revitalization, taking into account the needs of energy efficiency,.

The Act on revitalization also provides for two special solutions facilitating revitalization in the municipality. They will not be mandatory - they can be used depending on the needs and characteristics of the planned activities.

They are:

- creation of special revitalization zones (SSRs) in revitalized areas. The SSR will allow for the use of special facilities (eg. the possibility of awarding building renovation grants) and simplifying the administrative procedures for Local Revitalization Plan implementation;
- Local revitalization plan (special form of local spatial development plan), which will be the basis for implementation of urban transformation and construction works included in the Local Plan. The regulations that characterize this special form of a local plan are, for example, the possibility of concluding in the local plan the concept of urban planning or assigning to the real estate detailed conditions for the implementation of the investments envisaged in the plan;

There are mechanisms in the Revitalization Act to ensure social and civic dialogue connected with consultations on solutions and programs adopted at the municipality level. The provisions of the law make it possible for organized groups of citizens and

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social partners organizations to undertake initiatives aimed at revitalizing existing resources, particularly in the area of energy efficiency of residential buildings. Consultations have a decisive influence on the distribution of funds for investment.

SOCIAL PARTNERS INVOLVEMENT AND FORMAL CO-OPERATION

At the national level, the social partners participate in the 'green' dialogue in the Social Dialogue Council and by participating in committees monitoring the distribution of EU funds and various working groups.

Employers' organizations and trade unions give opinions on draft laws and the most important executive acts.

In the construction sector there is a Tripartite Council for Construction and Municipal Economy, which also deals with the issue of green building, including especially energy efficiency tasks. In this Council the trade unions are strongly represented.

The dialogue on investment in green building, both new investments and revitalizing existing buildings, is being conducted at the voivodship (regional) level in the formulation of the Regional Development Plans as well as at community level in the development of Community Revitalization Plans. In the first case, employers' organizations and trade unions take part in the activity of Voivodship (Regional) Councils for Social Dialogue. In the second case, the dialogue is 'civil' in nature - without the involvement of the social partners. The exceptions are large municipalities, where operate permanent commissions for revitalization and energy savings of new public investments. In several of these committees, there are social partners represented. An example is the Committee on Social Dialogue on Architecture and Spatial Planning in Warsaw.

CIVIL SOCIETY BODIES AND CO-OPERATION WITH OTHER BUILDING SECTOR ORGANIZATIONS

About 800 ecological organizations operate in Poland. More than a dozen of them are engaged in green building. The most important social organization supporting green building is the Polish Association of Ecological Building, established in 2008. The real problem is the fragmentation of civil society organizations dealing with the problems of green building and their poor co-operation with employers' organizations and trade unions working in the construction industry. Social partners in the area of green building usually take their own initiative, without cooperating with organizations of the civil society.

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ROLE OF EDUCATION AND SCIENTIFIC SECTOR

Polish universities and research institutions are involved in the promotion of green building. Virtually all building engineer education programs contain components related to sustainable construction. All major technical universities and colleges offer postgraduate studies in sustainable construction and revitalization of existing resources. In vocational schools, the core curriculum of education in the construction professions is introduced, taking into account the issues of energy efficiency and ecology in the construction industry.

Poland has high standards of energy efficiency for manufactured building materials. As one of the largest European manufacturers, Poland introduces the highest standards of energy efficiency for windows and doors. The Institute of Building Technology is responsible for the implementation and observance of the standards.

A serious problem in education and training for green construction, however, is the implementation of appropriate programs for non-formal education.

5.2. Areas of action

NATIONAL LEVEL

In spite of the formal possibilities, the social partners at national level have been so far not very active in the area of pro-ecological policy and sustainable construction. Actions not only require the change of existing institutional structures of dialogue, but also the development of trade unions' strategies for action, particularly at the level of the Council for Social Dialogue, and need real involvement in committees monitoring the implementation of public programs and the spending of EU funds in this regard.

The involvement of the social partners at the sector level is more significant. The Tripartite Council for Construction and Municipal Economy recognizes the need to promote green building understood much broader than the efforts aimed at increasing the energy efficiency of new buildings and revitalizing old ones. Particularly very promising are the efforts to change the approach to non-formal education of construction workers.

Within the sector, employers' organizations, trade unions, chambers of commerce and professional associations should strive to sign an agreement with the government administration for the promotion of sustainable construction. It is also important to involve trade unions in the promotion of sustainable construction in the solutions

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planned in the new Building Code and the executive acts in the Code, as well as in the new law on public procurement.

REGIONAL LEVEL

At the regional level, the model of continued involvement of the social partners in the green building sector should be developed. One should strive for the dissemination of the model adopted in the Silesian Voivodship, where the social partners have become signatories of the Regional Development Strategy and have obtained formal monitoring of its implementation. Trade unions of construction workers in all regions should join the working committees established by the Voivodship Council for Social Dialogue dealing with vocational training and environmental issues.

LOCAL - COMPANY LEVEL

In Poland, at community level, there are basically no social dialogue structures. Consultations are conducted in the framework of civil dialogue. Due to their structure, trade unions have the opportunity to engage in dialogue only at the level of large cities.

On the other hand, trade unions have the opportunity to participate in shaping the policy of green building in large construction companies. These companies are the most important promoters of green building in Poland in the private sector. The task of trade unions is to draw attention to these aspects of 'green' labor market issues as new skills, the use and retraining of older workers, facilitating training at the workplace.

EDUCATION AND TRAINING

In this area the social partners have a special role to play. The Trade Union Budowlani has been the leading organization in the Sectoral Council of Competences in the Construction Industry. The Council will sign an agreement with the Minister of Infrastructure and Construction, including the promotion of green building in vocational education. This gives a chance to coordinate activities, given the fact that all

major employers' organizations, building chambers, mayor technical universities, vocational schools, research institutions and certification bodies are active in the Council. The issue of education for green construction is already being dealt with by three working groups of the Council. It is important to involve small and medium enterprises in this process. The Council currently has funds for such activities within the framework of the project until August 2022.

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The Sectoral Framework for Building Qualifications will be a good tool for implementation and will become part of the Integrated Qualification System in Poland upon the request of the Council and decision of the Minister of Infrastructure and Construction.

EUROPEAN PROJECTS

Social partners have been implementing European projects dealing with sustainable development and sustainable construction for years. The Trade Union Budowlani has implemented such projects in the past (DETIC Leonardo da Vinci - training for thermos-modernization, CertiVET - Erasmus + - VET trainer in the construction industry education model, ECO4VET Leonardo da Vinci - training for green design in the furniture industry) and now (BROAD, VET4LEC). There is a need of creation platforms to disseminate the results of these projects after their completion.

MULTILATERAL COOPERATION WITHIN THE SECTOR

The challenge for the social partners is to coordinate the diffusion of green building initiatives. This should be supported by agreements on permanent cooperation with civil society organizations and OSH organizations. Such cooperation can be based on the existing agreements on the cooperation of the Trade Union Budowlani with the All-Polish Employees' Union of Occupational Safety and Health Services and the Agreement on Occupational Safety in Construction concluded by the largest construction companies operating in Poland.

COLLECTIVE AGREEMENTS AND OTHER BINDING AGREEMENTS WITH EMPLOYERS

It is necessary to take into account the issue of green building (especially in the field of vocational training and construction of wage tariffs) in collective agreements - where they exist at the level of enterprises. In the absence of collective agreements, the issues should be incorporated by the trade unions into the company Working regulations. The promotion of green building on the labor market should be incorporated into the future sectoral collective agreement for the construction industry.

5.3 Directions for the social dialogue at European level

Investments in green building in many European countries are much more systemic and more advanced than in Poland. The situation is similar with the advancement of social dialogue focused on green building. In this situation, Poland can use the experience of other countries, both in terms of good practices and avoid mistakes made in other EU

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countries. To some extent, Polish experience can also be used by other European partners. In particular, this applies to education for green building and the introduction of educational programs and standards that would allow effective preparation of specialists. This area is very important for social dialogue, because it should take into account the needs of both employers and employees.

Social dialogue for green building should take place in many areas and focus on all the problems important for the construction market, on the labor market in construction industry and the social dimension of changes in construction. It should focus on both practical problems that can be solved in the short-term perspective and on the strategic vision of the development of construction in the long-term perspective. It should concern both economic and social issues as well as environmental consequences of changes.

In the European dimension, it is necessary to fully involve social partners in the dialogue process by strengthening the coordination of initiatives of national partners at the European level. It is necessary to answer the question to what extent national and structural social partners initiatives regarding this dialogue in individual member states should be more coordinated than in the case of EU legislative initiatives or intergovernmental cooperation. Social partners in the EU countries have greater possibilities of flexible cooperation than governmental and EU institutions moving within a strictly defined formal and legal framework. Coordinated cooperation of social partners in Europe is needed in construction, which is one of the most cross-border sectors.

Construction is a sector connected with many other sectors of EU countries economies. This means that social dialogue for green building should also have a cross-sectoral dimension. The social dialogue in the construction materials industry, the wood sector and the production of construction equipment and machinery has a special significance for the construction industry.

Trade unions have a special role in the social dialogue for green building. They should promote solutions that link green building with the chances of new employment opportunities for new employees. However, the green labor market in construction also requires consideration of the interests and perspectives of current construction workers. Their place and chances on the job market depend on the ability to retrain and acquire new skills.

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Education and training for green building is key to the success of change in the sector. European institutions and agencies of governments of EU countries focus primarily on technologies aimed at CO2 emissions reduction and faster reduction of energy consumption, on legislative changes and on positive aspects of changes for climate and entire societies. The role of social partners is to draw attention to the need to rebuild the system of vocational education and training in construction sector. The creation of a new system should take place in the process of social dialogue - because system solutions should concern both programs of training new employees as well as retraining programs and creating new workplaces for older, experienced construction workers. In all activities aimed at introduction of European Qualifications Framework and improving the NQF, changes concerning the green economy, including green building should be taken into consideration. In the case of construction, such changes should take place on the initiative of the social partners in the Sectoral Qualifications Framework.

Coordination of social partners' activities at the European level should enable better use and dissemination of good practices in the field of green building - not only in the technological, economical and socio - cultural dimension but also in the field of good solutions for construction labor market. A large part of good practices is introduced in large supranational companies. This applies to both the technical and qualitative areas and certification as well as to the organizational solutions and mechanisms of dialogue. The dissemination of good practices and the creation of a support system for green building will depend on their implementation throughout the entire sub-contracting and supply chain in the sector. The basic tool for implementing these solutions at the European level is the law on public procurement. Social partners participate in the dialogue for change in relevant EU legal acts. However, it is important for them to improve the mechanism of consultation and exchange of information in their environments.

Trilateral dialogue at the European level plays a key role in the promotion and implementation of green building solutions. It does not, however, exclude autonomous dialogue and bilateral agreements between European social partners, which can be faster and more adequate to the needs of the construction sector.

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