
Pension rights of Polish emigrants and re-emigrants in the Second Polish Republic

The paper presents in a synthetic way the Polish policy of safeguarding pension rights for Polish emigrants who took up gainful employment in European countries during the interwar period. Poland's status as a country of emigration hindered the concluding of pension insurance agreements in spite of extensive undertakings by the Polish authorities in this area. The situation was further complicated by the fact that large Polish communities were located in countries (such as Germany, the Free City of Danzig [German: Freie Stadt Danzig, Polish: Wolne Miasto Gdańsk]), where Poland had considerable problems in settling social insurance liabilities from before 1918. Following years of efforts, it was possible to sign agreements with France, Germany, Belgium and the Free City of Danzig, which also covered old-age pension insurance. However, not all of them were ratified. The policy pursued on the forum of the International Labour Organisation (ILO) was partially successful. Although thanks to the involvement of the Polish delegation it was possible to draft and adopt in 1935 the Maintenance of Migrants' Pension Rights Convention, the Convention did not play a major role as a result of the small number of countries which actually ratified it.

Key words: social insurance, (old-age) pension insurance, social policy, emigration policy, Second Polish Republic

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Introductory remarks

In the interwar period, the Polish authorities pursued a pro-emigration policy, considering emigration to be a means of relieving many social tensions. However, the directions of emigration from Poland were to change, when compared to the period of the Partitions. After World War I, France experienced a great demand for labour and this is where most Poles emigrated. Emigration to Germany was comparable, but it mainly involved departures for seasonal work in agriculture. Immediately after the war, large groups of emigrants settled in Belgium, Denmark, Switzerland and Romania.¹ Emigration to the USA, Brazil and Argentina was still an occurrence. The Free City of Danzig [German: Freie Stadt Danzig, Polish: Wolne Miasto Gdańsk] was also an attractive labour market for Polish workers. Over 2 million people left Poland in 1918–1938, of which 1.25 million were continental emigrants and 796 thousand migrated to non-European countries. Returns were less frequent, before 1939 about one million people had returned to Poland from continental emigration and about 48 thousand from across the ocean.² The majority of Polish emigrants left for work and had plans to settle permanently in the country of immigration. This was connected with the need to provide Polish citizens with appropriate working conditions in the immigration country, and to regulate their access to social insurance benefits. It was particularly important and at the same time very complicated to guarantee old-age pension rights to emigrants who had been employed in different countries over the course of their working life.

In the discussed period, the issue of safeguarding the old-age pension rights of emigrants was an extremely important social problem, which is why it was the subject of great interest in the press at the time, mainly the specialist press, as well as the subject of academic dissertations. The annuals of the monthly “Przegląd Ubezpieczeń Społecznych” and “Praca i Opieka Społeczna”, published by the Ministry of Labour and Social Welfare, provide particularly valuable materials for the subject under discussion. A classical monograph on this subject was published then by Stanisław Fischlowitz and Herman Horowitz.³ Among the most important publications, it is also worth noting the works of S. Fischlowitz,⁴ a frequent Polish representative at the conferences of the International Labour Organisation (ILO) as well as Zdzisław

1 J. Tomaszewski, *Czynniki wpływające na migracje zewnętrzne ludności w Polsce 1918–1939* [in:] *Mechanizmy polskich migracji zarobkowych*, ed. C. Bobińska, Warszawa 1976, p. 147.

2 A. Kicingier, *Polityka emigracyjna Drugiej Rzeczypospolitej*, “CEFMR Working Paper” 2005, No. 4, p. 7.

3 H. Horowitz, S. Fischlowitz, *Ochrona emigrantów w zakresie ubezpieczeń społecznych*, Warszawa 1936.

4 Among others S. Fischlowitz, *Międzynarodowe zagadnienie ubezpieczeń społecznych*, “Praca i Opieka Społeczna” 1932, Issue 2, pp. 196–211; *idem*, *Praski Kongres Międzynarodowy ubezpieczeń społecznych*, “Praca i Opieka Społeczna” 1936, Issue 3, pp. 254–261; *idem*, *Sprawa międzynarodowego zachowania uprawnień ubezpieczenia emerytalnego*, “Praca i Opieka Społeczna” 1934, Issue 2, pp. 228–232; *idem*, *Ubezpieczenia społeczne za granicą*, “Praca i Opieka Społeczna” 1936, Issue 2, pp. 128–138.

Wyżnikiewicz,⁵ a legal advisor at the Invalidity Insurance Institution [Zakład Ubezpieczenia na Wypadek Inwalidztwa] in Chorzow, who had participated in the insurance negotiations with Germany and with the Free City of Danzig and in Polish-German negotiations in the field of social insurance, and additionally Stanisław Sasorski,⁶ a long-term head of the Accident Benefits Department of the Polish Social Insurance Institution [Zakład Ubezpieczeń Społecznych, ZUS], and later the director of the Social Insurance Institution in Warsaw. The very fact that these authors were directly involved in Poland's social insurance policy makes their works factually rich, but also ones requiring careful analysis because of the somewhat subjective interpretation of the events they participated in.

Following World War II, this issue was not to become a subject of broad academic research, appearing only as a background current to research into Polish emigration and re-emigration of 1918–1939.⁷ It also did not constitute a subject of study in the 1980s and 1990s, when broader research into the history of Polish insurance started to be undertaken in the Polish People's Republic.⁸ Only in recent years have studies into the matter been undertaken. These have resulted in several monographic papers on international agreements⁹ concluded by Poland and settlements with Germany in respect of social insurance.¹⁰ In 2017, the first monograph on the history of insurance in the Second Republic was published; a small part of which being devoted to a very general discussion of selected bilateral agreements signed by Poland.¹¹

The present paper is based on legal acts from 1918–1939 and on archival documents from the Central Archives of Modern Records in Warsaw [Archiwum Akt Nowych], the National Archives [Archiwum Państwowe] in Gdańsk and the National Archives in Katowice. Due to the space limitations imposed on this article, archival footnotes have been reduced to the necessary minimum. The source analysis employed has allowed for the reconstruction of the most important achievements of Polish policy on safeguarding

5 Among others Z. Wyżnikiewicz, *Ubezpieczenia społeczne na Śląsku w świetle wykonania górnośląskiej Konwencji Genezyńskiej*, Katowice 1939; *idem*, *Okres wyczekiwania i utrzymanie praw do świadczeń w poszczególnych systemach emerytalnych w reglamentacji wewnętrzno-państwowej i międzypaństwowej*, Chorzów 1939.

6 Among others S. Sasorski, *Międzynarodowe związki w zakresie ubezpieczeń społecznych*, "Przegląd Ubezpieczeń Społecznych" 1936, No. 10, pp. 705–713; *idem*, *Międzypaństwowe związki w zakresie ubezpieczeń społecznych. Referat wygłoszony na drugim międzynarodowym kongresie rzeczoznawców ubezpieczeń społecznych, który odbył się w dniach od 4 do 8 września 1936 r. w Dreźnie*, Warszawa 1936.

7 E. Kołodziej, *Wychodźstwo zarobkowe z Polski 1918–1939. Studia nad polityką emigracyjną II Rzeczypospolitej*, Warszawa 1982; H. Janowska, *Polska emigracja zarobkowa we Francji 1919–1939*, Warszawa 1964; M. Piotrowski, *Reemigracja Polaków z Niemiec 1918–1939*, Lublin 2000.

8 *Rozwój ubezpieczeń społecznych w Polsce*, ed. C. Jackowiak, Wrocław 1991; "Studia i Materiały z Historii Ubezpieczeń Społecznych w Polsce" 1983–1994, Vol. 1–10.

9 A. Jarosz-Nojszewska, *Polsko-niemiecka umowa w sprawie ubezpieczeń społecznych* [in:] *Świat pracy: instytucje i wartości*, ed. J. Gardawski, R. Towalski, Warszawa 2017, pp. 147–161; *eadem*, *Problem ubezpieczeń emerytalnych "Westfalczyków" w okresie międzywojennym* [in:] *Kapitalizm a sprawiedliwość społeczna*, ed. J. Osiński, Warszawa 2016, pp. 409–422; *eadem*, *Polsko-francuskie umowy w sprawie ubezpieczeń społecznych w okresie międzywojennym*, "UR Journal of the Humanities and Social Sciences" 2017, No. 2, pp. 34–52.

10 *Eadem*, *Ubezpieczenia społeczne na Górnym Śląsku w latach 1922–1939* [in:] *Od kwestii robotniczej do nowoczesnej kwestii socjalnej. Studia z polskiej polityki społecznej XX i XXI wieku*, ed. P. Grata, Rzeszów 2016, pp. 29–50.

11 K. Chylak, *Ubezpieczenia społeczne i zaopatrzenia emerytalne w II Rzeczypospolitej*, Warszawa 2017, pp. 596–601.

the rights to old-age pension insurance benefits for Polish emigrants. The paper is an attempt at a synthetic presentation of the efforts of the Polish authorities to protect the legitimate expectatives of Polish emigrants and re-emigrants and to provide them with any benefits due from pension insurance.

Origin of bilateral agreements in the field of old-age pension insurance

In most European old-age pension insurance systems, the right to benefits depended on two basic statutory requirements: completing a certain period of contribution payment (the so-called qualifying period), on which the right to benefits depended, and continuity in contribution payment, a shortfall in which resulted in a loss of the rights acquired based on previously paid contributions. Such requirements were a real problem for emigrants who had been changing their country of residence and employment over the course of their working life.¹²

The first attempts to regulate these issues appeared even before World War I. It was then that the first bilateral agreements were signed regulating emigrants' rights to social insurance.¹³ However, it was only during the interwar period that the system of bilateral agreements developed quickly. Social insurance agreements were signed in various forms – starting from social clauses in trade treaties,¹⁴ through to general social agreements and concluding with special social insurance agreements. Most of the agreements concerned insurance against accidents at work. It was only later were old-age pension insurance, unemployment insurance and sickness insurance dealt with.¹⁵ It should be, however, stressed that concluding such agreements was very difficult. The uneven migration balance of individual countries often made it difficult to sign an agreement based on reciprocity. The different legal solutions applied within social insurance organisations in various countries hindered the conclusion of bilateral agreements. Issues related to the duration of the qualifying period, acquisition of the right to benefits and the maintenance of rights were regulated in different way by various countries. It was a particular challenge to regulate the benefits from old-age pension insurance for persons who had worked and had been successively insured in different countries.¹⁶ As a result, bilateral agreements on pension insurance were rarely concluded, only being ratified after lengthy

12 H. Horowitz, S. Fischlowitz, *op. cit.*, pp. 20–21.

13 Agreements were signed between France and Italy, France and Luxembourg, France and England, Germany and Luxembourg, Italy and Germany.

14 Poland incorporated such social clauses to trade treaties concluded with Austria on 25 September 1922, Estonia on 19 February 1927, Finland on 10 November 1923, Greece on 10 April 1930, the Netherlands on 30 May 1924, Latvia on 12 February 1929, the United States on 15 June 1931 and Romania on 23 June 1930: H. Horowitz, S. Fischlowitz, *op. cit.*, p. 44.

15 S. Sasorski, *Międzypaństwowe...*, *op. cit.*, p. 15.

16 *Ibid.*, p. 17.

negotiations while often not providing employees with sufficient protection.¹⁷ France and Germany in constituting the main countries for immigration concluded reciprocal social insurance agreements. Their counterparties were mainly Central and Eastern European countries (Poland, Czechoslovakia, Austria, Yugoslavia), as well as Spain, Belgium and Italy.¹⁸ It is worth noting, however, that agreements based on reciprocity did not solve all migration-related problems and here because they could not regulate the situation of persons insured successively in different countries.

The issue of insurance for emigrants was not only present in international agreements and conventions, but also in the national regulations of individual countries. Three groups of issues required regulation – the adoption of laws on the obligation to insure, on access to benefits and on the payment of benefits to eligible persons residing outside the country.¹⁹ In Poland, these issues were regulated by the Act of 16 July 1923 on the treatment of foreigners in relation to social insurance rights,²⁰ which introduced full equality of foreigners with Polish nationals, but subject to retaliation directed against the citizens of countries applying restrictions to Polish citizens.²¹ In practice, such restrictions were never applied in Poland, although in 1939, in connection with preparations for war, a draft Act was developed to withhold the payment of benefits to German citizens residing outside the territory of Poland.²² Throughout the whole interwar period, all social insurance pensions were paid by Polish institutions to eligible persons also when outside the country. However, such solutions were rare. Apart from a few exceptions, where foreigners were provided with rights equal to those of their own citizens, such equalisation most often depended on the formal adoption and application of the principle of reciprocity by a given state. Most countries, however, adopted restrictions on foreigners. The most frequent restrictions included: the requirement of a longer qualifying period for immigrants, limitations in the payment of benefits based on subsidies from public sources, suspension of benefits payment to foreigners in the case of going abroad or the suspension of benefits payment to both foreigners and one's own nationals who had left the country without the due permission of social insurance institutions.²³

The policy of the Second Polish Republic to safeguard emigrants' rights to benefits derived from the old-age pension insurance was a consequence of the emigration policy pursued by Poland at that time. Poland, like other emigration countries, tried to improve the situation of its own citizens by concluding agreements on reciprocity in the field of social insurance with the countries of immigration. On many occasions, to obtain reciprocity in the field of social insurance, it was necessary to make concessions in other

17 H. Horowitz, S. Fischlowitz, *op. cit.*, p. 18.

18 Z. Wyżnikiewicz, *Ubezpieczenia...*, *op. cit.*, p. 109.

19 S. Sasorski, *Międzypaństwowe...*, *op. cit.*, p. 10.

20 Act of 6 July 1923 on the extension to foreign nationals of the legal provisions on compensation for accidents at work, incapacity for work, old age, death and lack of work (Journal of Laws No. 75, item 587).

21 Act on Social Welfare of 16 August 1923 (Journal of Laws No. 92, item 726).

22 Central Archives of Modern Records, Presidency of the Council of Ministers [Archiwum Akt Nowych, Prezydium Rady Ministrów], part VIII, Secret Files, file No. 70, ff. 1–8.

23 S. Sasorski, *Międzypaństwowe...*, *op. cit.*, pp. 11–12.

fields. At the same time, on the international forum, Poland was striving for the freedom to emigrate and for the abolition of emigration restrictions.²⁴ The main goal of Polish activities was to sign agreements with those countries to which Polish emigration was directed, or where Polish communities existed as a result of previous waves of migration.

Polish-German agreements

After World War I, Germany was a country with large Polish communities. A significant part of the Poles resident there were employees who had arrived before the war, looking for work in the dynamically developing German industry. Some of them decided to re-emigrate after Poland had regained its independence. However, some decided to stay. Regardless of permanent emigration, Germany was also a country of seasonal migration from Poland. This included agricultural workers who were looking for employment during the months of work in the fields. The need to safeguard old-age pension rights for Poles resident in Germany, as well as for those who had decided to re-emigrate, was one of the most important issues in Polish social policy, and at the same time an extremely difficult one to solve.

In the first period after regaining independence, the issue of reciprocity in the field of social insurance was inseparably related to the issue of social insurance succession after the partitioning powers. In the area of the former Prussian partition and in Upper Silesia there were many people to whom benefits should already have been paid or who had the right to claim pensions.²⁵ The regulation of these issues continued until the mid-1930s, seriously hindering the negotiation of any social insurance agreement as sought by the Polish side due to the large emigration to Germany.²⁶

The Treaty of Versailles was the first to address issues related to the loss of these territories by Germany after the World War I and to benefit allocation in the field of social insurance. Art. 312 resolved these issues in such a way that Germany was ordered to transfer to those States that had been granted its former territories such a portion of the insurance reserves as was attributable for the effective realisation of social insurance obligations.²⁷ The implementation of Art. 312 required, as a matter of priority, the resolution of the issue of a division of liabilities between Germany and the States to which German territories have been ceded and the regulation of the issue of transfer to these States of financial reserves corresponding to the liabilities taken on. This was not easy, *inter alia* because in deciding on the fate of the insurance liabilities towards persons who

24 W. Śladkowski, *Wychodźstwa polskiego zarys dziejowy*, Lublin 1994, p. 58.

25 H. Horowitz, S. Fischlowitz, *op. cit.*, p. 122.

26 Cf. K. Chylak, *op. cit.*, pp. 516–530; A. Jarosz-Nojszewska, *Polsko-niemiecka...*, *op. cit.*, pp. 148–152.

27 The Treaty of Peace between the Allied and Associated States and Germany signed at Versailles on 28 June 1919 (Journal of Laws No. 35, item 200), hereinafter the Treaty of Peace. It is worth noting that similar provisions were included in the Treaties of Peace with Austria (Article 275) signed in Saint-Germain and with Hungary (Article 258) signed in Trianon.

had stayed in German areas ceded to other States, it had to be anticipated what would happen with regard to the rights of insured persons arriving those areas subsequently, *e.g.*, as a result of re-emigration, and of persons who might decide to leave those areas for Germany itself.²⁸ It also had to be decided how to regulate further mutual relations between the insurance institutions of Germany and of the States which have taken over German liabilities in connection with the takeover of the said territories.

With regard to Upper Silesia, the issues of insurance settlements and of honouring the rights of persons insured and beneficiaries were regulated by the Polish-German convention on Upper Silesia, popularly known as the Geneva convention, concluded on 15 May 1922 for the period of 15 years (*i.e.*, until 15 July 1937).²⁹ It contained provisions which precisely defined the rights and obligations of insurance institutions, persons insured and the governments of both States following the division of Upper Silesia. The provisions of the convention, on the one hand, tried to create for a reciprocity of social insurance between Poland and Germany, while on the other hand, they introduced in Upper Silesia the division of pensioners, expectatives, persons insured and insurance institutions.³⁰ In the same year, the issue of fraternal insurance [*ubezpieczenia brackie*] was also resolved separately by the signing on 26 August 1922 of an agreement on the division of the Upper Silesian Fraternal Company [Spółka Bracka], which had been providing *inter alia* old-age pension insurance for miners in Upper Silesia since 1865.³¹

Implementation of the provisions of the Treaty of Versailles and of the Geneva convention turned out to be extremely difficult as a result of the German side's reluctance to transfer the financial reserves due to Poland in relation to social insurance and to pay pensions to Poland. German legislation contained numerous restrictions on foreigners. Particularly burdensome were the provisions on the so-called resting pensions [*spoczywanie rent*] in the event of a pensioner's voluntary stay outside of Germany while being a foreign citizen. In practice, this meant that German social insurance institutions did not pay any benefits to the entitled pensioners if they had left Germany itself. These provisions, when applied to Polish citizens, created a situation where the Polish State was forced to pay out the benefits from public funds.³² The lack of a Polish-German agreement and cooperation on social insurance issues resulted in the need for this issue to be addressed by the Council of the League of Nations, which, on 17 July 1922, tried, *inter alia*, to regulate, based on Art. 312 of the Treaty of Versailles, the consequences of migration between Poland and Germany post 1920.³³

28 H. Horowitz, S. Fischlowitz, *op. cit.*, p. 123.

29 The German-Polish convention on Upper Silesia, signed in Geneva on 15 May 1922 (Journal of Laws No. 44, item 371); Z. Wyżnikiewicz, *Ubezpieczenia społeczne...*, *op. cit.*, p. 9; Cf. A. Jarosz-Nojszewska, *Ubezpieczenia społeczne...*, *op. cit.*, p. 31.

30 Z. Wyżnikiewicz, *Ustawodawstwo śląskie o ubezpieczeniu społecznym*, Katowice 1938, p. 13.

31 The Polish-German agreement concerning the Upper Silesian Fraternal Company [Górnośląska Spółka Bracka, Oberschlesischer Knappschaftsverein] signed in Poznań on 26 August 1922 (Journal of Laws of 1923 No. 48, item 327).

32 H. Horowitz, S. Fischlowitz, *op. cit.*, p. 126.

33 The Government Declaration of 25 May 1923 on the decision of the Council of the League of Nations concerning the regulation of social insurance in the territories directly surrendered by Germany to Poland under the Tre-

New conflicts with regard to the execution of social insurance were to emerge in German-Polish relations as early as in the 1920s. Issues related to the implementation of the Treaty of Versailles were also accompanied by problems with the protection of the rights of Polish emigrants in Germany, who were not treated by the German authorities on an equal footing with their own citizens when granting and paying social insurance benefits. Prolonged negotiations resulted in the signing, in 1927, of the convention on Polish agricultural workers, which regulated insurance against all risks, including old age insurance, but only for Polish workers employed in German agriculture.³⁴ On 25 May 1928 another agreement was drawn up, one which, however, was never to be signed and implemented because of a lack of *consensus* regarding the Upper Silesian mining insurance reserves due from Germany to Poland. The problem of the transfer of reserves for the mining (fraternal) insurance in the Upper Silesia region was to be resolved by the League of Nations on 13 January 1930.³⁵

Only after that were negotiations resumed, which led to the signing of the social insurance agreement on 11 June 1931.³⁶ It entered into force on 1 September 1933. The Polish-German social insurance agreement covered a raft of insurance issues. It regulated all social insurance sections except for unemployment insurance.³⁷ It partially replaced the provisions of the Geneva convention. Its implementation took place in stages and lasted until 1939.³⁸

The most important provision of the agreement was to safeguard the equality of persons insured and pensioners of one country with those insured and being the pensioners of another country. From that moment on, it was not possible to withhold the payment of a pension to a Pole who had left Germany. Nor could the regulations on resting pensions be applied to Polish citizens, similarly as to German citizens. The decisions

aty of Peace between the Allied and Associated States and Germany, signed at Versailles on 28 June 1919 (Journal of Laws of 1923 No. 70, item 550); the Act of 19 December 1923 implementing the decision of the Council of the League of Nations of 17 July 1922 on the regulation of social insurance in the former German territories surrendered to Poland directly on the basis of the Treaty of Versailles, and on the allowances granted pursuant to that decision (Journal of Laws of 1924 No. 7, item 63).

34 Convention on Polish agricultural workers, signed in Warsaw on 24 November 1927 (approved by the Resolution of the Council of Ministers of 24 February 1928) (Journal of Laws of 1929 No. 44, item 366); The Central Archives of Modern Records, Embassy of the Republic of Poland in Berlin [Archiwum Akt Nowych, Ambasada RP w Berlinie], file No. 1623, ff. 30–31.

35 Government Declaration of 1 April 1930 on the Decision of the Council of the League of Nations concerning reserves of mining insurance in the area of Upper Silesia as renounced by Germany to Poland under Article 312 of the Treaty of Peace between the Allied and Associated States and Germany signed at Versailles on 28 June 1919 (Journal of Laws of 1930 No. 35, item 293).

36 National Archives in Katowice, Spółka Bracka in Tarnowskie Góry [Archiwum Państwowe w Katowicach, Spółka Bracka w Tarnowskich Górach], file No. 60, ff. 1–15; Agreement between the Republic of Poland and the German Reich on social insurance, signed in Berlin on 11 June 1931 (Journal of Laws of 1933 No. 65, item 487), hereinafter referred to as the agreement between the Republic of Poland and the German Reich on social insurance; Act of 28 January 1932 on the ratification of the agreement between the Republic of Poland and the German Reich on social insurance, signed with final protocol in Berlin on 11 June 1931 (Journal of Laws of 1932 No. 16, item 94).

37 H. Horowitz, S. Fischlowitz, *op. cit.*, p. 127.

38 M. Wanatowicz, *Wpływ politycznego podziału Górnego Śląska na późniejsze losy tego obszaru i jego mieszkańców* [in:] *Górny Śląsk po podziale w 1922 roku. Co Polska, a co Niemcy dały mieszkańcom tej ziemi?*, Vol. 1, ed. Z. Kapała, W. Lesiuk, M. Wanatowicz, Bytom 1997, p. 14.

concerning old-age pensions, referred to as *renty starcze* in the Polish wording of the agreement, as well as provisions concerning benefits for persons who were successively subject to the insurance legislation of both countries, were extremely important. It was provided that the periods of contributions payment to Polish and German institutions would be reckoned both for the purposes of the qualifying period, the maintenance of the rights to benefits and the recovery of lost expectatives. An insured person who had acquired the rights to benefits in one country did not lose them when they moved to another.³⁹ The Polish-German agreement also contained a provision regarding the recovery of lost expectatives, something which had not been included in any of the international social insurance agreements signed earlier. Under this principle, if an insured person's expectatives for insurance benefits from one country expired during their residence in another country, such expectatives could be restored until the date of entry into force of the agreement at the request of the person concerned. The insured persons to whom German insurance companies had restored their rights deriving from past contributions were obliged to pay voluntary contributions for the period after 1 January 1924. That provision was advantageous for those who had not completed a qualifying period in Germany and who would soon be 65 years old, as they were able to obtain an old-age pension by paying contributions retroactively. The insured persons also obtained the right to continue their insurance voluntarily at their choice in Poland or Germany. This provision was very important because the costs of continued insurance in Poland were much lower.⁴⁰

The amount of benefits was determined according to the principle that each country paid pensions in strict proportion to the contributions paid by the person insured in that particular country. The agreement provided, in a very general form, for the possibility of taking into account contribution periods in a third country when determining the right to benefits.⁴¹ The agreement clarified the division of German pensions, which had been made in earlier agreements and decisions, by requiring that benefits should be paid to re-emigrants. It was agreed that the resting pensions would be paid retroactively, starting from 1 July or 1 October 1931.⁴²

The agreement of 11 June 1931 was very advantageous to insured persons. In the first years after its entry into force, the German institutions resumed the payment of disability and old-age pensions to eligible persons residing in Poland.⁴³ All pensions established before the agreement's entry into force, and covered by its scope, were reviewed. The largest group of benefits were for those pensions where contributions paid in one of the countries had not been taken into account when determining the amount of the

39 *Ibid*; Agreement between the Republic of Poland and the German Reich on social insurance.

40 Agreement between the Republic of Poland and the German Reich on social insurance; A. Rzewski, Z. Wyżnikiewicz, *Systematyczny przegląd ubezpieczeń społecznych w Polsce*, Łódź 1936, pp. 149, 155; A. Jarosz-Nojszewska, *Polsko-niemiecka...*, *op. cit.*, p. 155.

41 Agreement between the Republic of Poland and the German Reich on social insurance; A. Rzewski, Z. Wyżnikiewicz, *op. cit.*, p. 138.

42 Agreement between the Republic of Poland and the German Reich on social insurance.

43 H. Horowitz, S. Fischlowitz, *op. cit.*, pp. 128–129.

benefit in another country. The second group of cases under review were the rejected claims which could be considered in favour of the insured person after the agreement had entered into force.⁴⁴

The complexity of the social insurance systems in both countries and the need to clarify some of the provisions of the 1931 agreement made it necessary for supplementary agreements to be signed several times. Before the outbreak of World War II, five such agreements were concluded – in 1933, 1934, 1935, 1937 and 1938. The new regulations were implemented gradually until 1939.⁴⁵

Agreements with the Free City of Danzig

The signing of an agreement with the authorities of the Free City of Danzig also encountered great problems. Initially, Polish-Danzig relations were regulated by Art. 104 of the Treaty of Versailles. It announced the principles of the convention that was to be signed between Poland and Danzig *via* the principal powers and which was to have come into force when the Free City was established.⁴⁶ However, from the beginning, the authorities of Danzig showed no willingness to establish proper relations with Poland, seeking to limit Poland's rights within the Free City. This was primarily the result of tense Polish-German relations, which affected developments in Danzig throughout the interwar period.⁴⁷ As a result, the implementation of Art. 104 of the Treaty of Versailles, and thus the equalisation of the citizens of Danzig and of Poland in their rights, was carried out to a very limited extent. The Paris convention signed on 9 November 1920 did not bring any new solutions, but only reiterated the provisions of Art. 104.⁴⁸ In turn, the Warsaw agreement concluded on 24 October 1921 to implement and supplement the Paris convention provided the citizens of both countries with a number of rights in economic matters, but completely ignored social issues.⁴⁹

The dispute over the treatment of Polish citizens by the Free City of Danzig was protracted, and at the same time there was no settlement of social insurance issues in bilateral agreements. As a result, the social insurance institutions in Danzig treated Polish citizens as citizens of foreign countries, denying them equal rights in the field of

44 A. Rzewski, Z. Wyżnikiewicz, *op. cit.*, p. 153.

45 Cf. A. Jarosz-Nojszewska, *Polsko-niemiecka...*, *op. cit.*, p. 158.

46 The Treaty of Peace.

47 *Historia Pomorza*, Vol. 5: (1918–1939), *Województwo pomorskie i Wolne Miasto Gdańsk*, part 2: *Polityka i kultura*, ed. S. Wierzchoślawski, P. Olstowski, Toruń 2018, p. 378.

48 A. Drzycimski, *Polacy w Wolnym Mieście Gdańsku w latach 1920–1933. Polityka Senatu Gdańskiego wobec ludności polskiej*, Wrocław–Warszawa–Kraków–Gdańsk 1978, p. 99.

49 Act of 17 December 1921 on the approval of the agreement signed in Warsaw on 24 October 1921, concluded between Poland and the Free City of Danzig to implement and supplement the Polish-Gdańsk convention of 9 November 1920 (Journal of Laws of 1922 No. 16, item 139); A. Drzycimski, *op. cit.*, pp. 102–104; M.Br., *Polsko-Gdańskie zagadnienie ubezpieczeniowe*, "Przegląd Ubezpieczeń Społecznych" 1931, No. 9, p. 285.

social insurance. This made it possible to apply to Poles all possible restrictions provided for by the German legislation applicable in this area. Particularly unfavourable were the regulations on resting pensions, preventing the receipt of benefits in the case of leaving the Free City of Danzig. This situation persisted even when relations in this matter had been already regulated by the agreement of June 1931 between Poland and Germany. It is worth noting here that according to the aforementioned Act of 6 July 1923, the citizens of the Free City of Danzig enjoyed the right to benefits from Polish social insurance institutions on an equal footing with Polish citizens. The relations between Poland and Danzig were therefore not compatible with the provisions of the Treaty of Versailles, since the citizens of Danzig were treated on an equal footing with Polish citizens in the field of social insurance, in Polish legislation and in Polish social insurance institutions, while the principle of reciprocity was not applied in the Free City of Danzig to Polish citizens, who could not count on the same treatment as the citizens of Danzig.⁵⁰

The regulation of insurance relations was also hindered by the fact that Danzig was not a member of the International Labour Organisation. In this situation, it could not be a signatory of ILO conventions. Although Poland was seeking the possibility of Danzig's participation in the work of the ILO, the Permanent Court of International Justice stated in 1930 that "the special legal status of the Free City of Danzig is not such as to enable it to become a Member of the International Labour Organisation."⁵¹ In this situation, bilateral Polish-Danzig agreements that would regulate social insurance relations were one of the foreign policy priorities for the Polish authorities. The first step was made by Poland's signing on 24 January 1927, on behalf of the Free City of Danzig, of an agreement with Germany on the implementation of Art. 312 of the Treaty of Versailles, which governed the issue of the settlement of accounts in the field of social insurance in the Free City of Danzig.⁵²

On 13 January of that year the first Polish-Danzig agreement on social insurance was signed, concerning one professional group – railway workers. It covered, among others, old-age pension insurance for railway workers. The agreement was extremely important for the Polish side, because it concerned mainly persons employed by the Polish State Railways [Polskie Koleje Państwowe] in the Free City of Danzig.⁵³

50 Central Archives of Modern Records, Ministry of Foreign Affairs [Archiwum Akt Nowych, Ministerstwo Spraw Zagranicznych], file No. 2647, ff. 22–23.

51 M.Br., *op. cit.*, p. 286.

52 National Archives in Gdańsk, Senate of the Free City of Danzig [Archiwum Państwowe w Gdańsku, Senat Wolnego Miasta Gdańska], file No. 172, pp. 1–13, file No. 173, ff. 1–24; The Polish-German agreement signed in Berlin on 24 January 1927 implementing Article 312 of the Treaty of Versailles of 28 June 1919 (Journal of Laws of 1928 No. 8, item 52).

53 National Archives in Gdańsk, Senate of the Free City of Danzig, file No. 2474, ff. 1–8, 13, 27; Central Archives of Modern Records, Ministry of Foreign Affairs, file No. 2647, ff. 13–15; Ordinance of the President of the Republic of Poland of 17 August 1927 on the approval of the agreement between the Republic of Poland and the Free City of Danzig on the social insurance of blue- and white-collar workers, employed on Polish State Railways within the territory of the Free City of Danzig, signed in Danzig on 19 January 1927 (Journal of Laws No. 74, item 645); Government Declaration of 8 May 1928 on the exchange of notes concerning the approval of the agreement between the Republic of Poland and the Free City of Danzig on the social insurance of blue- and white-collar workers employed by Polish State Railways on the territory of the Free City of Danzig, signed in Danzig on 13 January 1927 (Journal of Laws No. 69, item 638); Announcement by the President of the Republic of Poland of 20 October 1927 on the correction of an er-

In the early 1930s, work began on a general Polish-Danzig insurance agreement. It was successfully signed on 2 July 1934.⁵⁴ It followed the model of the Polish-German agreement of 1931. However, its entry into force encountered great difficulties. The Senate of Danzig delayed the ratification of the agreement, and finally rejected it in August 1935, motivating its decision by the fact that its implementation would be an excessive burden for Danzig social insurance institutions.⁵⁵ Efforts to regulate Polish-Danzig insurance relations had to in effect start from the beginning.

However, the signing of the Polish-Danzig agreement was a necessity for the Polish authorities, hence the pressure on the Free City to resume talks. This happened in the spring of 1936, when the Senate of Danzig took the position that the content of the 1934 agreement could only be introduced in stages, because only in such a situation could the Danzig insurance system be protected against any excessive financial burden.⁵⁶ The first stage on the way to regulate Polish-Danzig social insurance relations was to be the agreement concluded on 29 April 1937.⁵⁷ This was a temporary agreement that allowed the receipt of benefits in the case of leaving the territory of the Free City of Danzig if the departure was to take place after 1 January 1935, and in the case of paying additional contributions – after 1 January 1934. The signing of the agreement was an important step forward on the way to regulating Polish-Danzig insurance relations. However, further issues could not be resolved before the outbreak of World War II.

Polish-French agreements

The first regulation of Polish-French insurance relations appeared soon after Poland had regained its independence. On 3 September 1919, an emigration convention with France was signed by Poland.⁵⁸ This was the first international agreement that introduced the principle of equal protection of work in the country of emigration and immigration,

ror in the Ordinance of the President of the Republic of Poland of 17 August 1927 on the approval of the agreement between the Republic of Poland and the Free City of Danzig on the social insurance of blue- and white-collar workers employed by Polish State Railways, signed in Danzig on 19 January 1927 (Journal of Laws No. 95, item 847).

54 National Archives in Gdańsk, Senate of the Free City of Danzig, file No. 189, ff. 1–24, 26–33; Ordinance of the President of the Republic of Poland of 24 October 1934 on the approval of certain Polish-Gdańsk agreements (Journal of Laws No. 96, item 870).

55 Archive of New Files, Ministry of Foreign Affairs, file No. 2647, ff. 17–19.

56 Archive of New Files, Ministry of Foreign Affairs, file No. 2648, ff. 15–16, 21–26.

57 S. Fischlowitz, *Układ z Wolnym Miastem Gdańskiem o ubezpieczeniu społecznym*, “Przegląd Ubezpieczeń Społecznych” 1937, Issue 7, p. 418; Agreement between the Republic of Poland and the Free City of Danzig on social insurance (Journal of Laws of 1938 No. 37, item 315); Government Declaration of 6 May 1938 on the approval of the agreement between the Republic of Poland and the Free City of Danzig on social insurance, signed in Warsaw on 29 April 1937 (Journal of Laws No. 37, item 314); Act of 16 March 1938 on the approval of the agreement of 29 April 1937 between the Republic of Poland and the Free City of Danzig on social insurance (Journal of Laws No. 18, item 135).

58 Act of 30 October 1919 on the ratification of the convention with France on emigration and immigration (Journal of Laws No. 88, item 481).

the most-favoured-nation clause for citizens of both countries, as well as freedom of migration limited only by the needs of the labour market. The convention announced the signing of a Polish-French agreement on the payment of pensions in Poland and in France.⁵⁹ The next stage of insurance regulations was the signing of the Polish-French convention on social assistance and welfare on 14 October 1920. It covered, *inter alia*, the issue of maintaining the pension rights of workers moving from the insurance system of one country to another. It adopted the principle that an emigrant or re-emigrant could receive old-age pension benefits from both countries in the event of a random event. The benefits were to be provided in appropriate proportions by the institutions concerned.⁶⁰ However, only those Polish workers who have worked a minimum of 15 years in France were entitled to old-age pensions.⁶¹ As a result, emigrants who had been working and were insured successively in different countries were at a disadvantage because, in the absence of relevant inter-State agreements, they were at risk of losing all of their pension benefits.⁶²

In the second half of the 1920s, the first French draft agreement for miners' insurance was drawn up. Negotiations in this regard were launched in November 1929.⁶³ The agreement was signed following brief negotiations on 21 December 1929.⁶⁴ According to its provisions, blue- and white-collar workers, both Polish and French citizens, employed in the mining industry were to be entitled, without any restrictions, to all benefits granted for the account of both countries, as well as insurance institutions and mining funds, as provided for in the legislation of both countries concerning old age, incapacity for work and death insurance. For employees who had worked successively in both countries for companies affiliated to a mining pension scheme, contribution periods completed in both countries, as well as assimilated periods were to be taken into account when determining the right to benefits. Provisions on aggregating contribution periods and on the amount of pensions were to apply only to Polish and French citizens. Benefits assessment, after aggregating the contribution periods, was based on the principle that each country pays a part of the old-age pension in proportion to the period of contributions paid by the insured person in that given country.⁶⁵

59 E. Kołodziej, *Wychodźstwo zarobkowe z Polski 1918–1939. Studia nad polityką emigracyjną II Rzeczypospolitej*, Warszawa 1982, p. 78; see P. Kraszewski, *Polsko-francuska konwencja emigracyjna z 3 września 1919 roku*, "Przegląd Polonijny" 1975, Issue 2.

60 H. Horowitz, S. Fischlowitz, *op. cit.*, p. 108.

61 Convention on Social Assistance and Welfare, signed between Poland and France in Warsaw on 14 October 1920 (approved by the Act of 11 May 1922) (Journal of Laws of 1923 No. 48, item 329); E. Kołodziej, *op. cit.*, p. 77.

62 P. Kraszewski, *Polska emigracja zarobkowa w latach 1870–1939. Polityka i refleksja*, Poznań 1995, pp. 171–172; H. Janowska, *op. cit.*, pp. 65–66; A. Jarosz-Nojszewska, *Polsko-francuskie...*, *op. cit.*, p. 41.

63 National Archives in Katowice, Spółka Bracka in Tarnowskie Góry, Vol. 64, ff. 2–56, 116–117; Central Archives of Modern Records, Consulate of the Republic of Poland in Marseille [Archiwum Akt Nowych, Konsulat RP w Marsylii], file No. 285, f. 26.

64 Convention between Poland and France concerning old age insurance, incapacity for work and death of blue- and white-collar workers employed in mining, signed in Warsaw on 21 December 1929 (Journal of Laws of 1934 No. 72, item 690), hereinafter the convention between Poland and France.

65 National Archives in Katowice, Spółka Bracka in Tarnowskie Góry, file No. 69, ff. 1–24; Convention between Poland and France; see A. Rzewski, Z. Wyżnikiewicz, *op. cit.*, p. 114; A. Jarosz-Nojszewska, *Polsko-francuskie...*, *op. cit.*, pp. 41–45.

The delay was due to prolonged French Parliamentary procrastination in its ratification, and here despite several interventions on the part of Poland.⁶⁶ The issue of cooperation between the social insurance institutions of both countries was regulated the following year, on 29 June 1935, when a special agreement was signed between the Autonomous Pension Fund of Miners in Paris and ZUS in Warsaw. On its basis, the benefits for pensioners of the Autonomous Fund living in Poland were to be paid *via* ZUS.⁶⁷

The 1929 convention did not solve all the pension-related problems of Polish emigrants in France and those of re-emigrants. The priority was to regulate insurance for Poles living in Alsace and Lorraine, who were not covered by the 1929 convention. In these areas, taken over by France from Germany, the provisions of German insurance law were still in force. It was also necessary for the convention to cover workers employed outside mining. The 1929 convention also needed to be supplemented because of amendments to French insurance law after the entry into force of the Act of 30 April 1930, and to Polish law after the entry into force of the Consolidation Act. The Polish authorities had been working intensively to conclude a general insurance agreement, *i.e.*, one covering not only miners, like the 1929 agreement, but all workers. The Polish Ministry of Labour and Social Welfare prepared a ready draft of the general convention on social insurance, and in 1936 a preliminary draft agreement on insurance in Alsace and Lorraine was drawn up. Negotiations were launched in July 1937 on the initiative of France. However, despite the efforts of both parties, the agreement was not to be concluded before the outbreak of World War II.⁶⁸

The issue of old-age pensions for the so-called Westphalians

Not all matters concerning Polish emigrants could be regulated by Poland through bilateral agreements with countries of immigration. The case of the so-called Westphalians [Westfalczycy], *i.e.*, Polish miners who had emigrated from West Germany to France after the war, constitutes a case in point. According to approximate estimates, about 101,000 Poles came to France from Westphalia and 5,100 from the Rhineland in 1920–1924.⁶⁹

The miners who came to France from Westphalia and Rhineland had been affiliated with German insurance institutions throughout their employment in Germany.

66 Government Declaration of 30 July 1934 on the exchange of instruments of ratification of the convention between Poland and France concerning old age insurance, incapacity for work and death of blue- and white-collar workers employed in mining (Journal of Laws No. 72, item 691); National Archives in Katowice, Spółka Bracka in Tarnowskie Góry, file No. 70, ff. 1–39, 43.

67 St.F., *Sprawa ratyfikowania przez Francję nowej konwencji ubezpieczeniowej z Polską*, "Praca i Opieka Społeczna" 1931, Issue 4, p. 457; A. Rzewski, Z. Wyżnikiewicz, *op. cit.*, pp. 112, 120.

68 H. Janowska, *op. cit.*, p. 67; S., *Pertraktacje polsko-francuskie w sprawie ubezpieczeń społecznych*, "Przegląd Ubezpieczeń Społecznych" 1936, No. 3–4, pp. 365–369.

69 *Zjazdy i konferencje konsulów polskich we Francji. Protokoły i referaty 1931–1938*, compiled by H. Chałupczak, E. Kołodziej, Lublin 2009, p. 15.

Having left Germany, they stopped paying insurance contributions and lost their rights to benefits from German insurance schemes, while not acquiring any rights to French pensions as a result of having worked for too short a period in France.⁷⁰ The problem with the maintenance of their pension rights related to the fact that the cooperation of three countries was necessary: Poland, of which they were citizens, and Germany and France, where they have been working. It proved difficult to address the problem, mainly due to the reluctance of the German side to settle insurance claims.⁷¹

The Polish government was aware of the problem, but the Polish-German agreement of 1931 did not regulate the situation of the Westphalians. Therefore the Polish government sought to ensure that France's negotiations with Germany led to the recognition of the pension rights of Polish miners who had worked first in Germany and then in France, and that the pensions paid to these miners would be calculated on the basis of the aggregated insurance periods. If this could not be achieved, the rights acquired by miners in Germany would have to be taken over by the Polish government, which would have been a heavy burden on the Treasury.⁷² The issue was raised on the occasion of the Polish insurance negotiations with France in 1929. Although the Polish-French convention signed in 1929 did not cover the Westphalians,⁷³ the Polish delegation managed to convince the French to raise the issue in their insurance negotiations with Germany.⁷⁴ However, this also did not help to solve the problem, as the French-German agreement, signed in 1932, had not yet entered into force.⁷⁵ Germany had not ratified it under the pretext of there being too many changes in its insurance regulations, ones introduced after the agreement had been signed. Thus, the insurance rights of the Westphalians was not regulated. The position of the Third Reich regarding the ratification of German-French agreements ultimately determined the loss of pension rights by these former Westphalians.⁷⁶

Agreement with Belgium on benefits for miners

Belgium was another country that held a great attraction among Polish emigrants in the interwar period. Under the Polish-Belgian arrangements, the recruitment of workers to Belgian mines and factories began from the early 1920s.⁷⁷ The number of Polish workers

70 H. Janowska, *op. cit.*, p. 143.

71 *Zjazdy...*, *op. cit.*, p. 15; Archive of New Files, Embassy of the Republic of Poland in Berlin, file No. 1194, ff. 8, 10.

72 *Zjazdy...*, *op. cit.*, pp. 105–106.

73 A. Jarosz-Nojszewska, *Problem ubezpieczeń...*, *op. cit.*, p. 417.

74 Central Archives of Modern Records, Ministry of Foreign Affairs, file No. 11574, f. 2.

75 H. Horowitz, S. Fischlowitz, *op. cit.*, p. 130.

76 *Zjazdy...*, *op. cit.*, pp. 297–298, 387.

77 A. Gucka, *Obraz emigracji polskiej na łamach "Dziennika Poznańskiego" (1859–1939) i "Kurierza Poznańskiego" (1872–1939)*, Warszawa 2005, p. 225.

in Belgium was growing rapidly. According to the Belgian census, there were 50,626 Polish citizens in Belgium in 1930.⁷⁸

In order to provide Polish workers in Belgium with social insurance rights, the Polish side prepared a draft convention in the autumn of 1929. It proposed to introduce the most-favoured-nation clause, which would introduce full equality between the workers of both countries in terms of working conditions, pay, labour protection, care and social insurance.⁷⁹ However, the Belgian government decided to postpone negotiations on the social insurance convention. It only agreed to regulate with Poland the old-age pension insurance of miners. Negotiations on this matter began in May 1931. After two sessions of talks, the convention was signed on 7 November 1931.⁸⁰

Similarly to the Polish-French convention of 1929, the convention with Belgium was based on two main assumptions: the equalisation of the rights of citizens from both countries in terms of mining insurance with regard to retirement and incapacity for work or death, and the aggregation of two insurance periods to assess the benefits accrued and to calculate the qualifying period if the persons concerned had been employed in mining in both countries.⁸¹ As in the case of the Polish-French convention, ratification of the convention with Belgium was also postponed, and in 1937 it occurred that Belgium wanted to adapt it to its social insurance legislation as amended in the while.⁸² In the same year, the Belgian side proposed to replace the convention signed in 1931, which had not yet entered into force, with a new agreement, which would follow the model of the agreements (the General Convention and the Mining Agreement) signed by Belgium with France.⁸³ At the request of the Belgian side, work was undertaken to prepare such an agreement,⁸⁴ however, it was not possible to finalise its signing before the outbreak of war.

The International Labour Organisation in view of the problem of migrants pension rights

The regulation of the most pressing issues in the field of labour law and social insurance in the international dimension was dealt with by the International Labour Organisation, established in 1919. Poland was one of the ILO founders, and at the same time one of its more active members, intensively striving to regulate matters concerning the

78 W. Eder, *Polonia belgijska. Skład społeczno-zawodowy, jego przemiany i skutki przemian*, "Przegląd Polonijny" 1979, No. 3, pp. 58–59.

79 F.Go., *Projekt konwencji polsko-belgijskiej, dotyczącej emigracji i imigracji*, "Praca i Opieka Społeczna" 1929, No. 4, p. 395; St.F., *Pierwsza umowa społeczna między Polską a Belgią*, "Praca i Opieka Społeczna" 1931, No. 4, p. 457.

80 National Archives in Katowice, Spółka Bracka in Tarnowskie Góry, file No. 80, ff. 23, 37, 38; St.F., *Pierwsza umowa...*, *op. cit.*, p. 458.

81 H.S., *Polsko-belgijska umowa o ubezpieczeniu społecznym*, "Przegląd Ubezpieczeń Społecznych" 1931, No. 11, p. 345.

82 National Archives in Katowice, Spółka Bracka in Tarnowskie Góry, file No. 81, f. 2.

83 *Ibid*, file No. 81, f. 9.

84 *Ibid*, file No. 81, f. 60.

protection of migrants rights to social insurance, especially long-term pension insurance. During the first twenty International Labour Conferences, much attention was paid to the regulation of particular branches of social insurance. From its inception, the ILO also dealt with issues of the proper safeguarding the migrants rights.⁸⁵ In the field of pension insurance, the ILO initially planned to address three issues: firstly, the legal discrimination of foreign citizens compared to one's own citizens in determining rights to benefits and the paying out of the benefits, secondly, the non-payment of benefits abroad and thirdly, the disadvantaged situation when maintaining the already acquired rights of people moving from the old-age pension insurance system of one country to the old-age pension insurance of another.⁸⁶

The most difficult issues in the field of invalidity, old age and death insurance were regulated by the 1933 ILO conventions,⁸⁷ which, on some points, fully equated all foreign nationals (not only those of the States ratifying the convention) with one's own nationals. States ratifying the convention were only allowed to impose restrictions on immigrants in the case of supplements to pensions paid out of public funds.

In 1932, after lengthy administrative preparations, the International Labour Conference addressed the issue of the maintenance of migrants' rights within old-age pension insurance. Thanks to the intensive efforts of the Polish delegation (the speaker on this issue was, among others S. Fischlowitz), the work was completed in 1935, during the 19th International Labour Conference, by adopting a draft convention on the maintenance of migrants pension rights.⁸⁸

The 1935 convention resolved the issue of maintaining rights acquired in several countries, allowing for the aggregation of insurance periods completed in different countries. According to this convention, periods completed in one country were to be totalised for the purpose of the so-called qualifying periods, for the recovery of rights, for the right to enter into voluntary insurance. Assimilated periods could also be reckoned for the purpose of totalisation, which made it possible to maintain the rights to benefits within the letter of the legislation under which they have been completed. The calculation of benefits was to be carried out in accordance with the rules of the internal legislation of each State, but with the proviso that the benefits were to be reduced proportionately according to the duration of the insurance period completed in that State in relation to the whole insurance period. The convention provided that if all the benefit elements in

85 H. Horowitz, S. Fischlowitz, *op. cit.*, p. 46.

86 *Ibid.*, p. 54.

87 In 1933, the 17th session of the International Labour Conference adopted six conventions on insurance, two of which concerned old age pension insurance (Conventions 35 and 36), the International Labour Organisation/Bureau International Du Travail, Conference Sessions: 1919–1945, <http://www.indiana.edu/~league/iloconfsessions.htm> (online access: 6.8.2019).

88 Central Archives of Modern Records, Ministry of Social Welfare [Archiwum Akt Nowych, Ministerstwo Opieki Społecznej], file No. 63, f. 2.; Maintenance of Migrants Pension Rights Convention, adopted in Geneva on 22 June 1935 (Journal of Laws of 1939 No. 21, item 134); H. Horowitz, S. Fischlowitz, *op. cit.*, p. 2; W. Luchowski, *Prawa emigrantów w zakresie ubezpieczeń społecznych*, Warszawa 1951, p. 25; M. Jastrzębowski, *XIX sesja Międzynarodowej Konferencji Pracy*, "Przegląd Gospodarczy" 1935, Issue 14, pp. 469–470.

total were lower than the benefit which would be available to the relevant person solely on the basis of the insurance period completed in the State concerned, the institution in question should increase its share of the benefit by that very difference. The payment of benefits beyond national borders was provided for foreigners residing in those countries that have acceded to the convention. The citizens of those States were entitled to benefits regardless of whether they were residing in those States or in States which had not ratified the convention.⁸⁹

Although the 1935 convention was a major step forward, its importance was weakened by the fact that few countries decided to ratify it. By the outbreak of World War II, it had only been ratified by five countries: Poland, Yugoslavia, the Netherlands, Hungary and Spain.⁹⁰ With the exception of the Netherlands, these were countries characterised by large emigration. The convention was not to gain the recognition of immigration countries. For Poland, the ratification of the convention by the Netherlands was of great importance because of the large emigration of Poles to this country.⁹¹

Summary

The pro-emigration policy pursued by the Second Polish Republic also determined the directions of Polish foreign policy concerning social issues. By supporting and organising the economic emigration of large numbers of its citizens, Poland had to take steps to provide them with adequate working conditions, including access to social benefits and social insurance benefits. The emergence and spread in European countries of pension insurance systems, in which participation was compulsory for employees, is one of the most important achievements of social policy of the interwar period. However, the lack of communication between the insurance systems of different countries meant that, in the event of any change in the country of residence and employment, migrants lost their rights to benefits. This being particularly true for long-term pension insurance.

Poland's efforts in this matter at the ILO forum brought concrete effects in the form of the adoption in 1935 of an international convention on the maintenance of migrants pension rights. However, the non-ratification of this document by the largest immigration countries caused that the convention did not reflect expectations. In this situation, especially important were the bilateral agreements signed with the countries to which

89 S. Sasorski, *Międzypaństwowe...*, *op. cit.*, p. 22.

90 Government Declaration of 18 March 1939 on the registration by the Secretariat of the League of Nations of the instruments of ratification by Poland and other States of the draft Convention of 22 June 1935 on the Maintenance of Migrants Pension Rights (Journal of Laws No. 21, item 135); Act of 8 January 1938 on the ratification of the draft Convention of 22 June 1935 on the Maintenance of Migrants Pension Rights (Journal of Laws No. 3, item 14); Ratifications of C048 – Maintenance of Migrants Pension Rights Convention, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312193 (online access: 6.8.2019).

91 J. Leska-Ślęzak, *Polacy w Holandii. Przeszłość i terażniejszość*, Toruń 2003, pp. 101, 104–105.

Polish economic emigration was directed or where large Polish communities had earlier existed. As early as the beginning of the 1920s, Poland took appropriate actions to sign agreements with France, Germany, Belgium and the Free City of Danzig. Long-lasting negotiations usually ended with the signing of agreements satisfactory for Poland, but for various reasons (economic or political) it was not always possible to achieve their ratification. This text constitutes an introduction to further research. The issue of securing pension rights for emigrants in historical terms requires further, more detailed research, both from the point of view of social history and the history of law.

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SOURCES

- „Studia i Materiały z Historii Ubezpieczeń Społecznych w Polsce” 1983–1994, Vol. 1–10.
- A., *Polacy w Wolnym Mieście Gdańsku w latach 1920–1933. Polityka Senatu Gdańskiego wobec ludności polskiej*, Wrocław–Warszawa–Kraków–Gdańsk 1978.
- Central Archives of Modern Records, Consulate of the Republic of Poland in Marseille [Archiwum Akt Nowych, Konsulat RP w Marsylii], file No. 285.
- Central Archives of Modern Records, Embassy of the Republic of Poland in Berlin [Archiwum Akt Nowych, Ambasada RP w Berlinie], file No. 1194, 1623.
- Central Archives of Modern Records, Ministry of Foreign Affairs [Archiwum Akt Nowych, Ministerstwo Spraw Zagranicznych], file No. 2647, 2648, 11574.
- Central Archives of Modern Records, Ministry of Social Welfare [Archiwum Akt Nowych, Ministerstwo Opieki Społecznej], file No. 63.
- Central Archives of Modern Records, Presidency of the Council of Ministers [Archiwum Akt Nowych, Prezydium Rady Ministrów], part VIII, Secret files, file No. 70.
- Chylak K., *Ubezpieczenia społeczne i zaopatrzenia emerytalne w II Rzeczypospolitej*, Warszawa 2017.
- Eder W., *Polonia belgijska. Skład społeczno-zawodowy, jego przemiany i skutki przemian*, “Przegląd Polonijny” 1979, No. 3.
- F.Go., *Projekt konwencji polsko-belgijskiej, dotyczącej emigracji i imigracji*, “Praca i Opieka Społeczna” 1929, No. 4.
- Fischlowitz S., *Międzynarodowe zagadnienie ubezpieczeń społecznych*, “Praca i Opieka Społeczna” 1932, Issue 2.
- Fischlowitz S., *Praski Kongres Międzynarodowy ubezpieczeń społecznych*, “Praca i Opieka Społeczna” 1936, Issue 3.
- Fischlowitz S., *Sprawa międzynarodowego zachowania uprawnień ubezpieczenia emerytalnego*, “Praca i Opieka Społeczna” 1934, Issue 2.

- Fischlowitz S., *Ubezpieczenia społeczne za granicą*, “Praca i Opieka Społeczna” 1936, Issue 2.
- Fischlowitz S., *Układ z Wolnym Miastem Gdańskiem o ubezpieczeniu społecznym*, “Przegląd Ubezpieczeń Społecznych” 1937, Issue 7.
- Gucka A., *Obraz emigracji polskiej na łamach “Dziennika Poznańskiego” (1859–1939) i “Kuriera Poznańskiego” (1872–1939)*, Warszawa 2005.
- H.S., *Polsko-belgijska umowa o ubezpieczeniu społecznym*, “Przegląd Ubezpieczeń Społecznych” 1931, No. 11.
- *Historia Pomorza*, Vol. 5: (1918–1939), *Województwo pomorskie i Wolne Miasto Gdańsk*, part 2: *Polityka i kultura*, ed. S. Wierzchosławski, P. Olstowski, Toruń 2018.
- Horowitz H., Fischlowitz S., *Ochrona emigrantów w zakresie ubezpieczeń społecznych*, Warszawa 1936.
- Horowitz H., Fischlowitz S., *Ochrona emigrantów w zakresie ubezpieczeń społecznych*, Warszawa 1951.
- International Labor Organization/Bureau International Du Travail. Conference Sessions: 1919–1945, <http://www.indiana.edu/~league/iloconfessions.htm> (online access: 6.8.2019).
- Janowska H., *Polska emigracja zarobkowa we Francji 1919–1939*, Warszawa 1964.
- Jarosz-Nojszewska A., *Polsko-francuskie umowy w sprawie ubezpieczeń społecznych w okresie międzywojennym*, “UR Journal of Humanities and Social Sciences” 2017, No. 2.
- Jarosz-Nojszewska A., *Polsko-niemiecka umowa w sprawie ubezpieczeń społecznych* [in:] *Świat pracy: instytucje i wartości*, ed. J. Gardawski, R. Towalski, Warszawa 2017.
- Jarosz-Nojszewska A., *Problem ubezpieczeń emerytalnych “Westfalczyków” w okresie międzywojennym* [in:] *Kapitalizm a sprawiedliwość społeczna*, ed. J. Osiński, Warszawa 2016.
- Jarosz-Nojszewska A., *Ubezpieczenia społeczne na Górnym Śląsku w latach 1922–1939* [in:] *Od kwestii robotniczej do nowoczesnej kwestii socjalnej. Studia z polskiej polityki społecznej XX i XXI wieku*, ed. P. Grata, Rzeszów 2016.
- Jastrzębowski M., *XIX sesja Międzynarodowej Konferencji Pracy*, “Przegląd Gospodarczy” 1935, Issue 14.
- Kicinger A., *Polityka emigracyjna Drugiej Rzeczypospolitej*, “CEFMR Working Paper” 2005, No. 4.
- Kołodziej E., *Wychodźstwo zarobkowe z Polski 1918–1939. Studia nad polityką emigracyjną II Rzeczypospolitej*, Warszawa 1982.
- Kraszewski P., *Polska emigracja zarobkowa w latach 1870–1939. Polityka i refleksja*, Poznań 1995.
- Kraszewski P., *Polsko-francuska konwencja emigracyjna z 3 września 1919 roku*, “Przegląd Polonijny” 1975, Issue 2.
- Leska-Słęczak J., *Polacy w Holandii. Przeszłość i teraźniejszość*, Toruń 2003.
- M.Br., *Polsko-Gdańskie zagadnienie ubezpieczeniowe*, “Przegląd Ubezpieczeń Społecznych” 1931, No. 9.

- National Archives in Gdańsk, Senate of the Free City of Danzig [Archiwum Państwowe w Gdańsku, Senat Wolnego Miasta Gdańska], file No. 172, 173, 189, 2474.
- National Archives in Katowice, Spółka Bracka in Tarnowskie Góry [Archiwum Państwowe w Katowicach, Spółka Bracka w Tarnowskich Górach], file No. 60, 64, 69, 70, 80, 81.
- Piotrowski M., *Reemigracja Polaków z Niemiec 1918–1939*, Lublin 2000.
- *Rozwój ubezpieczeń społecznych w Polsce*, ed. C. Jackowiak, Wrocław 1991.
- Rzewski A., Wyżnikiewicz Z., *Systematyczny przegląd ubezpieczeń społecznych w Polsce*, Łódź 1936.
- S., *Pertraktacje polsko-francuskie w sprawie ubezpieczeń społecznych*, “Przegląd Ubezpieczeń Społecznych” 1936, No. 3–4.
- Sasorski S., *Międzynarodowe związki w zakresie ubezpieczeń społecznych*, “Przegląd Ubezpieczeń Społecznych” 1936, No. 10.
- Sasorski S., *Międzypaństwowe związki w zakresie ubezpieczeń społecznych. Referat wygłoszony na drugim międzynarodowym kongresie rzeczoznawców ubezpieczeń społecznych, który odbył się w dniach od 4 do 8 września 1936 r. w Dreźnie*, Warszawa 1936.
- St.F., *Pierwsza umowa społeczna między Polską a Belgią*, “Praca i Opieka Społeczna” 1931, No. 4.
- St.F., *Sprawa ratyfikowania przez Francję nowej konwencji ubezpieczeniowej z Polską*, “Praca i Opieka Społeczna” 1931, Issue 4.
- Śladkowski W., *Wychodźstwa polskiego zarys dziejowy*, Lublin 1994.
- Tomaszewski J., *Czynniki wpływające na migracje zewnętrzne ludności w Polsce 1918–1939* [in:] *Mechanizmy polskich migracji zarobkowych*, ed. C. Bobińska, Warszawa 1976.
- Wanatowicz M., *Wpływ politycznego podziału Górnego Śląska na późniejsze losy tego obszaru i jego mieszkańców* [in:] *Górny Śląsk po podziale w 1922 roku. Co Polska, a co Niemcy dały mieszkańcom tej ziemi?*, Vol. 1, ed. Z. Kapała, W. Lesiuk, M. Wanatowicz, Bytom 1997.
- Wyżnikiewicz Z., *Okres wyczekiwania i utrzymanie praw do świadczeń w poszczególnych systemach emerytalnych w reglamentacji wewnętrzno-państwowej i międzypaństwowej*, Chorzów 1939.
- Wyżnikiewicz Z., *Ubezpieczenia społeczne na Śląsku w świetle wykonania górnośląskiej Konwencji Genewskiej*, Katowice 1939.
- Wyżnikiewicz Z., *Ustawodawstwo śląskie o ubezpieczeniu społecznym*, Katowice 1938.
- *Zjazdy i konferencje konsulów polskich we Francji. Protokoły i referaty 1931–1938*, compiled by H. Chałupczak, E. Kołodziej, Lublin 2009.

Uprawnienia emerytalne polskich emigrantów i reemigrantów w Drugiej Rzeczypospolitej

Artykuł w syntetyczny sposób przedstawia polską politykę w zakresie zabezpieczenia uprawnień emerytalnych polskim emigrantom, którzy w okresie międzywojennym podjęli pracę zarobkową w krajach europejskich. Status Polski jako kraju emigracyjnego utrudniał zawieranie umów w zakresie ubezpieczeń emerytalnych pomimo szeroko zakrojonych działań polskich władz w tym zakresie. Sytuację dodatkowo komplikował fakt, że duże skupiska polonijne znajdowały się na terenie państw (jak Niemcy, Wolne Miasto Gdańsk), z którymi Polska miała znaczne kłopoty dotyczące rozliczeń związanych z zobowiązaniami z zakresu ubezpieczeń społecznych sprzed 1918 r. W wyniku wieloletnich starań udało się podpisać umowy obejmujące także ubezpieczenia emerytalne z Francją, Niemcami, Belgią i Wolnym Miastem. Nie wszystkie jednak doczekały się ratyfikacji. Polityka prowadzona na arenie Międzynarodowej Organizacji Pracy [International Labour Organisation, ILO] zakończyła się połowicznym sukcesem. Choć dzięki zaangażowaniu polskiej delegacji udało się przygotować i uchwalić w 1935 r. konwencję o ochronie uprawnień emerytalnych emigrantów, to znikoma liczba państw ratyfikujących konwencję spowodowała, że nie odegrała ona większego znaczenia.

Słowa kluczowe: ubezpieczenia społeczne, ubezpieczenia emerytalne, polityka społeczna, polityka emigracyjna, Druga Rzeczpospolita