

Response of the Polish Government to the Questionnaire on Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly (2000).

### **Part One: Overview of achievements and challenges in promoting gender equality and women's empowerment**

The situation of women in Poland and in the whole of Europe has improved for the last few decades. However, the risk of discrimination in many areas of life can still be observed in economic and social processes. One of the most essential of these areas is the situation on the labour market. Due to gender stereotypes, women receive lower pay than men and face barriers in access to promotion. Although the share of men in family responsibilities is increasing, it is still women who have most responsibilities connected with raising children and running a household – regardless of their professional work. On the other hand, more and more women successfully establish their own enterprises, and 1/3 of businesses are run by women.

Poland actively addresses the problem of ensuring gender equality by introducing legislative acts and by implementing policies and actions for ensuring access to employment, including promotion and professional training, work conditions and social security.

Accession to the European Union has essentially accelerated legal changes in the field of gender equality. The Labour Code is being systematically amended, in line with the latest EU directives. There are also new solutions, based on proven European examples, e.g. an Act on telework regulating flexible forms of employment, which has been in force since 2007.

In the last years, the role of actions directed at improving the situation of families has increased. In 2005 an Act on preventing family violence was introduced, followed by an action programme in this field. A so-called family policy package, which supports the possibilities of combining parenthood with professional career, was adopted in 2008 and has been implemented since 2009.

The basis of equality of women and men in Poland is the principle of equality before the law. Pursuant to the Polish Constitution (Constitution of the Republic of Poland of 2 April 1997, Journal of Laws [Dz. U.] No. 78, Item 483, as amended) all persons are equal before the law. No one shall be discriminated against in political, social or economic life for any reason whatsoever (Article 32). Under Article 33 of the Constitution men and women have equal rights in family, political, social and economic life. Woman and men have equal rights, in particular regarding education, employment and promotion, and shall have the right to uniform remuneration for equal work or for work of equal value, to social security, to hold offices, and to receive public honours and decorations.

This principle is detailed in the Labour Code (Act of 26 June 1974 Labour Code, Journal of Laws [Dz. U.] of 1998, No. 21, Item 94, as amended). One of the elementary principles of labour law is the prohibition of any discrimination, direct or indirect, in employment, in particular with regard to gender (Article 11<sup>3</sup> Labour Code). Employees have equal rights by resulting from the performance of identical duties; this applies in particular to the equal treatment of men and women in the area of work (Article 11<sup>2</sup> Labour Code).

Most provisions prohibiting discrimination are contained in Chapter IIa “Equal treatment in employment” in the First Part “General Provisions” of the Labour Code. Under Article 18<sup>3a</sup> of the Labour Code, employees should be treated equally in establishing and dissolving employment relationships, employment conditions, promotion and access to trainings for raising professional qualifications, in particular regardless of gender. Equal treatment in employment means that no person is discriminated against in any way – directly nor indirectly. The Labour Code also includes a definition of sexual harassment (Article 18<sup>3a</sup> § 6 Labour Code: gender discrimination is also any undesirable sexual behaviour or behaviour relating to employee’s sex, aiming at and resulting in humiliating the employee, and in particular in creating an intimidating, hostile, humiliating or affronting atmosphere; such behaviour may include physical, verbal or non-verbal elements). The Labour Code guarantees the right to uniform remuneration for equal work or work of equal value regardless of gender. The Labour Code also contains guarantees for persons against which the principle of equal treatment in employment has been violated. A person who faced violation of this principle by employer has the right to compensation in the amount equal to minimum pay, which is specified in separate provisions, or higher (Article 18<sup>3d</sup> Labour Code). Moreover, employees must not face any negative consequences of claiming their rights due to violation of the principle of equal treatment in employment. This provision applies also to employees who granted any kind of support to employees claiming their rights due to violation of the principle of equal treatment in employment (art. 18<sup>3e</sup> Labour Code).

The main institution for gender equality in Poland is the Department for Women, Family and Counteracting Discrimination in the Ministry of Labour and Social Policy, which has operated since 1 January 2006. It coordinates actions connected with the improvement of status of women and changing gender stereotypes in the Polish society, as well as promotes, disseminates and propagates counteracting all forms of discrimination and ensuring equal treatment and equal opportunities for persons exposed to discrimination. Most projects and media campaigns implemented by the Department concern activation of women on the labour market and reconciliation of professional and family responsibilities, as well as counteracting discrimination.

There is also the Office of Plenipotentiary of the Council of Ministers for Equal Treatment established by the Order of the Council of Ministers, which has operated since 22 April 2009. The Plenipotentiary is the Secretary of State in the Chancellery of the Prime Minister. Under the Order, the Plenipotentiary has the following responsibilities: implementing government policy in the field of equal treatment, including counteracting discrimination, in particular with respect to gender, race, ethnicity, nationality, religion or beliefs, political views, age, sexual orientation, marital and family status; issuing opinions on projects of legal acts and other government documents; performing analyses and assessments of legal solutions concerning respecting equal treatment, as well as placing at competent bodies proposals for issuing or amending legal acts concerning issues which are within the scope of Plenipotentiary’s responsibilities; undertaking actions towards eliminating or restricting the results of infringement; monitoring the situation in the field of equal treatment.

Between 2005 and 2008 the Department for Women, Family and Counteracting Discrimination in the Ministry of Labour and Social Policy implemented projects, aiming at, among other things:

- promoting female entrepreneurship, women’s activity in social and professional life and at the same time motivating women to act towards creating jobs for themselves. To achieve this, the Department provided women with necessary knowledge of how to start a business, where

to seek funds for the business, how to promote it (**“Jak dobrze być przedsiębiorczą kobietą!”** [How good to be an enterprising woman!]). The project consisted in a media campaign, including a television programme, spots, books and on-line publications);

- making the public aware of the problem of discrimination of women over forty-five (**“Poszukiwana 45+: rzetelność, zaangażowanie, doświadczenie”** [Wanted: women over 45 – reliability, commitment, experience]). The project consisted in a media campaign, including spots and billboards, books and on-line publications);
- activation of women in professional, social and personal life and in education. The project prepared local leaders, who will animate activities in rural societies (**“Stereotyp, a równe szanse kobiet i mężczyzn w środowiskach wiejskich”** [Stereotype and equal opportunities for women and men in rural societies]). The project consisted in trainings and a book publication, available also on-line at [www.akademiakobiet.pl](http://www.akademiakobiet.pl));
- changing the social atmosphere among employers and women entering the labour market after giving birth and women returning to employment after maternity leave or parental leave as potentially good and effective employees, as well as improving the self-esteem of this group and raising their motivation to enter and return to the labour market (**“Między rodziną a pracą – godzenie ról społecznych i zawodowych kobiet”** [Between family and work – reconciliation of women’s social and professional roles]). The project consisted in a media campaign, including spots and billboards, books and on-line publications);
- disseminating knowledge of flexible forms of employment among women and thus increasing their motivation to actively participate in the labour market (**“Elastyczne formy zatrudnienia – łączenie życia zawodowego z rodzicielstwem”** [Flexible forms of employment – combining professional life with parenthood]). The project consisted in a media campaign, including books and on-line publications available at [www.kobieta.gov.pl](http://www.kobieta.gov.pl));
- awareness-raising with regard to legal provisions on counteracting discrimination on account of gender in the amended Labour Code (**“Promocja antydyskryminacyjnych przepisów prawa pracy”** [Promotion of legal regulations for counteracting discrimination] – publication of brochures and on-line articles at [www.kobieta.gov.pl](http://www.kobieta.gov.pl));
- awareness-raising with regard to reconciliation of professional and family/private life of women and men in a family (**“Partnerstwo w rodzinie – szansą kobiet na rynku pracy”** [Partnership in the family – a chance for women on the labour market] – workshops, conferences, brochure). The aim of the project was to promote joint responsibility of women and men in family and professional life and the partnership model of performing parental and household duties;
- disseminating research on gender equality in all aspects of life, such as: health, education, labour market, preventing violence, etc. (**“Różne role, takie same szanse. Monitorowanie realizacji równości płci”** [Different roles, equal opportunities. Monitoring gender equality]). The implementation of the project has also contributed to the revitalisation of the Website [www.monitoring.rownystatus.gov.pl](http://www.monitoring.rownystatus.gov.pl), with comprehensive information on different aspects of social life from the point of view of gender;
- awareness-raising with regard to the situation of women on the labour market (**“Kobieta - Rodzina - Praca - kampania medialna”** [Woman – Family – Work – a media campaign]). The project consisted in a media campaign, including a television programme, the Website [www.kobietawpracy.eu](http://www.kobietawpracy.eu) and brochures on the situation of women on the labour market;
- analysing the situation of women in two selected aspects: 1. **“Diagnosis of social and professional situation of women from rural areas in Poland”** and 2. **“Multi-aspect diagnosis of women on the labour market”** – no such sophisticated and broad projects had been implemented so far. The results have extended our knowledge of different aspects of women’s situation on the labour market and have contributed to the modification of strategies connected with their participation in the labour market.

Implementing the projects described above has led to dissemination of knowledge of their most effective strategies and practice of overcoming labour market phenomena which are unfavourable to women, and has contributed to achieving social approval of the prepared system solutions, including further amendments to the Labour Code and the so-called family policy package.

The Department for Women, Family and Counteracting Discrimination in the Ministry of Labour and Social Policy is responsible for coordinating and preparing reports of the Council of Ministers on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. In January 2007, during its 37<sup>th</sup> session, the UN Committee for the Elimination of All Forms of Discrimination against Women examined the periodical reports of the Polish Council of Ministers on the implementation of the Convention. The reports were defended by the Polish delegation led by the Vice-minister of Labour and Social Policy. The UN Committee announced recommendations to the Polish Council of Ministers with an instruction to disseminate them in order to ensure their full implementation. According to the instructions of the Committee, the Department has sent the recommendations to all organs responsible for their implementation with and asked them to distribute the recommendations further and to implement them within the scope of their competences. Further (7<sup>th</sup> and 8<sup>th</sup>) reports on the implementation of the Convention are to be presented by the Council of Ministers in 2010.

The greatest successes in the policy of equal treatment of men and women in Poland are:

- numerous amendments to the Labour Code in line with the EU directives,
- the Act on counteracting family violence and, as a result of it, a national programme in this field,
- family policy package,
- Government Programme – Solidarity of Generations,
- a project of the Act on the implementation of some EU provisions in the field of equal treatment.

The main problems of Polish women are:

- discrimination on the labour market (low employment rate among women, gender pay gap, glass ceiling, etc.),
- low rate of participation in public life among women,
- violence against women,
- lack of system solutions in the field of reconciliation of professional, family and private life.

Consequently, Poland is implementing main measures specified in the Road Map for Gender Equality 2006-2010. In order to implement the objectives of family policies more effectively, the Department for Women, Family and Counteracting Discrimination is preparing a Road Map for Reconciling Roles.

As part of the European Year of Equal Opportunities for All 2007 an Advisory Committee was established, which consists of representatives of non-governmental organizations and social partners. It will carry on works within the Ministry of Labour within the framework of the project “Progress, eliminating discrimination, promotion of diversity”.

**Part Two: Progress in implementation of the critical areas of concern of the Beijing Platform for Action and the further initiatives and actions identified in the twenty-third special session of the General Assembly**

Gender equality is based on the principle of equality before law. This principle is confirmed both in the Constitution of the Republic of Poland and in the Labour Code<sup>1</sup>. Legal regulations for ensuring equality of men and women are also contained in many specific Acts, in particular the following:

**a)** the Act of 13 October 1998 on the social security system (Journal of Laws [Dz. U.] of 2007, No. 11, Item 74, as amended). Polish social security system is based on equal treatment of all insured persons, regardless of their gender, marital status or family situation. The principle of equal treatment concerns, in particular:

- 1) the conditions for including a person in the social security system,
- 2) the obligation of paying and calculating social insurance contributions,
- 3) calculating social security benefits,
- 4) period of payment of benefits and of keeping the right to benefits.

Article 2a (3) of the abovementioned Act introduces judicial control of observance of equal treatment by pension institutions. Each insured person who believes that the principle of equal treatment has not been applied in their case, has the right to make claim with respect to social insurance at a common court of law. The proceeding is generally free from court fees;

**b)** the Act of 20 April 2004 on the promotion of employment and labour market institutions (Journal of Laws [Dz. U.] of 2008, No. 69, Item 415, as amended), in which the prohibition of discrimination with respect to gender has been clearly underlined in the following Articles:

- 1) in Article 18a (4) imposing the prohibition of discrimination, in particular with regard to gender, on employment agencies;
- 2) in Article 36 concerning job service, which stipulates in paragraph 4 that job service is a free service, provided in accordance with the principles of:
  - a. availability of job service to all persons looking for a job and to employers;
  - b. equality – meaning that poviats labour offices must help all persons looking for a job find employment, regardless of their gender;
  - c. openness – meaning that each free job reported to the office is announced to the unemployed and to persons looking for a job;

Paragraph 5 of this Article imposes an obligation on employers to inform poviats labour offices of job vacancies and free places in professional training, and at the same time prohibits formulating requirements which would discriminate candidates on account of gender;

- 3) in Article 38 – concerning career advice. Paragraph 2 point 3 stipulates that career advice provided by poviats labour offices is performed in accordance with the principle of equality in access to career advice, regardless of gender, among other things;
- 4) in Article 123 stipulating that whoever rejects a candidate for a job or for professional training facility for the reasons of gender shall be subject to penalty in the amount of no less than PLN 3000. In this case, infringement of the prohibition of discrimination is subject to a specific sanction;
- 5) moreover, the Act provides for special actions addressed to unemployed youth up to the age of 25, persons over 50, persons unemployed for a long time and persons without professional qualifications. These actions also cover women, who are in a similar situation on the labour market;

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<sup>1</sup> For more on this subject see the first question in the questionnaire.

c) the Act of 18 January 1996 on physical culture (Journal of Laws [Dz. U.] of 2007, No. 226, Item 1675, as amended) and the Act of 29 July 2005 on sport of records (Journal of Laws [Dz. U.] No. 155, Item 1298, as amended), which guarantee equal treatment of men and women in the field of physical culture and sport of records. Pursuant to Article 34 (6) of the Act on sport of records, a female member of a national team, who became incapable of exercising sports due to pregnancy and childbirth, is to be paid a sport grant in full amount during pregnancy and during 6 months after childbirth – in the amount of half of the sport grant pertaining to her.

In this context, we should also mention some planned solutions concerning military service. Currently legislative works are under way, aiming at the elimination of any barriers in equal access to job positions, rules of promotion, remuneration, right to retirement pension, maternity and parental rights. An example of this can be the levelling of retirement age of men and women retiring from professional military service (currently it is 60 years for all soldiers), equal access to military education for candidates, rights of career soldiers to the protection of motherhood and parenthood, etc.

In 2008 two broad amendments to the Labour Code were adopted: the Act of 21 November 2008 amending the Act – Labour Code (Journal of Laws [Dz.U.] No. 223, Item 1460) and the Act of 6 December 2008 amending the Act – Labour Code and some other Acts (Journal of Laws [Dz.U.] No. 237, Item 1154)

The first of the abovementioned Acts introduced modifications to the provisions of the Labour Code concerning: equal treatment in employment, legal situation of employees returning to work after maternity leave, occupational health and safety.

These changes were necessary due to the need for transposition of the following directives into national law: Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.

The amended provisions of the Labour Code have been in force since 18 January 2009.

The second amendment introduced changes to the Labour Code and other acts connected with the reconciliation of professional and family life, concerning:

- Gradual extension of maternity leave (the obligatory one) from 18 to 20 weeks in case of giving birth to one child at one birth, 31 weeks in case of giving birth to two children at one birth, 33 weeks in case of giving birth to three children at one birth, 35 weeks in case of giving birth to four children at one birth, 37 weeks in case of giving birth to five or more children at one birth.

- Introducing an additional facultative maternity leave, which will ultimately last 6 weeks and 8 weeks respectively (in the case of multiple pregnancy) and will be an extension of the obligatory maternity leave. The leave will be systematically extended from 2010 by 2 weeks and 3 weeks respectively (in the case of multiple pregnancy). The ultimate length of the additional maternity leave will be reached in 2014. In addition, employees on additional

maternity leave will be able to combine it with half-time employment, retaining the right to proportional remuneration and maternity benefit.

- Introducing a paternity leave (1 week between 2010 and 2011) which will be extended to 2 weeks from 2012.
- Ensuring equal rights to maternity leave, additional maternity leave and paternity leave for biological and adopting parents.
- Protection against firing of persons with part-time employment during maternity leave pertaining to them (12 months).
- Gradually increasing the contribution base for persons on parental leaves, from 01 January 2009 to 31 December 2011, up to the amount of minimum wage, and then up to the average monthly wage (for 12 calendar months preceding the parental leave), however not more than 60% of the average monthly wage in the preceding quarter (as announced by the Main Statistical Office – GUS).
- Possibility of financing from a Social Benefit Fund, as part of social activity, day care centres and kindergartens and of establishing day care centres, kindergartens and other forms of pre-school education at workplaces.
- Eliminating the restriction of obtaining income for women receiving an addition to the social benefit during parental leave.
- Shortening the insurance period required for receiving financial benefits from 180 to 90 days for persons with voluntary insurance.
- Extending the maximum period of receiving a sickness benefit by pregnant women from 182 to 270 days.
- A possibility of suspending Labour Fund and Guaranteed Employee Benefits Fund contributions, pertaining to employers of persons returning from maternity leave, additional maternity leave or parental leave.

Polish experience shows that improvements in law should be accompanied by media campaigns, which contribute to awareness-raising with respect to combating gender stereotypes and improving the image of women in the society. The most important and the broadest campaigns of this type, co-financed from the European Social Fund, include:

### **1. How good to be an enterprising woman!”**

The aim of the project was to promote entrepreneurship among women and their activity in social and professional life. Actions implemented as part of the project were supposed to show women how to start their own business and help them solve problems which they can face by providing individual professional advice. Thanks to the project, women had an opportunity to stop being passive and to undertake actions towards creating jobs for themselves. The motto of the project was: “SpełniONA w biznesie” (“A woman fulfilled in business”).

In order to provide comprehensive support many different media and methods were used. Thirty 15-minute film blocks were produced. One of the films showed a short account presenting a woman who started her own business and found fulfilment in it. The account was followed by accessible instructions concerning issues connected with enterprise (depending on the issue presented by the woman in the account these were: legal and institutional issues, basics of economics, management and marketing, adjusting one’s business to local conditions, obtaining funds necessary for running a business). In addition, the project included TV and radio spots, press advertisements and articles promoting female entrepreneurship, as well as billboards.

The campaign also included an interactive Internet portal for women, with various information concerning entrepreneurship, where women could find advice on running their own business, completing all formalities, etc. It was a comprehensive source of information in all aspects of economic activity, addressed to different groups of women. It contained an Internet forum, providing an opportunity to share experience in business. An important element of the portal were questions to experts working in the project. A base of useful addresses has been created, containing addresses of self-government institutions, organizations supporting entrepreneurship, non-governmental organizations, business financing institutions, etc., as well as legal regulations and their accessible interpretations, detailed description of procedures, etc.

The project included a free telephone information line created for persons in need of advice on starting or running a business, which was in operation from 1 September 2007 to 30 April 2008.

The project also included a Business Bus, which visited 16 towns with population up to 50,000. The Business Bus team organized meetings with project experts, provided practical advice and individual advice concerning entrepreneurship.

At the end of the project a compendium concerning entrepreneurship was issued in print and in multimedia form.

## **2. “Wanted: women over 45 – reliability, commitment, experience”**

The project was implemented from November 2006 to November 2007. It was designed to contribute to changing stereotypes concerning working women over 45. Moreover, it was supposed to provoke a discussion on the planned system solutions with respect to gradual levelling of retirement age of women and men and equal access to employment and lifelong learning for representatives of both sexes, especially older people.

The project consisted in a media awareness-raising campaign, addressed in particular to employers and women over 45 + who were already working and wanted to learn and raise their professional qualifications. Discrimination with regard to age can be experienced by women of all ages, even the young ones, but it mostly affects older women.

The aim of the project was to prepare and conduct an information and education campaign addressed to women and employers for eliminating the stereotype according to which women over 45 are ineffective at work, by disseminating a positive image of this group of women, and on the other hand by improving their self-esteem and thus increasing their motivation to remain active in professional life. In Poland this aspect of promoting women over 45 on the labour market had not been addressed in the media before.

The campaign aimed at promoting the image of an older woman as a person with vast experience resulting from many years of professional work, who is more focused on work than a young person because she has less family responsibilities, who is meticulous because she has already been through learning on her errors, who is disciplined because she values stability, who is loyal to her employer because she values her job, who has a higher motivation to work because she knows what she wants, and in addition – what is more and more often valued today – a person who has better understanding of needs of the ageing population of customers because she belongs to it herself.

Three TV spots have been broadcast on television, each of them illustrating the present situation of women over 45 on the labour market. The campaign aimed at promoting women

45+ as mature, competent and committed to their work, as well as showing how strongly unfair stereotypes can be.

Each voivodeship capital featured 20 billboards informing about the campaign and connected with the TV campaign. At the same time, there was a campaign on the Internet Website [www.kobieta.gov.pl](http://www.kobieta.gov.pl) which provided its users with legal information concerning counteracting discrimination, addressed to employers, senior citizens and women. All articles from the Website were also published in form of a book.

### **3. “STEREOTYPE and equal opportunities for women and men in rural societies”**

The aim of the project was to break the stereotypical image of women’s social roles and strengthening their position on the labour market, as well as reducing disproportions in opportunities for developing local initiatives between urban and rural areas. It was possible through promoting the idea of equality of women and men on the labour market, promoting entrepreneurship and self-organisation, developing social activity and professional integration.

The project was addressed directly to women living in rural areas, and its main objective was their activation in professional, educational, social and personal life, development of interpersonal competences and opportunities for acting on the local level for women who are engaged in social activity or are planning to start such activity. Participation in the project gave them an opportunity to become local leaders animating social and economic activities for their local communities.

The project included establishing an Academy for Active Women. The project has been implemented through workshops, trainings and information seminars taking place all around Poland. Each of the participants of the trainings (each training group had 16 meeting days) had an opportunity to gain comprehensive knowledge allowing her to start different kinds of activities. The participants were provided special psychological support for identifying their own needs and breaking social stereotypes with regard to gender and social and professional position of women. They also had an opportunity to raise their skills and to start cooperation and share experience with representatives of existing local structures.

The project had a nationwide range. In each voivodeship a group of forty selected women participated in meetings organized in training centres.

It was a cycle of two-day seminars and workshops, taking place from May to December 2007. 640 women from rural areas participated in the project. The beneficiaries included female village leaders, members of commune councils, women engaged in social and economic activity and women who had wanted to engage in such activity.

Other actions within the project include: an information campaign, a conference for 800 people in Warsaw and a promotional and educational publication published in multimedia form and in a book form.

In the long term, the leaders trained in the project have engaged in many non-governmental organizations, partnerships and local initiatives and have learnt how to obtain funds for social and economic development. The actively work for their villages and local societies in the field of development and solving social problems.

**4. ”Gender mainstreaming as a tool for introducing changes”** co-financed from the European Commission’s General Programme PROGRESS. The main objective of the project was to raise awareness of public administration workers with regard to horizontal social

policy – gender mainstreaming, i.e. introducing the idea of gender equality to the social, political and economic fields of state activity.

The project included 2 thematic conferences, trainings on the subject of gender mainstreaming for representatives of government departments (20 training days) and a Gender Index survey in the Ministry of Labour and Social Policy, publishing of a booklet on gender mainstreaming and a survey report.

The ministries introduce the idea of gender equality to their activities as follows: the Ministry of Sport and Tourism, for instance, taking into consideration the development of female sports, finances from the State Budget the operation of the “Polish Women’s Sports Association” and collaborates with the Commission for Women’s Sports operating in the Polish Olympic Committee; the Ministry of Science, as part of the action “Supporting persons, institutions and centres conducting scientific research on women issues” has granted funds for a conference on women’s career organized by the Institute of Social Studies of the University of Warsaw; the Commission for Research for Economic Development at the Science Board has approved actions connected with the initiative “Women in science”.

According to the programming strategy of the Ministry of Regional Development for 2007-2013 in the Operational Programme “Human Capital”, the principle of equal opportunities for women and men is implemented cross-sectionally within all Priorities.

The following directions aiming at the realisation of the horizontal principle were set out in OP HC:

- the need for increasing employment of women and men, in particular women, as a group which is in less favourable situation on the labour market,
- raising professional qualifications of women and men, including in particular support for persons with low or outdated qualifications, e.g. women returning to the labour market from maternity and parental leaves,
- developing economic initiative of women and men as an answer to market challenges, stimulating enterprising attitudes,
- reconciliation of work and family life through improving access to child care services and dependent persons care facilities, which will allow many people to learn and participate in the labour market, and promote new forms of work.

The PO HC provides for measures directed at creating new solutions for equal opportunities, reconciliation of work and family life, mobility and retraining, as well as promoting equal opportunities for women and men on the labour market and eliminating the stereotype image of female and male roles in professional and social life.

In addition, from April 2009 there has been a minimum standard of implementing the principle of equality of opportunities in OP HC projects. Guidebook on this subject has also been published.

The Operational Programme Infrastructure and Environment (OP I&E) supports the development of higher education infrastructure. One of the elements in the assessment of the results of the support will be the assessment of the effect of the implemented priority on the share of women and men among students of mathematical, scientific and technical faculties. To this end, one of the conditions of obtaining funds for a project will be proving that the project will have positive effect on horizontal policy of equal opportunities. The applicant should prove that the project provides for solutions towards ensuring equal opportunities, in

addition to the solutions required under Polish law, concerning e.g. the equal status of women and men and equal access to education. Projects including promotional campaigns undertaken by an education facility, aiming at encouraging women to choose faculties supported by OP I&E (scientific and technical faculties, as much more men than women study there at present) will be favoured in the assessment.

The Department for Family, Women and Counteracting Discrimination of the Ministry of Labour and Social Policy has initiated two extensive system projects, which are implemented between 2008 and 2011.

**1. “Social and economic activation of women on the local and regional level”.**

The main goal of the project is to promote the idea of equal opportunities in access to employment and methods applied to achieve this by the workers of labour market institutions (LMIs) and the society as a whole.

Detailed objectives:

1. promoting a modern model of society, in which women and men are equal participants;
2. preparing and implementing among workers of labour market institutions (LMIs), including key workers of public employment services (PES), a training model in gender policy and strengthening the position of women in social and economic life, for equalising opportunities on the labour market;
3. promoting issues connected with equal opportunities on the labour market;
4. creating tools for cooperation and information exchange between LMIs in the field of activities for equalising employment opportunities;
5. creating and disseminating a national database of entities acting for equal opportunities on the labour market and good practices in this field (LMIs, employers, NGOs)

Planned actions:

- 1) preparing a training model for implementing gender equality policy for labour market institutions (LMIs), based, among other things, on the UNDP guidebook "Gender equality policy in practice". Trainings in this field for representatives of key employees of Voivodeship Labour Offices and Poviats Labour Offices and other labour market institutions in Poland. These trainings will take place in each voivodeship and will be attended by approximately 1000 people. The subjects of the trainings are: gender mainstreaming, gender budgeting, counteracting gender and age discrimination, methods of increasing professional activity of women, building a network of cooperation with social partners, possibilities of using ESF funds for equalising opportunities, international strategies and programmes.
- 2) a campaign “equal opportunities on the labour market” – identification and promotion of issues connected with the 3 stages of women’s activity on the labour market – entering the market, remaining on the market and quitting it. The campaign will include quality research as a factual basis for promotion activities addressed to different recipients.
- 3) Internet portal – an information and promotion tool for equalising opportunities.

Expected effects:

- 1) decreasing the gender pay gap,
- 2) increasing professional activity of women,
- 3) creating a training model concerning gender equality policy, based on the guidebook "Gender equality policy in practice",

- 4) SWOT analysis of situation of women on the labour market and actions of LMIs in this field, including the forms of LMI activity on the labour market, attitudes of employers and employees, possibilities of the development of social dialogue in the field of equalising opportunities on the labour market,
- 5) propagating the training model of implementing gender equality for LMIs,
- 6) raising LMIs' awareness in respect of gender equality on the labour market,
- 7) propagating the principle of gender mainstreaming,
- 8) raising social awareness in respect of equalising opportunities on the labour market,
- 9) creating a positive atmosphere for women's activity, in particular for women over 50,
- 10) creating a network of LMIs in the field of actions for women,
- 11) creating a pool of knowledge for institutional changes in the field of supporting women on the labour market, including women over 50,
- 12) providing access to expert knowledge concerning equalising opportunities on the labour market,
- 13) overcoming gender stereotypes concerning roles in the society.

## **2. "Reconciliation of professional and family roles of men and women"**

The aim of the project is to:

- prepare models of reconciling different roles on the level of legislative solutions, as well as solutions implemented regionally, on local labour markets and in enterprises;
- review and promotion of good national and foreign practices and a family model based on partnership through national media campaigns;
- extending the competences of LMIs in the field of negotiations with the clients and cooperation on the local labour market for increasing professional activity of women.

Planned actions:

- a) two-day international conference opening the project and concerning the reconciliation of family and professional life. Approximately 500 people will take part in the conference, including participants from EU Member States, United States and Canada, ministers for family affairs and experts, as well as representatives of NGOs and LMIs. The subjects of the conference will concern legislative solutions for equalising opportunities and good practices and their application on the national, regional and local level.
- b) research and analyses, in particular:
  - an analysis of legislative solutions, including barriers and opportunities in respect of reconciliation of professional and family life in Poland and in selected EU States, and their practical application;
  - an analysis of good practice in the field of reconciliation of work and family life as one of important elements for equalising opportunities of men and women on the labour market, including an analysis of costs and cost-effectiveness, as divided into Poland and other EU States, and into the national, regional and local level, and enterprises, divided into small and medium enterprises and the role of LMIs in this respect;
  - household surveys with respect to cultural and economic barriers in implementation of reconciliation policy for elaborating objectives of the national promotion and education campaign and objectives of a training module for employers' and employees' organizations;
  - preparing a package of legislative proposals, including an feasibility analysis of foreign good practice in the field of reconciling work and family life and broader application of Polish good practices under Polish legal regulations;

- c) preparing a National Road Map – a package of recommendations for effective implementation of the reconciliation model for national, regional and local institutions and LMIs.
- d) a database of good national and foreign good practice in the field of reconciliation of work and family, divided into the national, regional and local level and enterprises (small & medium and large) – 500 described cases;
- e) a conference promoting the National Road Map.

Expected effects of the project:

- the project will contribute to the increase of the rate of women's professional activity;
- including the reconciliation of work and family life into at least 80% local partnerships initiated by LMIs, resulting in improved financial and territorial access institutionalized forms of child care;
- initiating the implementation of reconciliation models in at least 200 workplaces in Poland as a benchmark for employers' organizations;
- awareness-raising with regard to the possibilities of reconciling work and family life;
- creating a model for supporting the reconciliation of family and professional life on the national, regional and local level and in enterprises
- starting cooperation between PES and other LMIs in the field of reconciliation of work and family
- improving knowledge with regard to law, good practice and possible solutions in the field of reconciliation of work and family life;
- reducing stereotypes concerning family and professional roles of women and men negatively affecting the situation of women on the labour market;
- encouraging inclusion of reconciling work and family life into local partnerships initiated by PES;
- initiating international cooperation in the field of reconciliation of work and family life.

### **Part Three: Institutional development**

Institutions for gender equality affairs in the Republic of Poland:

#### **I. The Ministry of Labour and Social Policy, Department for Women, Family and Counteracting Discrimination**

The basic responsibility of the Department for Women, Family and Counteracting Discrimination, which was established in December 2006, is the coordination of actions connected with improving the status of women and changing gender stereotypes in the Polish society, as well as promoting, disseminating and propagating the problems of counteracting all forms of discrimination and ensuring equal treatment and equal opportunities for persons exposed to discrimination.

The Department coordinates actions connected with the status of women and family in the society and implements actions towards counteracting all forms of discrimination under the Minister's competence. The responsibilities of the Department include in particular:

- a) analysing and assessing the legal and social situation of women and family and discriminated persons, as well as initiating and coordinating actions towards ensuring equal treatment and equal opportunities for discriminated persons;
- b) elaborating the objectives of the policy and normative acts concerning the status of women and family and counteracting discrimination;

- c) issuing opinions on proposals of normative acts and other documents having influence on the situation of women and family in the society and on counteracting discrimination;
- d) cooperation with the competent organs of public administration, non-governmental organizations and institutions in respect of their responsibility for tasks and programmes for women and counteracting discrimination;
- e) initiating, implementing, coordinating and monitoring the implementation of government programmes for women, family and counteracting discrimination and concerning equalising opportunities;
- f) coordination of cooperation with international organizations in matters connected with counteracting discrimination;
- g) promoting, disseminating and propagating the issues of counteracting discrimination and equal opportunities and conducting information and education campaigns for awareness-raising with regard to discrimination and its symptoms, as well as methods and strategies of preventing discrimination;
- h) implementing measures for providing due assistance to victims of discrimination in claiming their rights (around 50 complaints in 2008);
- i) elaborating and implementing projects co-financed from the ESF;
- j) implementing projects financed from the EU Budget, aiming at ensuring equal treatment and equal opportunities of discriminated persons.

## **II. The Government Plenipotentiary for Equal Treatment in the Chancellery of the Prime Minister**

The Office of Government Plenipotentiary for Equal Treatment has been established by the Order of the Council of Ministers of 22 April 2008. The Plenipotentiary acts in cooperation with competent organs of government administration which are obliged to collaborate with and support the Plenipotentiary, in particular by providing information and documents necessary for performing of Plenipotentiary's duties. The Plenipotentiary can appeal to competent organs of government administration, indicating problems lying within the Plenipotentiary's competence which should be solved by these organs, and request examination of these problems and issuing an opinion.

The Office of Government Plenipotentiary for Equal Treatment is the first government office in the history of Poland which deals comprehensively and interdisciplinarily with issues connected with equal treatment, in the field of counteracting discrimination not only with regard to gender or marital and family status, but also race, ethnicity, nationality, religion and beliefs, political views and age.

As a coordinator in the field of equal treatment, the Plenipotentiary has undertaken extensive cooperation with non-governmental organizations, trade unions, professional circles, entrepreneurs' associations, scientific circles and public institutions. The Plenipotentiary has established expert teams in the fields lying within the competence of the Plenipotentiary and has coordinated their work. The expert teams include: Expert Team for Women, composed of three working subgroups (Subgroup for the Labour Market and Social Activity, subgroup for Pro-family Policy and Subgroup for Counteracting Family Violence), Expert Team for Counteracting Discrimination of Fathers and Expert Team for Counteracting Mobbing.

## **III. The Plenipotentiary of the Minister of National Defence for Women's Military Service**

The Plenipotentiary of the Minister of National Defence for Women's Military Service operates in the Ministry of National Defence. According to the Decision No. 102/MON of the Minister of National Defence of 3 April 2006 appointing the Plenipotentiary for Women's Military Service, the Plenipotentiary's responsibilities include: initiating undertakings ensuring the conditions of equal access to military service for men and women, counteracting discrimination and pathology. The discussed regulations are a basis for initiating preventive actions, including educational projects addressed to candidates for soldiers and professional officer corps and interventions in reported cases. In 2008, in order to carry out the abovementioned intentions, the Ministry introduced subjects connected with sexual harassment to training programmes for candidates for professional military service (course book "Workshops for candidates for professional military service. Preventing sexual harassment").

#### **IV. The Commissioner for Citizens' Rights**

Under Article 208 of the Constitution the Commissioner for Citizens' Rights shall safeguard the freedoms and rights of persons and citizens specified in the Constitution and other normative acts. As part of the abovementioned responsibilities, the Commissioner also appeals to competent organs in matters connected with gender equality in employment.

#### **V. The Parliamentary Group of Women**

The Parliamentary Group of Women has been established for joint actions above any political divisions for the constitutional principle of equal rights of both sexes. The Group has operated since 1991 (since 1992 the as the Parliamentary Group of Women, and before as the Parliamentary Circle of Women).

#### **VI. Permanent Commissions in the Sejm of the Republic of Poland: the Commission for Social Policy and Family (6<sup>th</sup> term of the Sejm of the Republic of Poland from 2007 to ....)**

The responsibilities of the Commission include shaping state social policy, social problems, social insurance, social benefits, social assistance, communal housing and problems of disabled persons and veterans and labour law issues, including protection of employees, occupational health and safety, equal treatment in employment, as well as payment systems and upkeep costs, combating unemployment, labour market, costs of work, employment and protection of rights of Polish employees' in EU Member States, employing graduates and activation of persons in pre-retirement age, as well as matters resulting directly the functioning of a family, playing certain roles within it and placing proposals of legal regulations concerning these matters, and matters concerning women's rights protection and ensuring equal chances in professional and social life, as well as matters connected with obeying the constitutional principle of gender equality.

The Commission includes a Permanent Subcommittee for Family and Women's Rights.

#### **VII. The Central Statistical Office**

In 2008 the Central Statistical Office (CSO) issued a comprehensive report "Women in Poland 2008". It is a set of information collected in the years 1990- 2007.

## Cooperation with non-governmental organizations and social partners

The main forum for social dialogue in Poland is the Tripartite Commission for Social and Economic Affairs, which is governed by the Act of 6 July 2001 on the Tripartite Commission for Social and Economic Affairs (Journal of Laws [Dz. U.] No. 100, Item 1080). Article 1 (3) of the Act stipulates that the Commission's competences include conducting social dialogue with regard to pay and social benefits and in other social or economic matters, as well as performing specific tasks defined in separate Acts. Pursuant to Article 2, each of the parties in the Commission (the government, the employees and the employers), also together with other party of the Commission, can present its opinion on every subject concerning social or economic policy. Consequently, the Commission has often been used as a forum for debates on equal treatment. In addition, the government must submit state proposals of legal acts for to the social partners for opinion.

The Ministry of Labour and Social Policy, with its social partners, implements initiatives and campaigns for promoting equal treatment. During the European Year of Equal Opportunities for All (2007) an Advisory Committee was formed, the aim of which was to create a platform of understanding between the institutions of civil society for counteracting discrimination. The Advisory Committee is the first advisory body in the Department for Women, Family and Counteracting Discrimination appointed by the Minister. During the European Year of Equal Opportunities for All the Committee had 6 meetings. Also in 2009 6 meetings of the Advisory Committee are planned, as part of the project co-financed from the Community programme PROGRESS. The meetings will be based on a model elaborated the European Year of Equal Opportunities for All.

There are also grants awarded in a bid for non-governmental initiatives, as defined in the Act of 24 April 2003 on public benefit activities and volunteer work (Journal of Laws [Dz. U.] No. 96, Item 873, as amended) from priority areas in the field of counteracting discrimination and promoting diversity.

In addition, funds have also been allotted for counteracting violence against women and domestic violence as part of the Campaign of the Council of Europe to Combat Violence Against Women Including Domestic Violence and as part of the National Programme for Counteracting Family Violence. Non-governmental organizations have also obtained financial support as part of the Civic Initiatives Fund (CIF) programme – and one of its components concerned promoting gender equality.

### **Gender mainstreaming**

Introducing the idea of gender equality to all policies and measures (gender mainstreaming) is a permanent task of the Department for Women, Family and Counteracting Discrimination in the Ministry of Labour and Social Policy. Gender mainstreaming, as one of the horizontal policies of the European Union, means that all measures have to be planned, monitored and evaluated with regard to gender equality.

The Department has collaborated with the network of Voivodeship Plenipotentiaries for Women and Family, appointed by voivodes. In 2005–2007 the Plenipotentiaries operated in nine voivodeships: (Silesian, Lublin, Opole, Subcarpathian, Pomeranian, West Pomeranian, Warmian-Masurian, Kuyavian-Pomeranian and Masovian). They implemented many actions for women and family in their respective voivodeships and remained in permanent contact

with the Department. The Department staff acted towards networking Plenipotentiaries, organized meetings and supported mutual exchange of information and actions prepared by them.

#### **Part Four: Remaining challenges and actions to address them**

The greatest challenges faced by the Polish Government in the field of gender equality:

- adopting an act on equal treatment,
- increasing professional activity of women,
- reducing the pay gap between men and women,
- increasing the share of women in the decision-making process and in political life,
- elimination of gender stereotypes,
- introducing mechanisms for reconciliation of work and family life,
- carrying on works for eliminating violence against women,
- carrying on actions for eliminating gender discrimination.

Changes in law should be accompanied by changing awareness. That is why awareness-raising campaigns will be conducted along with the planned modifications of law.

The Act on implementing some EU provisions concerning equal treatment:

The Ministry of Labour and Social Affairs has prepared a draft law on equal treatment, which will comprehensively regulate issues of equal treatment of persons, without regard to sex, race, ethnic origin, nationality, religion or outlook, political views, disability, age or sexual orientation, and marital or family status. The law will apply in the sphere of access to organizations, provision of and access to goods and services, employment, professions, social security and education. It should be underlined that the catalogue of the premises of discrimination, enumerated in the law, is an open catalogue, since pursuant to Article 32 of the Constitution of the Republic of Poland “No one shall be discriminated against in political, social or economic life for any reason whatsoever”.

The draft law does not infringe on any regulations concerning equal treatment contained in other existent legal regulations. Thus, the provisions of the law have no effect on e.g. regulations incorporated in the Labour Code, which lays down separate rules of equal treatment in the sphere of employment.

The provisions of the law dealing with the vindication of claims stemming from infringement of the principle of equal treatment indicate to the injured party the path of already existent court procedures. On the basis of the proposed regulations a person whose right to equal treatment has been violated may demand the cessation of such actions, eradication of their effects and redress or material compensation. The law envisages compensation that is not lower than the minimum wage, or a fine of 3000 PLN. Under the law, the burden of proof has been transferred from the plaintiff to the defendant.

The legal regulation concerning equal treatment provides for the establishment of the National Programme for Counteracting Discrimination. The programme will include independent survey reports, information and education campaigns, trainings in gender mainstreaming for public and self-government administration staff, annual monitoring of measures implemented within the framework of the programme. Most of the measures will be of soft nature and will be implemented through the exchange of good practice and through media campaigns.

Information campaigns concerning gender equality will be conducted all around Poland as part of the two broad system projects, in the years 2008–2011. The cooperation with other public administration units will focus on building a forum of understanding, aiming at introducing the policy of equal opportunities in many dimensions concerning the participation of women in politics and labour market, and counteracting discrimination with regard to gender in areas most exposed to discrimination.

Both projects are implemented as part of the OP HC Priority I. *Employment and social inclusion*.

The project entitled *Social and economic activation of women on the local and regional level* has been designed to improve the situation of women on the labour market, through, among other things, intensifying actions of Labour Market Institutions in this field. Strengthening the potential of the existing entities and awareness-raising with regard to the importance of actions towards ensuring equal opportunities will contribute to the improvement of women's situation on the labour market. The problems raised in the project include the pay gap between women and men, barriers in promotion, and unequal treatment on account of gender. The planned surveys will contribute to a diagnosis of reasons for unequal pay for men and women – both on the employers' and on the employees' side. Based on the results of the diagnosis, an information and promotion campaign will follow, aiming at changing attitudes in this respect. The campaign will also contribute to forming an image of working women as rightful and valuable participants in the labour market. Including a broad spectrum of players in social life in the actions for ensuring equal opportunities – not only Labour Market Institutions, but also employees and the society in general – will contribute to the debate and to finding innovative solutions supporting actions towards elimination of pay gap between women and men.

The project entitled *Reconciliation of professional and family roles of women and men* has been designed to contribute to reducing the scale of discrimination of women with children on the labour market. Reconciliation of work and family life is advantageous to the balance in sharing family responsibilities between men and women and thus facilitates women's participation in the labour market, contributing to eliminating pay gaps. Employers often perceive women as less flexible workers due to their family responsibilities. Offering lower paid positions to women and passing them over in granting bonuses and promotions results also from the stereotype that for women their family is always above work. Facilitating the reconciliation of work and family to both sexes on the enterprise level and promoting the partnership family model will contribute to the reduction of the gender pay gap. The project aims at standardizing and implementing, on a broad scale, the mechanisms of reconciliation of family and work on the enterprise level, found among national and European good practices. It also aims at including social partners – local Public Employment Services, employers' organizations and trade unions – in the process of elaborating solutions for reducing discrimination of women on the labour market on account of their family situation.

#### *Progress, counteracting discrimination, promotion of diversity*

The Project of the Department for Women, Family and Counteracting Discrimination in the Ministry of Labour and Social Policy with the above title has been implemented as part of the EU programme PROGRESS from December 2008 and will be carried on until November 2009.

The project has been designed to raise awareness of the society with regard to discrimination and methods of combating it. The project has been based on the experience gained during the European Year of Equal Opportunities for All 2007. The surveys, TV spot and publications prepared in that year will be used in the project.

The project measures are based on the objectives of the horizontal social policy including gender mainstreaming in the field of social, political and economic activities of the society and the state. The main objectives of the project are: raising awareness with regard to the right to non-discrimination and equal treatment; promotion of equal opportunities for all – in access to employment and education, at workplace and in health service; promotion of benefits resulting from diversity. The actions undertaken within the framework of the project will focus on discrimination experienced by some people on account of their race or ethnicity, religion or beliefs, age, gender, sexual orientation or disability.

Through actions such as promotion and education campaigns on the local level, trainings for persons who have contact with groups exposed to discrimination (women, ethnic and sexual minorities) in their professional work, consultation meetings of organizations dealing with the problems of discrimination and unequal treatment. The project has been designed to contribute to awareness-raising with regard to negative phenomena connected with discrimination, increase factual knowledge of employees in general and create a functional platform of understanding and experience exchange between organizations, and thus contribute to the strengthening of their position in civil society.

#### Gender pay gap

The principle of equal pay is stipulated in the Constitution of the Republic of Poland. Under Polish law employees have the right to uniform remuneration for equal work or for work of similar value. This remuneration includes all elements of remuneration, regardless of their name and nature, as well as other benefits connected with work, granted to employees in financial or non-financial form. Work of equal value means work which requires similar professional qualifications, confirmed by documents specified in separate provisions or by practice and professional experience, as well as similar responsibility and efforts. Moreover, the remuneration should be relevant to the type of work and qualifications required for it, as well as it should take into consideration the amount and quality of work (Article 78 § 1 Labour Code).

In the European Union law, the principle of equality of men and women on the labour market – including in respect of remuneration – has been defined in Article 141 of the Roman Treaty, which stipulates that each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value. The principle of equal pay has been defined as equality not only before law but also as real equality. Thus, counteracting discrimination of women on the labour market in this respect became a principle of actual European policies.

It is governed mainly by the Directive 75/117/EEC on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women. The directive stipulates that the principle of equal pay for equal work or work of equal value means the elimination of all discrimination on grounds of sex with regard to all aspects and conditions of remuneration. Notwithstanding the abovementioned legal regulations, the pay gap between men and women remains considerable. The estimated difference in pay accounts for 15% in the European Union, and in Poland 12% in the public sector and between 20 and 40% in the private sector.

Due to low awareness of the existing laws in the field of equal pay for men and women, it is essential to disseminate information on the existing legal provisions and to promote the problems of equal pay. Poland was among the countries which participated in a campaign on the EU level aiming at informing the society of the existing gender pay gap. The campaign was organized by the European Commission and was launched on 3 March 2009. The main medium used in the campaign were buses with information on gender pay gap. Measures planned as part of the campaign were implemented until the end of March 2009 in Warsaw, Brussels, Budapest, Madrid and Berlin. They will be carried on as part of the project entitled *Social and economic activation of women on the local and regional level.*