

w wyniku zapowiadanych nowych zaleceń Rady Ministrów dla zamawiających sektora rządowego.

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## SOCIAL ISSUES IN PUBLIC PROCUREMENT

The percentage of public procurement in the professional trade with the participation of entrepreneurs is significant and reaches 20%. Its simulative function, also in social relations, is still increasing. The need to improve the position of workers involved in the implementation of the supplies, services or works commissioned for public purposes has recently become particularly important.

First of all, workers' interests must be protected by preventing intensively the practice of abuse of civil law contracts in employment, as well as the breaches of legal provisions which guarantee minimum remuneration and health and safety rules. The simulative function of public procurement in achieving social objectives can be expressed mainly in three aspects. Essentially, customers should determine in the terms of service or works contracts a list of activities to be entrusted to persons providing their work under an employment relationship with the exclusion of the employment based on civil law contracts, under pain of rejection of the offer. However, it can be difficult to implement this solution in practice because it requires customers' substantial knowledge and commitment in order to enforce this condition. In the background remains the reservation that only sheltered workshops or other entities dealing, according to their statutory regulations, with the integration of people with disabilities or other disadvantaged people can apply for the contract. However, this solution should be treated with caution, because such type of conditions can lead to the restriction of competition and as an exception should have practical justification. Much more likely to be reasonably used in practice is the request addressed to contract or supplying for the contract to employ a specified number of disabled, people coming out of homelessness, alcoholism or drug addiction and so on. It can be further promoted by including the criterion of the growth of such social employment in the selection criteria allowing to choose the most advantageous offer.