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SOME REMARKS ABOUT THE NEED TO IDENTIFY THE CRIMINAL LABOUR LAW

The past few years have brought a significant increase in the scope of criminalization in the area of individual and collective labour law, which encourages to reflect on the need to separate the next sub-branch of law. The argument to support this concept is not only the number of criminal provisions within this area, but also the characteristic construction of the types of offenses belonging to this group. Numerous element of crime referring to labour law and social security require to go beyond the framework of criminal law and to analyse deeply the provisions of labour law.

In the culture of Roman law the names like „derecho penal de trabajo”, „droit pénal du travail” or „diritto penale lavorale” are used to denote a group of criminal laws involving offenses against employee’s rights to safe and healthy working conditions, workers’ representatives, illegal employment or individual employee’s rights. Although it is still criminal law, it is characterized by one distinctive feature - a relationship with the sphere of work, just as economic criminal law and environmental criminal law in the Polish legal system. Following this reasoning, the group of the above mentioned provisions should be referred to as „criminal labour law”.

⁵⁸ Alternatywą dla takiej decyzji jest stworzenie szerszej kategorii: „prawa karnego socjalnego”, która miałaby obejmować wszelkie czyny zabronione zarówno w sferze prawa pracy, jak i prawa ubezpieczeń społecznych oraz zabezpieczenia społecznego. Wydaje się jednak, że kategoria ta jest zbyt szeroka.