

## **Information on the implementation by Poland of the agreed conclusions on 'Women's economic empowerment in the changing world of work'**

### **1. Strengthening normative and legal frameworks (paragraphs 40 (a) to (j))**

- **What specific actions have been taken to enact, strengthen and enforce laws and regulatory frameworks that ensure gender equality and prohibit discrimination against women in the world of work?**
- **What specific actions have been taken to enact, strengthen and enforce laws and regulations that uphold the principle of equal pay for equal work or work of equal value in both the public and private sectors?**
- **What measures have been taken to enact, strengthen and enforce laws and policies to eliminate all forms of violence and harassment against women in the world of work and provide means of effective redress in cases of noncompliance?**

The Constitution of the Republic of Poland of April 2, 1997 (Journal of Laws of 1997, item 483, as amended) (hereinafter referred to as "the Constitution of the Republic of Poland"), in Art. 32 sets out two principles: equal treatment (Article 32 (1)) and non-discrimination (Article 32 (2)).

The principle of equal treatment means that entities in a similar situation are treated in a similar way, and entities in a different situation in a different way. This principle therefore applies to equal treatment of entities in the same legal situation. Similar entities or situations are distinguished on the basis of a given feature considered to be legally significant, which is not the same as the concept of identity. In the light of the Constitution of the Republic of Poland, equality is not absolute. This means that this principle does not introduce absolute de facto equality, but confirms the equal possibility of realizing freedoms and rights. This principle is based on the requirement of equal treatment by public authorities in the process of making (equality in law) and applying the law (equality of treatment). In art. 33 The Constitution of the Republic of Poland also introduces the principle of gender equality, which means equal rights for women and men in family, political, social and economic life. However, the principle of equality does not mean the same rights for everyone - it is possible to differentiate rights if the situation of citizens is different.

Moreover, the anti-discrimination policy is shaped by the provisions of international law. These are not only legally binding and general documents (e.g. the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950), or general documents that were not legally binding at the time of adoption (Universal Declaration of Human Rights of 1948 .), but also relating to gender equality and women's rights, legally binding international agreements (eg the 1979 Convention on the Elimination of All Forms of Discrimination Against Women).

The principle of non-discrimination (i.e. equal treatment) is present both in EU primary law (including the Treaty on the Functioning of the European Union) and in EU secondary law (including Council Directive 2000/43 / EC implementing the principle of equal treatment). treatment of persons irrespective of racial or ethnic origin and Directive 2006/54 / EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation). Also, a number of provisions resulting from Polish national legislation emphasize equality between women and men and prohibit discrimination on the

basis of sex in all areas of life. The provisions on the prohibition of discrimination can be found, inter alia, in the Act of June 26, 1974 - Labor Code the Act of April 20, 2004 on employment promotion and labor market institutions) as well as in the Equality Act.

The equality act in force in Poland introduced a number of equal treatment mechanisms into the Polish legal system. The most important of them include: the definition of discrimination, the reverse burden of proof mechanism, the possibility to claim compensation for victims of unequal treatment or the right to take compensatory (affirmative) actions against discriminated groups. The act defines the Polish model of anti-discrimination policy. The authorities responsible for observing the principle of equal treatment in Poland are the Government Plenipotentiary for Equal Treatment and the Human Rights Defender. The Human Rights Defender upholds the principle of equal treatment under the conditions and in the manner specified in the Act of 15 July 1987 on the Human Rights Defender.

Polish criminal law in the field of combating discrimination and violence in employment is generally gender neutral. Therefore, it is impossible to indicate a provision in this area aimed solely at the protection of women.

It is worth mentioning the change in the scope of the subject matter of the crime of harassment (Article 190a of the Penal Code) amended by Art. 13 point 2 of the Act of March 31, 2020 on special solutions related to the prevention, prevention and combating of COVID-19, other infectious diseases and crisis situations caused by them and certain other acts (Journal of Laws 2020.568). As a result of the amendment, the catalog of the features of this crime was supplemented with humiliation and torment, which may be applicable in employee relations, and the statutory penalty threshold was increased.

Moreover, in order to quickly isolate the perpetrator of domestic violence from a person affected by violence, in 2020 by the Act of April 30, 2020 amending the Act - Code of Civil Procedure and certain other acts (Journal of Laws, item 956) (hereinafter: the Anti-Violence Act) the possibility of immediate ordering the perpetrator of domestic violence to leave the jointly occupied flat and its immediate surroundings and prohibit approaching the jointly occupied flat and its immediate surroundings was introduced. And yet:

- in the case of a person whose behavior consisting in the use of domestic violence (within the meaning of the Act of 29 July 2005 on Counteracting Domestic Violence) poses a threat to the life or health of the person affected by this violence, the police officer has the right to issue an order to immediately leave the jointly occupied flat and its immediate surroundings or put a ban on approaching the flat and its immediate surroundings, and
- in the event that the threat is of a direct nature - has the right to detain the perpetrator of domestic violence (in the manner specified in Article 15 of the Act of April 6, 1990 on the Police).

The Anti-Violence Act also introduced provisions that, inter alia, are intended to facilitate a person affected by domestic violence to submit an application to the court within two weeks of the validity of the order or prohibition (the applicant is exempt from the fee, the application may be submitted on the form) and to streamline the procedure (a deadline has been set for the court to rule on both the first and the second instance, providing for a special mode of service, a derogation from the obligation to supplement the formal deficiency by submitting a copy of the pleadings).

## **2. Strengthening education, training, and skills development (paragraphs 40 (k) to (n))**

- **What measures have been taken to mainstream a gender perspective into education and training programmes in order to facilitate the effective transition from education or unemployment to work?**

The Constitution of the Republic of Poland guarantees every citizen the right to education, to free education in a public school, the right to choose a school, and universal and equal access to education. The education system in Poland guarantees universal access to general and vocational education, regardless of sex.

Minor restrictions on vocational education result from the provisions of the Regulation of the Council of Ministers of August 24, 2004 on the list of jobs forbidden to young people and the conditions of their employment in some of these jobs.

The Act - Law on Higher Education and Science provides additional rights for students-parents - university authorities are obliged to provide a pregnant student with the possibility of studying according to the individual organization of studies. Moreover, for the first year after the birth of the child, both the father and the mother may apply for a leave from classes (up to one year); the university authorities are obliged by law to grant such leave to students-parents (Article 85 (2) of the Act - Law on Higher Education and Science provides).

The issues of empowering women of all ages through the development of their skills are highlighted in the public policy document "Integrated Skills Strategy 2030" .

A project on gender equality in research and higher education is being implemented, financed by the European Union Horizon 2020 framework program (Ministry of Education and Science in cooperation with the Information Processing Center - National Research Institute OPI-PIB). The project is devoted to, inter alia,

- analyzing the progress of the Member States in implementing the European Research Area (ERA), in relation to its priority on equality between women and men in research and innovation;
- providing opportunities for mutual learning between countries, exchanging best practices supporting the full use of the potential of female and male scientists and creating favorable framework conditions, including institutional ones;
- developing strategic advice by developing policy reviews and information material related to equality in the ERA.

## **3. Implementing economic and social policies for women's economic empowerment (paragraphs 40 (o) to (mm))**

- **What steps have been taken to promote decent paid care and domestic work in the public and private sectors?**
- **What actions and investments have been made to support gender-responsive social protection and care infrastructure and services?**
- **What specific measures have been implemented to promote women's entry, reentry and advancement in the labour market?**

#### **4. Addressing the growing informality of work and mobility of women workers (paragraphs 40 (nn) to (qq))**

- **What measures have been implemented to promote the transition from informal to formal paid employment for women?**

Actions taken by the Government Plenipotentiary for Equal Treatment in the last Year

1) Actively participating in the implementation of the Equality Union: Gender Equality Strategy 2020-2025. The strategy was adopted by the European Commission (EC) on 5 March 2020 and creates a framework for the work of the European Commission in the field of gender equality and defines the policy objectives and the most important activities for 2020-2025. The document emphasizes in particular the importance of equality for activities in the field of ecological, digital and demographic transformation. Its aim is to eliminate violence and discrimination on the basis of sex and inequalities resulting from the structure of relations between men and women, including the creation of equal opportunities for the implementation of aspirations and participation in the development of civil society. The Strategy is also to be the EU's contribution to the implementation of the Sustainable Development Goal 5 on gender equality, adopted under the UN 2030 Agenda for Sustainable Development. The priority areas of action included in the Strategy include:

1. Freedom from violence and stereotypes;
2. Opportunity to develop in an economy based on gender equality;
3. Performing important roles in society on equal terms.

Each of the priorities assumes actions designed to achieve specific goals, falling within the scope of a given area. The addressees of the actions are both the Member States, as well as the Council and the European Parliament.

The Government Plenipotentiary for Equal Treatment, Ms Anna Schmidt, coordinated the development of the Government's position to the above-mentioned Strategy. In the position adopted on the Strategy, the Government of the Republic of Poland recognizes as a priority the actions presented in the document, aimed at eliminating the gender pay gap and aimed at ensuring an appropriate and affordable care infrastructure (which will positively translate into women's participation in the labor market, their prospects pensions and the demographic situation) as well as preventing and combating violence against women.

The position assumes that the implementation of the Strategy must comply with the legislation of the Member States, taking into account, inter alia, their competences and constitutional orders and be based on the premise that equality between women and men is enshrined in the treaties of the European Union as a fundamental right. The document also states that Poland ensures equality between women and men within the Polish national legal system in accordance with international agreements on human rights and within the framework of the fundamental values and principles of the European Union. Therefore, the position assumes that where the Strategy refers to gender equality, Poland will interpret it as equality between men and women.

2) In October 2020, the Government Plenipotentiary for Equal Treatment took part in a high-level meeting of the United Nations General Assembly, which was a key occasion to highlight the importance of the Beijing Declaration and accelerate its implementation.

During her speech, the Plenipotentiary pointed out that Poland constantly emphasizes the importance of promoting women's rights so that they can fully realize their potential and contribute to the common good of society. She emphasized that it was necessary to further develop and protect all rights arising from the inalienable human dignity of every woman and girl. The Plenipotentiary indicated that actions to achieve gender equality by increasing the access of women and girls to education, employment and health, as well as by eliminating violence and discrimination against them, should be a priority both in domestic and international politics. At the same time, she stressed that despite the achievements made in recent years, there is still a lot of work to be done. The Plenipotentiary also indicated that Poland undertook actions to support women based on the principle of respect for equality between men and women and on the basis of ensuring dignity at all stages of their lives. The Plenipotentiary pointed out that Poland realizes that achieving equality requires recognition of the exceptional strengths of women and the specific challenges they face throughout their lives. In this context, the Plenipotentiary indicated that Poland is developing, inter alia, actions to reconcile family and professional life of women. The parental leave system is being developed and the government places particular emphasis on increasing access to nursery care. At the same time, Poland attaches particular importance to counteracting the gender pay gap. One of the initiatives that will contribute to the economic equality of women is the proposed legal regulation aimed at combating economic mobbing. The proposed regulation would extend the concept of mobbing to include "differentiation in the amount of remuneration according to the sex of the employee", which causes, inter alia, underestimated assessment of his professional suitability.

The plenipotentiary also emphasized that Poland supports actions taken to combat violence, including domestic violence. Poland already implements many programs aimed at helping victims and witnesses, preventing crime and providing post-penitentiary assistance.

Combating violence, but also eradicating poverty and sustainable development can take place - according to the Plenipotentiary - only if the value of the family as the basic social unit is promoted. That is why Poland supports family and parenthood to secure the rights and well-being of girls and women for future generations.

The Plenipotentiary also pointed out that Poland recognizes that efforts to accelerate the realization of equality between women and men should respect various religious and ethical values, cultural origin and philosophical beliefs of individuals and their communities.

3) The Government Plenipotentiary for Equal Treatment is implementing a system project called "Development and dissemination of a model of inter-sectoral cooperation for equal opportunities between the sexes and increasing the competences of the staff of public institutions in the field of gender equality", co-financed by the European Union from the European Social Fund, Operational Program Knowledge Education Development 2014-2020, Priority Axis II Effective policies public for the labor market, economy and education, Measure 2.1. Equal opportunities for men and women in all areas, including access to employment, career development, reconciliation of professional and private life.

The main goal of the project are:

- establishing a cooperation system for the horizontal implementation of the policy of equal treatment on grounds of sex in government administration entities at the voivodeship level throughout the country,

- developing and disseminating a model of intersectoral cooperation, which will realistically contribute to raising the standards of implementation of activities for equal opportunities and counteracting discrimination.

## **5. Managing technological and digital change for women's economic empowerment (paragraphs 40 (rr) to (ss))**

### **• What specific actions have been taken to support women's access to skills development and decent work in emerging fields, including science, technology, engineering, and mathematics?**

For the Government of Poland, the priority in planning and conducting educational policy is to provide each female student and each male student with conditions conducive to individual, harmonious and comprehensive development. Therefore, starting from pre-school education, girls and boys develop their mathematical, IT, innovative, entrepreneurial, linguistic, artistic, social and civic competences.

Pre-school education and school education are based on the requirements of the core curriculum . The kindergarten / school and individual teachers undertake activities aimed at individualized support for the development of each child, pupil, according to his/her needs and capabilities.

In order to ensure the comprehensive development of the child, the task of the kindergarten is to create for him/her a space for free experimenting and exploration of the surrounding world, conditions allowing for safe, independent discovering of elements of technology, conditions for constructing, tinkering, planning and undertaking intentional actions and presenting the products of his/her work.

The most important skills in primary school are considered: efficient use of mathematics tools in everyday life, searching, organizing, critical analysis and use of information from various sources, creative problem solving in various fields with conscious use of methods and tools derived from computer science. Developing these skills is aimed at effectively educating students to be innovative and creative.

In grades 1-3 of primary school, emphasis has been placed on developing independent, logical, critical and creative thinking, the ability to pose questions, perceive and solve problems, collect information, perform experiments, formulate conclusions, explore the world independently, apply acquired skills in practice.

In Technical Education classes, students work according to their own plan and method of operation, and as part of IT education, they learn to create commands, solve tasks, discover algorithms, program, combine the operation of a computer or other digital device with work results, and use Internet resources.

Girl-students and boy-students of grades IV-VIII of primary school realize the obligatory goals of education and teaching content during classes in mathematics, computer science, technique, physics, chemistry, and biology.

The aim of the technique course is for students to master practical methods of technical activities through the implementation of simple projects. The subject of the technique enables the verification and practical use of the acquired knowledge in the field of, among others, mathematics, biology, computer science and physics.

The requirements of mathematics include finding and applying your own correct methods, verifying the result of a task, arranging tasks and puzzles, solving them, and asking questions.

The implementation of computer science involves solving problems with the use of a computer and other digital devices - including designing simple algorithms, simple control programs, developing a solution to problems using basic applications.

Teaching physics places emphasis on developing the ability to use physical quantities to describe phenomena or solve problems, conduct experiments and draw conclusions.

Skills acquired in primary school are strengthened and developed in secondary schools to an appropriately broader scope.

Teaching mathematics is based on three substructures: learning mathematical reasoning, developing accounting skills and transferring knowledge about the properties of mathematical objects.

The main goal of teaching physics is to provide tools that facilitate a comprehensive perception of the diversity and complexity of the phenomena of the surrounding world from the point of view of natural sciences, and to provide general knowledge, basic skills facilitating the understanding of processes and phenomena that accompany people on a daily basis.

In teaching chemistry, it has been considered important to develop the skills of scientific thinking, perceiving relationships and cause-effect relationships, analyzing, generalizing and inferring. Great emphasis is placed on the skills related to designing and carrying out of chemical experiments, the interpretation of the experimental results and the formulation of conclusions based on the observations made.

Mastering the requirements contained in the core curriculum by students should ensure that they acquire all the key competences needed in today's world, which they will use in further education.

Currently, a pilot project called "School for an innovator", which is anchored in the Strategy for Responsible Development. The aim of the project is to develop methods of teaching pro-innovative competences for students and teachers, prepare teachers and school principals to teach and assess pro-innovative competences, test these solutions on a microscale and develop recommendations for the systemic teaching of this type of competences in Polish schools. Activities in schools will last until February 2022.

There are also nationwide training projects aimed at improving teachers' digital competences. These projects are aimed at all teachers, without any gender differentiation of the participant:

- Lesson: Enter - a digital education project aimed at teachers and managers of primary and secondary schools, under which training in improving digital competences is conducted. The project is co-financed by the European Union and its implementation is scheduled for 2019-2023.
- Support for teacher training institutions and pedagogical libraries in the implementation of tasks related to the preparation and support of teachers in conducting distance education - project has been implemented since August 1, 2020.
- Innovative solutions for digital activation - a project aimed at teachers of early childhood education. In total, about 149,432 students in grades 1-3 of primary schools and about 11,304 teachers and 281 other adults will be trained in 65 projects.
- IT Championship Center (CMI) - the project has been implemented since December 2018 and aims to improve the competences of the teaching staff.

Higher Education Institutions determine the conditions of admission to studies in accordance with the principles set out in the Constitution of the Republic of Poland and the Act of July 20, 2018 - Law on Higher Education and Science.

HEIs are not entitled to derogate from the general principle of access to studies and equal treatment of all male/female candidates for studies.

The basis for admission to the first-cycle or uniform master's studies are the results of the Polish matriculation examination (or the secondary school-leaving examination - the so-called old matura) or the results specified in a foreign document recognized as equivalent to the Polish certificate.

Each university determines the conditions, procedure and dates of commencement and completion of recruitment for studies and the manner of its conduct; what results from the above mentioned documents will constitute the basis for admission to studies and how the grades / points will be converted. HEIs are obliged to establish such conversion rates of final exams and foreign documents so that all applicants have equal opportunities during recruitment, and the only criterion for admission to studies is an objective assessment of the candidate's knowledge and skills.

HEIs may conduct additional entrance exams only in the case of the need to check artistic aptitude, physical fitness or special predispositions to undertake studies not checked under the matriculation examination procedure. In the case of candidates who have a foreign document they may also conduct examinations in the scope not covered by the results of the foreign examination or education results included in this document.

The Act - Law on Higher Education and Science guarantees women - PhD students the possibility of suspending their education at the doctoral school - upon their request - inter alia for a period corresponding to the duration of maternity leave, leave on the terms of maternity leave and parental leave, while retaining the right to receive a doctoral scholarship during this period. Moreover, the Act ensures that the period of receiving a doctoral scholarship during the suspension of education is not included in the total, maximum 4-year period of receiving a doctoral scholarship at a doctoral school.

As part of the program entitled "International Co-financed Projects" in 2020, the Minister of Education and Science co-financed the project of the University of Lodz, co-financed by the EEA and Norway Grants Found for Youth Employment program, entitled "Mommypreneurs". The project was implemented in Poland, Spain, Portugal, Romania, Lithuania, Cyprus and Italy. The project aimed to support young women mothers in returning to the labour market after a break related to childbirth.

The aim of the project was to increase the digital competences of the participants and in the field of entrepreneurship, while providing services of childcare for the participants of the training / project and the arrangement of meetings enabling them contacts with potential employers.

## **6. Strengthening women's collective voice, leadership, and decision-making (paragraphs 40 (tt) to (aaa))**

- What specific efforts have been implemented to support women's participation and leadership in trade unions, workers' organizations and employers' organizations?**

## **7. Strengthening the role of the private sector in women's economic empowerment (paragraphs 40 (bbb) to (eee))**

- **What efforts have been undertaken to encourage private firms and institutions to mainstream gender equality considerations in policies and practices?**
- **What action has been taken to increase investment and support for women entrepreneurs?**

1. In recent years, there were several initiatives supporting women entrepreneurship. In general Poland provides advice and support to entrepreneurs regardless of gender.

- Here you may find some basic information regarding sources of financing for business activity: <https://zielonalinia.gov.pl/web/zielona-linia/-/getting-your-business-financed-35739>.
- Free training is available on-line thanks to the Polish Agency for Enterprise Development: <https://www.parp.gov.pl/component/site/site/kursy-online>.
- Institutions engaged in supporting entrepreneurship in Poland (such as the Polish Agency for Enterprise Development) are operating within the Polish Development Fund Group: <https://pfr.pl/en>.

2. In 2020 the Polish Agency for Enterprise Development opened the call for applications under the “Scheme of small grants for women” (under the program “Development of Entrepreneurship and Innovation” financed by the Norwegian Financial Mechanism 2014-2021). The call is now closed.

“Development of Entrepreneurship and Innovation” was a program which goal was to improve the competitiveness of Polish small and medium enterprises by supporting the development and implementation of innovative technologies, solutions, processes, products and services. The program is also to strengthen cooperation between companies from Poland and Norway. The program with total budget of EUR 100 million will support Polish entrepreneurs implementing projects in three areas:

- innovations in the field of green technologies (green industry innovation) – the support should introduce innovations in technological solutions to SMEs to increase their competitiveness and value creation with less overall environmental impact;
- innovations in the area of sea and inland waters (blue growth) – applicants of the projects concerning blue growth should operate in the maritime or inland water sector;
- technologies improving the quality of life (welfare technologies) – these projects should focus on developing and launching products that facilitate functioning the everyday life of vulnerable social groups, especially the elderly.

In addition, there was a “Scheme of small grants for women” – a separate fund pool that could be applied by companies owned or managed by women. Enterprising women could raise up to 200,000 euro (85% of eligible costs). Support could be spent on: 1. Advisory services to assist in the development and implementation of innovations; services consisting in the development or a new design of an improved product, service, technology, or a new design project. 2. Mentoring supporting the innovative development of the company. 3. Investments in tangible and intangible assets that help to implement innovations in the enterprise. See: <https://en.parp.gov.pl/component/site/site/small-grants-schemes-for-female-enterprises>, <https://www.parp.gov.pl/component/content/article/57959:norwegian-funds-at-parp-development-of-entrepreneurship-and-innovation-start-of-application-period>.

3. Projects for women could have been carried out within the Knowledge Education Development Programme (EU funds). Operational Programme Knowledge Education Development provides support

aimed at activating young unemployed people under 30, at supporting higher education, developing social innovations, mobility and transnational cooperation, as well as the reforms in the area of employment, social inclusion, education, health and good governance. It aimed at activating unemployed women too (e.g. "Siła kobiet" or "Kobiety w działaniu"). Ministry of Development Funds and Regional Policy act as a managing authority for the programme. More information on <https://www.power.gov.pl/en> or via Central Information Point for the European Funds.

4. Support for entrepreneurial women can be offered by local authorities as well. E.g. there is a Regional Operational Programme for each Voivodship. They aim among others at R&D activities, productivity and skills. Ministry of Development Funds and Regional Policy act as a managing authority for them.