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## TRANSLATION METHODS FOR DEALING WITH THE INCONGRUITY OF LABOUR LAW TERMS IN THE POLISH AND BRITISH LEGAL SYSTEMS – A CASE STUDY

### ABSTRACT

The paper aims to discuss incongruent Polish and British terms referring to labour law. The terms characteristic of each of the three separate legal systems: of England and Wales, Scotland or Northern Ireland are called *British terms* in this paper. The Polish terms under analysis appear in the Polish *Labour Code Act of 26 June 1994* and name types of benefits granted under the Polish Labour Code. The English equivalents of each Polish term researched have been used in two Polish *Labour Code* translations into English and have been accommodated in the most up-to-date bilingual Polish-English legal dictionary. The research problem is to verify whether the published typology of translation methods used in the Polish-English translation of civil and criminal law terms encompasses translation methods applied when translating Polish labour law terms into English. The *translation methods* are defined according to Hejwowski. The theoretical part of the paper includes a presentation of the definitions of a *term* and *incongruity of terms*. On the basis of the research, however, it may provisionally be presumed that the published typology of translation methods used in the translation of incongruent Polish and English civil and criminal law terms encompasses the translation methods employed when translating labour law terms into English, as the equivalents under analysis have been formed as a result of the application of as many as four out of the ten methods of the typology.

**Key words:** translation methods, equivalence, incongruent terms, Polish labour law terms, labour law benefits

## ABSTRAKT

METODY TŁUMACZENIOWE STOSOWANE W PRZEKŁADZIE TERMINÓW NIEPRZYSTAJĄCYCH  
PRAWA POLSKIEGO I BRYTYJSKIEGO – STUDIUM PRZYPADKU

Badanie ma na celu omówienie polskich i brytyjskich nieprzystających terminów prawa pracy. *Terminami brytyjskimi* nazywane są terminy charakterystyczne dla trzech różnych systemów prawa, Anglii i Walii, Szkocji i Irlandii Północnej. Analizowane terminy polskie występują w treści polskiego kodeksu pracy z dnia 26 czerwca 1994 i nazywają różne rodzaje świadczeń na mocy polskiego kodeksu pracy. Angielskie ekwiwalenty danego polskiego terminu pochodzą z dwóch różnych opublikowanych tłumaczeń polskiego kodeksu karnego na język angielski oraz najbardziej aktualnego polsko-angielskiego, prawniczego słownika dwujęzycznego. Celem badania jest zweryfikowanie tezy, zgodnie którą opublikowana klasyfikacja metod tłumaczeniowych stosowanych w przekładzie polskich terminów prawa cywilnego i karnego na angielski znajdzie zastosowanie w przekładzie terminów prawa pracy na język angielski. Metody przekładowe są tu definiowane według Hejwowskiego. Część teoretyczna obejmuje definicję terminu i nieprzystawalności terminów. W oparciu o przeprowadzone badanie można stwierdzić, że prawdopodobnie klasyfikacja technik stosowanych w przekładzie polskich i angielskich terminów nieprzystających prawa cywilnego i prawa karnego obejmuje też techniki stosowane w przekładzie terminów nieprzystających charakterystycznych dla prawa pracy.

**Słowa kluczowe:** metody tłumaczeniowe, ekwiwalencja, terminy nieprzystające, terminy polskiego prawa pracy, świadczenia prawa pracy

## 1. Introduction

While translating legal terms, a translator is required to consider the difference between the legal systems of the source as well as the target text. It is necessary to compare various potential equivalents (for source terms) that appear in various sources to deal with the demanding task of choosing the most accurate equivalents. The decision to apply a particular equivalent is dependent on what translation method a translator intends to employ. The regulations of a given legal system reflect behaviours that are typical for a given culture, and that is why legal terms and the concepts they name are culture-specific<sup>1</sup>. The translation of terms characteristic for a legal system (called *system-bound terms* by Šarčević) from Polish into English is particularly challenging as the Polish legal system constitutes a civil law system, while the British legal system belongs

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<sup>1</sup> K. Peruzzo, *Capturing dynamism in legal terminology: The case of victims of crime*, [in:] *Terminology and lexicography research and practice* 16, R. Temmerman, M. Van Campenhoudt (eds.), Amsterdam 2014, pp. 43–60.

to the group of common law systems. As Šarčević states, the legal terminology characteristic of different legal systems is to a large extent conceptually incongruent<sup>2</sup>. Moreover, Jopek-Bosiacka<sup>3</sup> states that the multitude of legal systems is often the source of non-equivalence of concepts, or non-coincidence of semantic fields of terms.

In this paper, the terms used to name the legal institutions of the legal systems of England and Wales, Scotland and Northern Ireland are called *British legal system terms* as England and Wales have one common legal system, and Scotland and Northern Ireland have separate legal systems.

In 2021, a typology of translation methods used in the Polish-English translation of civil law terms and criminal law terms was published<sup>4</sup>. The research problem is to verify whether the typology of translation methods mentioned encompasses translation methods applied when translating labour law terms into English. It should be emphasized that the classification mentioned is one of quite a few typologies of translation methods used in the translation of legal terms that have been published globally – Covacs<sup>5</sup>, Weston<sup>6</sup>, Harvey<sup>7</sup>. The classification by Kizińska was chosen as the classification was initially formulated on the basis of research of incongruent civil law terms translated into English<sup>8</sup> and finally elaborated as a result of verifying its application while translating incongruent criminal law terms into English.

The research project encompasses the analysis of 60 Polish labour law terms and their English equivalents. Six of the Polish terms discussed in the paper name various benefit types provided for in the Polish *Labour Code* and serve as the first research sample to preliminarily verify the thesis formulated in the paper. It should be added that the British legal system is taken as a point of reference in this research, as the typology of methods of 2021 was formulated with the same point of reference.

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<sup>2</sup> S. Šarčević, *New Approach to Legal Translation*, The Hague–London–Boston 1997, p. 278.

<sup>3</sup> A. Jopek-Bosiacka, *Przekład prawny i sądowy*, Warszawa 2008, p. 51.

<sup>4</sup> A. Kizińska, *Translation methods applied to approach the incongruity of terms in Polish and British criminal law*, "Sustainable Multilingualism" 2021, 18, pp. 224–225.

<sup>5</sup> A. Covacs, *La réalisation de la version française des lois fédérales du Canada*, [in:] *Langage du droit et traduction*, J. C. Gémar (ed.), Montréal 1982, pp. 83–100.

<sup>6</sup> M. Weston, *An English reader's guide to the French legal system*, Oxford 1993, pp. 41–51.

<sup>7</sup> M. Harvey, *A beginner's course in legal translation: The case of culture-bound terms*, 2003, pp. 1–9, [online], <http://www.tradulex.com/Actes2000/harvey.pdf>, [retrieved: 18.07.2019].

<sup>8</sup> A. Kizińska, *Polskie i angielskie terminy nieprzystające. Prawo rodzinne i spadkowe*, Warszawa 2018, pp. 247–251.

## 2. Survey of literature

The Polish labour law terms under analysis are all assumed to be *terms* in accordance with the definition of a *term* by Sager<sup>9</sup>: “The items which are characterised by special reference within a discipline are the terms of that discipline (...)”. The terms discussed constitute *legal terms* according to the division of terms by Morawski<sup>10</sup>, who has defined them as terms occurring in *teksty prawne*. The term *teksty prawne* is interpreted in the research as *normative texts* according to Gizbert-Studnicki<sup>11</sup>. The Polish terms under analysis name types of benefits under the Polish *Labour Code Act of 26 June 1994* (*Journal of Laws No. 24 item 141*). The English equivalents have been excerpted from two Polish *Criminal Code Act* translations into English: a) *The Labour Code Kodeks pracy* translated by Agnieszka Jamroży, Warszawa 2019; b) the text of the translation available in the ilo.org database [free-of-charge online legislative database], as well as; c) the most up-to-date Polish-English legal terms dictionary – “The Great Dictionary of Law and Economics Vol II Polish-English” by Ewa Ożga, Warszawa 2019.

The stages of the research include: 1) citing a definition of a Polish source term (that appears in an updated labour code coursebook), 2) enumerating the English equivalents of a given Polish term and comparing their definitions (as long as they appear in English law dictionaries: *Jowitt's Dictionary of English Law* 4th edition, 2015, *Osborn's Concise Law Dictionary* 2013, *Dictionary of Law* 2018) with the definition of a given Polish term under analysis, 3) checking whether or not an English equivalent appears in sources of British law, namely the *legislation.gov.uk* database encompassing most types of legislation, and the general English language (corpora of *sketchengine.eu*, which contains five hundred ready-to-use corpora in over ninety languages, each having a size of up to thirty billion words), and finally 4) identifying the translation method that has been applied when forming a given English equivalent. The *translation method* is defined according to Hejwowski<sup>12</sup> as: a given type of action undertaken during the translation process, as well as the given translation solution, the implementation of which may be evaluated directly in the target text<sup>13</sup>.

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<sup>9</sup> J. C. Sager, *Practical Course in Terminology Processing*, Amsterdam 1990, p. 19.

<sup>10</sup> L. Morawski, *O pewnym rozumieniu prawa i faktu oraz o niektórych jego zastosowaniach*, “Ruch Prawniczy, Ekonomiczny i Socjologiczny” 1980, 1, p. 187.

<sup>11</sup> T. Gizbert-Studnicki, *Język prawny z perspektywy socjolingwistycznej*, “Zeszyty Naukowe Uniwersytetu Jagiellońskiego, Prace z nauk politycznych” 1986, 26, pp. 95–102.

<sup>12</sup> K. Hejwowski, *Kognitywno-komunikacyjna teoria przekładu*, Warszawa 2004, s. 76.

<sup>13</sup> Ibidem.

### 3. Methods of translation

The aim of the paper is to identify the translation methods applied in forming the equivalents discussed in order to verify whether the published typology of translation methods used in the translation of incongruent Polish and English civil and criminal law terms encompasses the translation methods applied when translating Polish labour law terms into English. The above-mentioned classification is as follows: 1) **functional equivalent method by Hejwowski**, which involves replacing the name of a phenomenon (or a reference thereto) which is more commonly known in the source culture with the name of a phenomenon (a reference thereto) which is more commonly known in the target culture; 2) **hypernym method** involves replacing a hyponym in the source text with a hypernym in the target text; 3) the **hyponym method** involves replacing a hypernym in the source text with a hyponym in the target text; 4) **descriptive equivalent method by Hejwowski** involves replacing a term with a description or a definition; 5) **partial semantic shift method** involves using a phrase from the target language in the target text that appears in texts of the sources of law of the target language, the meaning of which is partially different from the meaning of the phrase from the source language that appears in texts of the sources of law of the source language. As a result, the meaning of the phrase of the target language in the target text is partially changed; 6) **complete semantic shift method** involves using a phrase from the target language in the target text that appears in texts of the sources of law of the target language the meaning of which is completely different from the meaning of the phrase from the source language that appears in texts of the sources of law of the source language. As a result, the meaning of the phrase of the target language in the target text is changed; 7) **terminologisation** method involves using in the target text a phrase that appears in the target language but is not a legal term. The result of its application means a phrase of general language becoming a legal term in the target language; an equivalent appears in English texts but does not signify a legal institution; 8) **calque method**, which encompasses the calque method or procedure by Vinay and Darblenet<sup>14</sup>, the translation procedure by Newmark<sup>15</sup> called the calque, as well as partially the calque and loan strategies by Chesterman<sup>16</sup>. As a result, new phrases that do not appear in the target language are

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<sup>14</sup> J.-P. Vinay, J. Darblenet, *A methodology for translation*, [in:] *The Translation Studies Reader*, L. Venuti (ed.), London – New York 1958–2000, p. 85.

<sup>15</sup> P. Newmark, *A textbook of translation*, New York – London 1988, p. 70.

<sup>16</sup> A. Chesterman, *Memes of translation: the spread of ideas in translation theory*, Amsterdam 1997, pp. 89–91.

formed<sup>17</sup>; 9) **transposition method**, which involves replacing one part of speech by another; 10) **recognized translation method by Newmark**<sup>18</sup>.

It should be underlined that in the paper there are suggested not yet published functional equivalents for the source terms discussed. The *functional equivalent* is interpreted here according to the definition of Šarčević: “a term designating a concept or institution of the target legal system having the same function as a particular concept of the source legal system”<sup>19</sup>. As Šarčević emphasised, identifying a functional equivalent is the first step in the decision-making process<sup>20</sup>. “In order to determine the acceptability of a functional equivalent, translators must compare the target and source concepts to establish their degree of equivalence”<sup>21</sup>. In the translation research papers the advantages and disadvantages of using functional equivalents have been analysed<sup>22</sup>.

#### 4. Working method

In this paper, there have been analysed the legal terms that name types of benefits available under the Polish *Labour Code Act of 26 June 1994 (Journal of Laws No. 24 item 141)* that have been proved not to have a one-to-one equivalent into English published to date. The below-listed six *conceptually incongruent* terms as defined by Šarčević<sup>23</sup> are under analysis. “Due to the conceptual incongruency of terminology of different legal systems, it is sometimes extremely difficult to select equivalents that will guarantee uniform interpretation and application of the propositional content of a legal norm”<sup>24</sup>.

#### 5. Analysis

The table below presents the Polish terms under analysis and their English equivalents. The Polish terms discussed are highly likely to have similar but not

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<sup>17</sup> A. Kizińska, *Ekwiwalencja w tłumaczeniu tekstów prawnych i prawniczych. Polskie i brytyjskie prawo spadkowe*, Warszawa 2015, p. 159.

<sup>18</sup> P. Newmark, *A textbook of translation...*, p. 92.

<sup>19</sup> S. Šarčević, *New Approach to Legal...*, p. 236.

<sup>20</sup> Ibidem.

<sup>21</sup> L.-P. Pigeon, *La rédaction bilingue des lois fédérales*, “Revue générale de droit” 1982, vol. 13, pp. 177–186; S. Šarčević, *New Approach to Legal Translation*, The Hague – London – Boston 1997, p. 236.

<sup>22</sup> E. Alcaraz, B. Hughes, *Legal Translation Explained*, Manchester 2002, pp. 178–179; A. Jopek-Bosiacka, *Przekład prawny i sądowy*, Warszawa 2008, p. 51.

<sup>23</sup> S. Šarčević, *New Approach to Legal...*, p. 232.

<sup>24</sup> Ibidem, p. 149.

fully congruent terms in the target legal system. The six Polish terms discussed serve as the first research sample, as it is planned to analyse at least sixty Polish terms to verify the thesis formulated herein.

**Table 1.** Polish terms and their equivalents

Polish term	Jamróży	legislation. Online.org	Ożga
odprawa	severance allowance	severance allowance	—
odprawa emerytalna	retirement gratuity	retirement gratuity	gratuity
odprawa pieniężna	cash severance allowance	cash severance allowance	redundancy payment; severance pay
odprawa rentowa	disability gratuity	disability gratuity	—
odprawa pośmiertna	bereavement payment	bereavement payment	death benefit
renta z tytułu niezdolności do pracy	disability pension	disability pension	employment and support allowance

## Odprawa

The first term under analysis, *odprawa*, is remuneration constituents or other benefits connected with work an employee or another person is entitled to under a statute, collective agreement, employment contract or the Labour Code<sup>25</sup>. The equivalent used, *severance allowance*, appearing in the texts of sources of British law, has not been accommodated as an entry in the law dictionaries<sup>26</sup>. The definition of the term, however, appears in *merriam.webster.com*: “an allowance usually based on length of service that is payable to an employee on termination of employment”. It may be assumed that the equivalent in question has been formed with the application of the hyponym translation method as the lexical field of the source term is more extensive as it encompasses various types of benefits, while the equivalent suggested refers to one particular benefit for an employee. Having analysed the Polish term definition, it may be

<sup>25</sup> *Encyklopedia prawa*, U. Kalina-Prasznic (red.), Warszawa 2007, s. 484.

<sup>26</sup> *Osborn’s Concise Law Dictionary*, London 2013; *A Dictionary of Law*, Oxford 2018; *Words and Phrases Legally Defined*, UK 2007; *Jowitt’s Dictionary of English Law*, London 2015.

concluded that a more accurate equivalent for the Polish term discussed is *severance pay*, defined as “money to which an employee is entitled at common law upon the termination of his contract of employment (...)”<sup>27</sup> as it has more extensive meaning compared to the suggested equivalent. The semantic fields of *odprawa* and *severance* coincide to a large extent as they both name the money an employee is entitled to when their employment relationship is terminated.

### Odprawa emerytalna

The second term under analysis is *odprawa emerytalna*, defined as a benefit for an employee who has met all the requirements to become a pensioner; of the amount of one monthly salary from an employer; under other regulations the amount of the benefit may be increased<sup>28</sup>. The suggested equivalents are: *retirement gratuity* and *gratuity*. The term *gratuities* is defined as “sums paid other than under a legal obligation. The most common examples of legal significance in modern times are tips given to waiters, drivers or other providers of services; although technically not part of the person’s contractual remuneration they may nonetheless be considered as income for the purposes of income tax. Statutory powers to make payments of or in respect of pensions frequently refer also to gratuities and allowances”<sup>29</sup>. The equivalent *gratuity* appears in numerous acts of law, including the title of the statute “The Local Government Superannuation (Gratuities) Regulations 1995”. The equivalent *retirement gratuity* does appear in the acts of law, including “The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998”, where it has been defined as “Where a person – (a) who has been employed by a LGSS employer for at least five years; or (b) who has been so employed for at least one year and – (i) has attained the age of 60; or (ii) is incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body, ceases to be so employed (otherwise than as mentioned in regulation 48(1)(b)), the LGSS employer may make him a discretionary grant (*a retirement gratuity*)”. Taking into account the definitions, it may be assumed that the equivalent *retirement gratuity* serves as a functional equivalent for the Polish term as they both name a benefit granted to an employee who is entitled to become a pensioner. On the other hand, there appear numerous differences with regard to the amount of the benefit discussed and the requirements to be met by an employee to be granted therewith (the terms analysed

<sup>27</sup> A *Dictionary of Law*, Oxford 2018, p. 627.

<sup>28</sup> W. Baran, *Prawo pracy i ubezpieczeń społecznych*, Warszawa 2019, s. 309.

<sup>29</sup> *Jowitt’s Dictionary of English Law*, London 2015, p. 1095.



are incongruent). As far as the equivalent *gratuity* is concerned, one may state that it has been formed with the hypernym translation method as the English term names a whole range of sums paid under no legal obligation that include employment-related allowances.

### Odprawa pieniężna

The third Polish term under analysis is defined as a benefit connected with the termination of an employment relationship granted to an employee who has been made redundant in terms of the so-called *zwolnienie grupowe* (collective redundancy)<sup>30</sup>. The suggested equivalents are *redundancy payment*, *severance pay*, *cash severance allowance*. The first equivalent appears in sources of British law and is defined, among others, as “the sum that an employee dismissed because of redundancy is entitled to receive from his employer under the Employment Rights Act 1996. The sum is the total of one and a half weeks’ pay for each year of the employee’s continuous employment in which he was aged 41 or more; one week’s pay for each year’s service between the ages 22 and 41; and a half week’s pay for each year below the age of 22”<sup>31</sup>. While forming the equivalent, the functional equivalent translation method has presumably been applied as the lexical field of the source term coincides with the lexical field of the English equivalent: they both name a single financial benefit an employee is granted when being made redundant in the situation of a collective redundancy. It should be emphasized, however, that the source term and the equivalent are incongruent as, e.g. the amount of benefits is different.

The equivalent *cash severance allowance* has not been accommodated as an entry in the legal dictionaries or appeared in the sources of law of the target language or the general English corpora of *sketchengine.eu* (a database that contains five hundred ready-to-use corpora in over ninety languages, each having a size of up to thirty billion words). The equivalent probably constitutes a calque, as it is a new phrase that has not appeared in the target language before.

The equivalent *severance pay* is defined as “money to which an employee is entitled at common law upon the termination of his contract of employment (...)”<sup>32</sup>. “The final payment made to employees whose employment has ended. The severance payment must include any accrued holiday pay, sickness benefit, or commission owed. The term is usually used in the context

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<sup>30</sup> W. Baran, *Prawo pracy i ubezpieczeń społecznych*, Warszawa, 2019, p. 310–311.

<sup>31</sup> *Dictionary of Law*, Oxford 2018, p. 569.

<sup>32</sup> *A Dictionary of Law*, Oxford 2018, p. 627.

of redundancy or retirement”<sup>33</sup>. While forming the equivalent, the hypernym translation method has presumably been applied as the lexical field of the equivalent includes the benefit paid as a result of the termination of an employment relationship in the case of a collective dismissal, but also more types of benefits under British law (including, e.g. a benefit granted in the case of retirement).

### Odprawa rentowa

Another Polish term discussed is *odprawa rentowa*, defined as follows: a single benefit connected with the termination of an employment relationship granted to an employee who has met all the requirements upon becoming a pensioner (“w momencie przejścia na emeryturę lub rentę”); the benefit is of the amount of one monthly remuneration<sup>34</sup>. According to the *Labour Code*, an employee is granted *odprawa rentowa* if they become a pensioner due to the disability to work<sup>35</sup>. The equivalent published in the abovementioned sources is *disability gratuity*. The suggested equivalent does not appear in the legal dictionaries of the target language or sources of British law or the English language corpora. Presumably, the equivalent in question has been formed as a result of the application of the calque method. It should be emphasized that the term *disablement benefit/industrial injuries disablement benefit* may serve as a functional equivalent for the source term as it is defined as: “the pension or lump sum payable by the state to a person disabled by injury or a prescribed industrial disease sustained or contracted in the course of his employment”<sup>36</sup>. Both the Polish source term and the suggested equivalent name a single financial benefit granted to an employee who is no longer able to work due to the incapacity to work.

### Odprawa pośmiertna

Another Polish term under discussion is *odprawa pośmiertna*, defined as the benefit granted in the case of the death of an employee during an employment relationship or in the period of being granted a benefit due to the disability to work (as a result of a disease). The amount of the benefit depends on an

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<sup>33</sup> *Jowitt’s Dictionary of English Law*, London 2015, p. 2217.

<sup>34</sup> W. Baran, *Prawo pracy i ubezpieczeń społecznych*, Warszawa 2019, p. 310–311.

<sup>35</sup> E. Ryś, infor.pl, 2008, [online], <https://www.infor.pl/prawo/emerytury/slownik/69732,Odprawa-emerytalnorentowa.html>, [retrived: 04.01.2022].

<sup>36</sup> *A Dictionary of Law*, Oxford 2018, p. 350.

employee's work seniority at a given workplace (employer) and equals one, three or six months' remuneration. The benefit is granted to a spouse or other members of the family who have met the requirements to be granted a family benefit (*renta rodzinna*)<sup>37</sup>. The suggested equivalents are: *bereavement payment*, *death benefit*. The first equivalent is defined as a "one-off lump sum payment, currently 2000 British pounds, payable to a widow or widower whose spouse died on or after 9 April 2001, or to the survivor of a civil partnership whose partner died on or after 9 April 2005, if the survivor is a man under the age of 65 or a woman under the age of 60 at the time of death"<sup>38</sup>. It should be emphasized that *Bereavement Support Payment* has replaced *Bereavement Allowance* (*previously Widow's Pension*), *Bereavement Payment*, and *Widowed Parent's Allowance*<sup>39</sup>. The suggested equivalent refers to a benefit granted to any person in the case of the death of their partner, while the source term names a benefit granted to an employee's spouse or family members exclusively. Having analysed the above definitions, it may be concluded that the equivalent is a hypernym in relation to the source term.

The *death benefit* equivalent has not been accommodated in the legal English dictionaries. The term appears in sources of UK law, including the "The Judicial Pensions Regulations (Northern Ireland) 2015", where there is a chapter called *death benefits*. There is information on who is entitled to *death benefits*, meaning the benefits payable under Part 8 of the Act. The term names a single financial support granted to the member's surviving spouse, a person who was in a civil partnership with the member as at the date of the member's death, and a person who was married to the member as at the date of the member's death. A *member* is a pension credit member (P) of this scheme (of a given pension scheme)<sup>40</sup>. Having analysed the definitions of the source term and the equivalent, it may be stated that both terms name a single financial support for a spouse (under Polish law) or the closest person (under the law of the UK) of a person who has been a member of a pension scheme (under Polish law for an employee it is obligatory to be a member of a pension scheme). The English equivalent serves as a functional equivalent for the Polish term but the amounts of the benefits under the legal systems discussed as well as the potential recipients of the benefit are not exactly the same, which means the source term and the equivalent are incongruent.

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<sup>37</sup> W. Baran, *Prawo pracy i ubezpieczeń społecznych*, Warszawa 2019, p. 459.

<sup>38</sup> *Jowitt's Dictionary of English Law*, London, 2015, p. 258.

<sup>39</sup> *Bereavement Support Payment* – GOV.UK, [online], [www.gov.uk](http://www.gov.uk), [retrived: 04.02.2022].

<sup>40</sup> *The Judicial Pensions Regulations (Northern Ireland)*, 2015.

## Renta z tytułu niezdolności do pracy

Another type of benefit under the Polish labour law is the so-called *renta z tytułu niezdolności do pracy*, defined as a monthly paid benefit granted to a person under a pension scheme who has met the following requirements: is not able to work and has appropriate contribution and non-contributions periods; their disability to work has appeared in the appropriate contribution and non-contributions periods or not later than within 18 months from the end of the periods mentioned; a person is not entitled to be granted a retirement pension (*emerytura*) from the Social Insurance Fund, or a person has not met the requirements to be granted the retirement pension (*emerytura*). There are numerous types of *renta z tytułu niezdolności do pracy*, including *renta stała* (permanent pension), *renta okresowa* (temporary pension), *renta z tytułu całkowitej niezdolności do pracy* (pension due to complete incapacity to work) or *renta z tytułu częściowej niezdolności do pracy* (pension due to partial incapacity to work)<sup>41</sup>. The suggested equivalents are as follows: *disability pension, employment and support allowance*.

The first equivalent, *disability pension*, does not appear in the legal English dictionaries but is widely used in the texts of the sources of British law. *Pension* is defined as “income paid to a person who has reached the state retirement age (retirement pension), or who has retired from employment and benefits from a company pension, or who has elected to take an annuity or drawdown from a self-funded pension scheme”<sup>42</sup>. It may be assumed that the equivalent has been formed with the application of the hyponym or hypernym translation method as the source term and the equivalent name a regular benefit. The equivalent has not been accommodated as an entry in the English law dictionaries or texts of the sources of British law, and thus the determination of the translation method applied while forming thereof is not possible.

The equivalent *employment and support allowance* is defined as “a benefit to be paid to new claimants who have been assessed as having *limited capability of work* because of a health condition or disability. Payment is conditional on the claimant meeting certain conditions laid down in the Act which include, inter alia, that the claimant is entitled to be in employment in the UK”<sup>43</sup>. The Polish term and the suggested equivalent both name a financial benefit for an employee who is not able to work or has a limited capability of work, and thus the equivalent serves as a functional equivalent for the Polish source term.

<sup>41</sup> W. Baran, *Prawo pracy i ubezpieczeń społecznych*, Warszawa 2019, p. 330.

<sup>42</sup> *A Dictionary of Law*, Oxford 2018, p. 498.

<sup>43</sup> *Osborn's Concise Law Dictionary*, London 2013, p. 164.

## 6. Conclusions

To conclude, it should be emphasized that the paper is a case study and the research project is to encompass the research of sixty Polish labour law terms and their English equivalents published to date, to draw up a typology of translation methods used in the translation of incongruent Polish and English labour law terms. On the basis of the above research, however, it may provisionally be presumed that the published typology of translation methods used in the translation of incongruent Polish and English civil and criminal law terms encompasses the translation methods employed when translating labour law terms into English, as the equivalents under analysis have been formed as a result of the application of as many as four out of the ten methods of typology. As many as four functional equivalents have appeared (*death benefit, employment and support allowance, retirement gratuity, redundancy payment*), and as many as three hyponyms (*bereavement payment, severance pay, gratuity*). There have been two cases of the application of a calque method (that encompasses the calque method or procedure by Vinay and Darblenet<sup>44</sup>, the translation procedure by Newmark<sup>45</sup> called the calque, as well as partially the calque and loan strategies by Chesterman<sup>46</sup>), exemplified by *cash severance allowance* being the suggested equivalent for *odprawa pieniężna* and *disability gratuity* being the suggested equivalent for *odprawa rentowa*. What is more, one equivalent, namely *severance allowance*, appears to have been formed with the application of the hyponym translation method. The Polish source term has been *odprawa*.

It is worth mentioning that for *odprawa pieniężna* four different English equivalents have been used in three publications, which means that presumably translators compensate for lexical voids in different manners. Furthermore, in the paper there has been proposed a new functional *disablement benefit / industrial injuries disablement benefit* for the Polish source term *odprawa rentowa* and a more accurate equivalent for *odprawa*, namely *severance pay*.

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