

Facts and Figures on Gender Equality Poland

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LEGAL FRAMEWORK:

ILO Conventions ratified:

No. 100 – ratified in 1954

No. 111 – ratified in 1961.

No. 156 and **183** – not ratified

(**No. 103** – ratified in 1976)¹

National legislation:

Poland has no specific gender equality law since several attempts to pass the draft *Act on Equal Statues between Women and Men* has failed. The proposed act is very important as the institutions it proposes would be permanent and its existence would not depend on the politics of subsequent governments.

Special equality provisions are hence incorporated into general law, such as the *Constitution* and the *Labour Code*.

Most of the *acquis communautaire* concerning equal treatment was transposed into legislation with the *amendments to the Labour Code*, which entered into force in January 2002. The amendments prohibit direct and indirect discrimination based on several grounds including sex and confirm the principle of equal pay for work of equal value, which is also stated in the Constitution. Following the amendments, the burden of proof has been shifted towards the employer in cases of sex-discrimination. Further *amendments to the Labour Code* introduced as a result of the transposition of the EU Directives entered into force in January 2004. Major changes were as follows: additional ground for discrimination related to gender equality was added,

there is also a short definition of *sexual harassment added* which is deemed to be a form of discrimination. Changed name of Chapter IIa entitled “**Equality of Treatment in Employment**” (previously it was: “Equal Treatment of Women and Men”).

In July 2002 the Polish government amended the legislative provisions

specifying the types of work which women are not allowed to perform. The aim is to improve occupational health and safety standards and, in particular, to protect pregnant and nursing women.²

¹ ILO Ilolex

² ILO Natlex

GENDER EQUALITY MACHINERY:

The equality machinery is made up of the *Government Plenipotentiary for Equal Status of Women and Men*. The Plenipotentiary is the Secretary of State in the Chancellery of Prime Minister and got its current status in 2001 by decree of the Government. It has the authority to formulate the government policy concerning equal gender status and to initiate (indirectly through Prime Minister) legislative actions. It also provides policy analysis, advocacy activities, coordinating and monitoring of the implementation of gender policy. The EU accession process and its requirements concerning the adoption of gender equality policy had very positive impact on establishment of the national

machinery in Poland (at the end of 2001), its position in the governmental structure, main directions of its activities and duties³.

The Ombudsinstitution, the *Ombudsman for Civil Rights* monitors the observance of rights of women within the broad context of human rights, but in practice he doesn't engage in gender equality issues. Furthermore, the *Parliamentary Group of Women*, established in 1991, introduces legislative changes in order to ensure equal rights and opportunities for women.

³ UNIFEM/KARAT Database on National Women's Machinery, November 2004

SOME BASIC INDICATORS:

Female/Male activity rate and unemployment rate: The activity rates (15+) were, in 2003, 47.9% for women and 62.4% for men while unemployment rates reached 20.3% for women and 18.4% for men⁴.

Female/Male part-time work: In 2003, 13.3% of total female employment and 8.6% of total male employment were part-time⁵. In the same year female share in part time employment was 66.2%⁶.

These figures are among the highest in the region.

Wage gap: In 2003, the annual average of women's earnings was 83% of men's earnings⁷.

Sex distribution by employment sector: In 2003, women comprised 43.4% of total employment in the agricultural sector, 27.4% in the industrial sector and 55.9% in the service sector⁸.

Composition of main national tripartite body: The Tripartite Commission for Socio-Economic Issues had 6 female and 43 male members in 2004⁹.

Retirement: The retirement age for women is 60 years with 20 years of service and 65 years for men with 25 years of service¹⁰. There have been attempts undertaken by government which were aimed to change the retirement age of women and make it the same as men's. It wasn't approved by the Parliament.

Maternity and parental leave: The maternity benefit equals 100% of earnings and is payable for 16 weeks for the birth of the first child, 18 weeks for

the second child and 26 weeks for all subsequent children. Maternity benefit is followed by parental benefit of 24 months (extended for lone-parents or if the child is disabled) with a fixed payment each month. Until the child is four years old, either parent can take unpaid leave. Each of the parents is entitled to 3 years unpaid leave, after the maternity leave, to take care of a child¹¹.

⁴ Polish Central Statistical Office, 2004

⁵ Polish Central Statistical Office, 2004

⁶ OECD

⁷ Polish Central Statistical Office, 2004

⁸ OECD

⁹ Polish Ministry of Labour and Social Policy-

www.mpips.gov.pl

¹⁰ ISSA and ILO 2003 - *The Gender Dimensions of Social Security Reform in Hungary, The Czech Republic and Poland*

¹¹ ISSA

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Government Plenipotentiary for Equal Status of Women and Men

www.rownystatus.gov.pl

All-Poland Alliance of Trade Unions Women’s Commission www.opzz.org.pl

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KARAT website www.karat.org