



**GENDER ASSESSMENT
OF THE IMPACT OF EUROPEAN UNION ACCESSION
ON THE STATUS OF WOMEN IN THE LABOUR MARKET
IN CENTRAL AND EASTERN EUROPE**

NATIONAL STUDY: POLAND

Amended edition

Kinga Lohmann, Anita Seibert (eds.)

Also available national studies for Bulgaria, Czech Rep. and Hungary

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tel/fax: (48 22) 636 83 07,
email: karat@zigzag.pl,
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The editors

Foreword

With countries of Central and Eastern Europe (CEE), either set to join the European Union (EU) in 2004, scheduled to join at a later date, or are still aspiring to enter the accession process, accession to the EU is a dominant theme across the region. The accession and regional integration processes offer tremendous opportunities for women to advance the gender equality agenda. At the same time, there are strong economic and social forces and trends that also threaten women's human rights.

The present four gender assessments of the impact of EU accession on women's status in Bulgaria, Czech Republic, Hungary and Poland, have been undertaken under a project entitled 'Gender and Economic Justice in European Accession and Integration' supported by the United Nations Development Fund for Women (UNIFEM) and implemented by the KARAT Coalition and Network of East West Women/Polska. UNIFEM support for women in Central and Eastern Europe is anchored in a human rights perspective that aims to address gaps in government compliance with their obligation to take all appropriate measures to eliminate discrimination against women. All CEE countries have ratified the major treaties, including CEDAW, and in the context of fulfilling EU directives, most countries have revised or adopted new national legislation, established national women's machineries, ombudsmen, or taken other measures to comply with EU standards. Yet in spite of such measures, women's human rights are far from being fully realized, including in relation to their economic rights. While some recent regional reports have highlighted improvement in women's labour market status as compared to men¹, the CEDAW Committee's concluding comments for countries of the region point to areas of discrimination against women in employment ranging from absence of sex-disaggregated data on women living in poverty (including minority and older women), decreased women's share in the economically active population, concentration of women in low paid occupational sectors, high percentages of women working as unpaid family workers, especially

¹ World Bank, Gender in Transition (2002); UNICEF's MONEE project reports.

in rural areas, strong vertical and horizontal segregation and wage differentials between women and men, and misuse of 'overprotective measures'².

In the context of accession to the EU, UNIFEM saw importance in supporting gender equality activists to examine the issues and analyze the data for themselves, with a view to strengthening evidence-based advocacy for equality between women and men in labour markets in the context of accession to the EU. Whereas the aforementioned regional reports are based largely on non-disaggregated figures of activity, employment and unemployment, these four gender assessments have aimed to disaggregate some of the main labour market indicators by relevant variables such as age, region, educational level or occupation. The reports by no means take up new research per se, but by also drawing on national research and other documented examples, they shed light on some of the lesser known aspects that raise concerns over discrimination against women and violation of their human and civil rights.

There are, as always, some important elements that were left out due to lack of proper data or lack of time. One of these concerns is the situation of women in rural areas; another is the situation of the working poor and women in particular. The assessments also touch only briefly upon the complex links between fertility rates and women's participation in the labour market. In this regard, it is important to note that while policy responses to address some challenges identified are more obvious, others clearly require further research and analysis.

UNIFEM is pleased that the four assessments will serve as a basis for discussion and debate at conference convened by the Karat Coalition in Warsaw on 7-9 November, 2003. This meeting presents an important opportunity for gender equality advocates from across the region to discuss the assessment findings, compare them with trends and experiences coming from other countries, and strategize on ways forward. It is hoped that this meeting will also allow for exchanges between NGO advocates, experts and policy makers at national and EU level, which could generate innovative ideas and solutions in response to the challenges that women face.

² Legislative measures to 'protect' women from work that is seen as high risk for women can sometimes respond to legitimate concerns, yet these measures are often overly broad and discriminatory in practice, inhibiting women's ability to obtain jobs by narrowing their choices or limiting their career advancement.

UNIFEM hopes that these assessments could inspire replication or adaptation in other countries. For example, in countries still in the initial stages of accession similar assessments could be useful in monitoring State compliance with EU directives on employment or advocacy for engendering of national employment plans. In countries joining the EU in 2004 such work may be useful in monitoring women's human rights in the context of government obligations to comply with the EU Employment Strategy or the Strategy to Combat Poverty and Social Exclusion.

UNIFEM would like to express its appreciation to the national teams who produced the assessments for their devoted efforts – the Bulgarian Gender Research Foundation in Bulgaria, the Social Innovation Foundation in Hungary, and the Gender Studies O.P.S in Czech Republic. A very special recognition is due to Karat Coalition Secretariat, who besides producing the Gender Assessment in Poland, assumed responsibility for coordinating the overall initiative, from the participatory selection of the countries and research teams, to the facilitation of inter-team communications and collaboration, compilation and production of the materials, and organization of a regional conference that would ensure effective dissemination of the knowledge generated to partners across the region and enhanced advocacy impact. UNIFEM also thanks Elizabeth Villagomez for providing the teams – not all specialized in labour market economics – with technical support and expert guidance on EU employment policy and its gender aspects.

Looking ahead UNIFEM sees importance in continued efforts to increase understanding of women's position in labour markets in the context of accession to the EU, towards better protection and realization of women's human rights. In this regard we hope to support deeper analysis of some of the issues raised in these four assessments under our regional economic programme for 2004-2007.

Osnat Lubrani



Regional Programme Director
UNIFEM Central and Eastern Europe

EXECUTIVE SUMMARY

The objective of Gender Assessment of the impact of EU accession on women and the labour market in Poland is to provide an analysis of specific positive and negative impacts of this process on women and their position in the labour market. We hope that the adaptation of Polish law to EU legal equality standards, required by the EU, will lead to the improvement of situation of women as far as employment is concerned, even despite the persistence of the gap between the laws and their implementation. The Assessment attempts to highlight the manner in which the EU directives, policies and programs adapted by Poland can be used to improve the current economic situation of women in Poland.

In contrast to other publications produced by women's organizations in Poland and addressing gender aspects of the EU accession, the Gender Assessment is not limited in its scope to the legal aspect of EU accession but also emphasizes the ways that other measures aimed at ensuring equal opportunities can be utilized to further gender and economic justice in Poland. These measures include employment and social policy strategies produced by the Government in the response to EU requirements concerning the adoption of European Employment Policy at national level by Member States and more recently issues of social inclusion. The fact that equal opportunities are an important component of the European Employment Policy creates a great opportunity for Polish women. Further, since resources from the EU Structural Funds have been allocated for the development and implementation of this policy, there is hope that it could be implemented effectively. Additionally, adjusting Polish labour market to the EU social standards has given women new tools they can use to fight for their social rights in the climate of economic rationalism often characterised by gender blindness. This together with an overview of the economic situation of Poland, brief outline of civil society involvement and nature of Women's Machinery is described in **Chapter I** 'Gender, State and EU Accession'.

The next Chapter addresses women's access to employment and equal pay. Analysis of the position of women in labour market provided in this chapter is based on most recent statistical data available. It has also utilized academic

literature and expertise, information available in media and informal empirical data gathered by Polish women's organizations through talking to women themselves. This analysis makes one thing extremely evident: **the main problem faced by women in the labour market characterized by 20,6% high female unemployment rate is a visible decrease of their ability to compete for employment and particularly employment which could guarantee them economic independence.**

The reforms associated with the introduction of a free market economy had significant social costs, including loss of stability of the labour market, which under the previous system meant guaranteed work places for all. Economic factors (lack of stability in the labour market, unemployment, reduction of social services resulting in burdening families with costs of upbringing and educating children) can be pointed to as the main determinant of the fertility drop (negative natural increase) in Poland (Kotowska, 2002). This phenomenon can have extremely detrimental impact as far as equal status of women and men in the labour market is concerned due to the political strength of Polish Catholic Church. The Church promotes patriarchal model of family with women being reduced to family focused roles and uses drop in fertility rate as a 'proof' of the negative impact of the emancipation of women. This approach of the Church is particularly alarming since Polish Government reached an agreement with the Catholic Church in exchange for its willingness to support Poland becoming an EU member.

Polish society was ill prepared for extensive socio-economic transformation, which consequently led to the downward mobility of large proportion of society. It also led to the monumental increase of the gap between the wealthy and the poor. For example, the free market economy pushed the poorest groups of women with lowest level of education outside the labour market. Women in their 40s and 50s, who were used to stable full-time employment, also found themselves in very difficult situation, since loss of employment for most of them means never being employed again. The already disadvantaged position of women in the labour market is strengthened by the wage gap responsible for the disadvantaged economic situation of women. The best wages are rarely earned by women and in fact women are overrepresented in jobs receiving lower wages.

One of the aspects responsible for the disadvantaged position of women in the labour market is lack of social services enabling women (as in Poland women are still the ones carrying most of the childcaring and homemaking responsibilities) to reconcile their family and employment responsibilities. Social services available in Poland in many cases not only do not help wo-

men to work outside home, but often also force them outside the labour market for extended periods of time. **Chapter III** addresses this issue.

The **final Chapter** of the Assessment is focusing on issues of particular importance in Poland: women's reproductive rights. Polish women's reproductive rights are affected by extremely restrictive anti-abortion law, combined with lack of sufficient access to contraception and sexual education. What makes the situation even worse is that even when the law allows abortion to be performed, there is a lack of mechanisms, which would assist women in demanding this right. Hence the anti-abortion act is more restrictive in practice than it appears to be from a legal point of view. **It leads to women being disadvantaged in the labour market not only because they cannot plan when they will have children, but also because they are perceived by potential employers as not being able to control their fertility and hence are branded as unreliable employees.**

The Gender Assessment is addressed to national policy makers. In particular, it is addressed to the Ministry of Economy, Labour and Social Policy and National Women's Machinery as both of these bodies are responsible for developing the employment and social policy documents as far as equal opportunities are concerned. Since the documents are not ready yet there is still time to influence them in order to ensure that they will have positive impact on women in the labour market. Further, the Gender Assessment will be used as advocacy tool in order to raise awareness about the gender implications of EU accession, EU directives and EU employment and social policy, which should now guide Government and the Government's obligations in this regard. Women's NGOs will also use the Assessment and the recommendations contained therein, to raise awareness among policy makers at central and local level, media and society as a whole.

Secondary target group of the Gender Assessment will be women's NGOs from other candidate countries, which can use this publication as a pattern for similar studies.

The Assessment proposes numerous recommendations in each of its major chapters with the main recommendations aimed at overall improvement of the position of women in the labour market. The Polish government in order to fulfil its national and international commitments to women must:

1. Introduce the monitoring mechanisms and other measures ensuring implementation of legislative changes in the area of gender justice. This can be achieved through co-operation with women's NGOs and adoption

- of the Equal Status of Women and Men Act, which will guarantee permanency of the National Women's Machinery.
2. Establish gender units in the Ministry of Economy, Employment and Social Policy and the Ministry of Finances. These units should work very closely with the National Women's Machinery, including cooperation with women's NGOs.
 3. Develop a social security system, aimed at ensuring equal status of women and men in the labour market. This would include:
 - a) development of stable and extensive childcare services, including widely available and highly subsidized public childcare, especially for women with low level of education or those who have been outside the labour market covering childcare responsibilities;
 - b) placing greater emphasis on provision of institutional care for primary school children (this would include adjusting after and pre-school hours childcare services to the work hours of parents);
 - c) allowing women to make a free choice about participation in the labour market and/or having children through helping both women and men to effectively combine their family and work responsibilities;
 4. Introduce special measures to tackle the gender pay gap, including improving wages in feminised professions.
 5. Recognize the specific needs of women participating in the labour market through:
 - a) inviting women's NGOs focusing on the issues of labour market to participate in the process of development of relevant policies and programs. This should be associated with offering these organizations financial support;
 - b) ongoing analysis of the needs of local labour markets in relation to employment of women, including promotion of entrepreneurship in service industry;
 - c) development of special policy towards women with the lowest education;
 - d) development of special policy towards access to the labour market of women over 35 and over 50 to prevent their unemployment.
 6. Introduce laws and services allowing all women to control their own fertility (if, when, how and how many children they want to have), and to be perceived by employers and potential employers as being able to control their fertility. This is necessary for the equal status of women and men in the labour market.
 7. In consultation with women's NGOs focusing on the issues of labour market, conduct research on part-time jobs and flexible forms of employment accompanied by an information campaign.

CHAPTER I.

GENDER, STATE

AND EU ACCESSION

1. GENERAL OVERVIEW

The process of EU accession has a significant impact on the economic situation of Poland. The fact, that the EU accession has begun almost at the same time³ as the transformation from the centrally controlled pre-1989 economic system, makes this impact extremely complex, where sometimes it is difficult to make a clear distinction, which socio-economic changes have been caused by the post-1989 restructurisation and which by the accession process itself. Hence to fully comprehend the relationship between gender and economic justice in Poland we have to focus on the economic situation of the country before 1989.

The pre-1989 economic system of Poland was centrally controlled and was closely associated with the absorption of individual countries of CEE (Central Eastern Europe) into the Soviet Economic Bloc, the so-called Council for Mutual Economic Assistance, and related regionally organized division of production and labour. As such it was very different to the free market economy focusing on competition, efficiency, productivity and flexibility.

From 1990 the Polish economy has been undergoing a constant process of restructurisation. This process has been anything but smooth. At first, Poland experienced difficulties and lagged behind such transforming coun-

³ Already in 1990 Poland submitted an official request to enter negotiations regarding association between Poland and European Union. In 1991, European Pact included a statement that the ultimate goal for Poland is to join the EU. In January 1993, the Government of Poland developed action plan for aligning Polish economy and legislations with those of EU. In 1994, five years after the introduction of the market economy, Poland has applied for the EU membership. The membership negotiations started four years later and were closed in 2002.

tries of the Central Europe as Czech Republic and Slovenia. Then, in the middle 1990s, because of high GDP growth it became a jewel of Central European development, perceived by the economic analysts, notably none of them applying a gender perspective, to be one of the most successful and open transition economies (see: Michael Carter of World Bank, cited in: Walewska, 2002).

The process of economic restructuring has involved privatisation of a great majority of state enterprises and the decline of multi-plant large state industries. Between August 1990 and December 1992, almost 30% of the state-owned enterprises were privatised (Gorzela, 1994). By the end of 1992, 50% of the labour force was working in private enterprises. Currently, the private sector produces 72% of GDP and in the beginning of the 1990s only 30% of GDP was produced by the private sector. Several branches of the economy, such as services and trade, have been privatised almost entirely. Foreign investment has played an important role in the privatisation of Polish state assets. **In the context of this paper, it is important to note that the structure of the ownership of GDP producing enterprises is similar to that of the EU.** According to the future plans of the Polish Government by 2005 state enterprises will produce less than 20% of GDP (Ministry of the Treasury, 2002).

Poland also became increasingly integrated into the structures governing the development of global and European economy, for example, through accession to the WTO in 1995 and the OECD in 1996. Joining the EU will be another extremely important step of this economic integration of Poland.

The EU accession process itself is not easy for Polish Government and Polish society alike, as it requires Polish market economy to catch up to more developed economies of EU Member States. It also requires learning how to operate in complicated EU systems, processes and bureaucracies. The fact, that the EU accession process began almost at the same time as the transformation from the pre-1989 economic system, resulted in Poland automatically having a different starting point to the candidate countries, which were not a part of 'Eastern block'. The fact that other, non-economic experiences (for example, a mature civil society, access to democratic process etc.) of EU States and Poland were very different during last 50 years only enhances these difficulties.

To be able to join the EU, Poland had to fulfil economic criteria requiring it to have an efficiently functioning market economy, as well as be able to cope with market forces operating in the EU. Unfortunately, this led to increased emphasis being placed on privatisation, economic efficiency, flexibi-

lity and competitiveness, which had further negative impact on the economic position of many individuals and groups.

Further, according to an article published by PAP (Polish Press Agency, 2003), numerous experts are concerned about the short term economic impact of the EU accession. It is anticipated that during the first three years after the accession the growth of the Polish economy will be slower than if Poland did not join the EU. Some of the reasons for such slow down will be abolition of import barriers and transformation from old technologies to new ones. Further, in the immediate years after the accession the gap between well developed regions and hence ones better prepared for the absorption of EU funds will develop quicker than other regions and this will increase already existing regional inequalities.

At the same time, however, adjusting Polish economy to the EU standards has some very obvious social benefits, as it is changing the nature of Polish version of capitalism. The post-1989 transformation of Poland's economic system led to the development of capitalism characterized by very few regulations governing economic process or consideration for social justice (see: statement by Ryszard Bugaj of political party Unia Pracy in: 'Więź', 2002). More critical observers call the early years of Polish free market economy 'wild capitalism' (Lisowska, 1995) and accuse it of being characterized by 'dog eats dog' ruthlessness, lack of any consideration of democratic and social rules and standards and where making profit has been justifying all forms of activities, including corruption and exploitation of vulnerable groups and individuals. This exploitation was made easier by the fact that high taxes and costs of labour – encouraging development of grey (and black) economy – put a significant number of workers outside the sphere controlled by the Labour Code and other regulations. In contrast to this, the European Union mode of the free market economy proposes a different model, which is often referred to as social economy, which while still being governed by free market mechanisms focuses on social cohesion and includes gender justice. Due to this fact, for women, who as a group became disadvantaged by Polish 'wild capitalism', the EU accession process brings hope for improvement of their situation in the labour market.

The economic growth of Poland came to a halt in the second half of 1998. This economic stagnation is often used as an explanation of the further deterioration of the situation of workers and the inability of Polish Government to focus more effectively on social security and gender justice. This belief in the crisis of Polish economy is not consistent with the recent statement by Polish Minister of Finance, who in his interview for a prestigious radio pro-

gram 'Sygnały Dnia' ('Daily News'), broadcasted on 9 April 2003 stated that by the end of the year unemployment will be lower than currently and highlighted the fact that Polish economy is developing twice as fast as the economy of the EU and more recent statements by the Minister of Economy that Poland came out of the economic recession made in August 2003. But while subsequent governments have been quite pleased about the progress of restructurisation of Polish economy and seem to be quite optimistic about the future, the restructurisation had a detrimental impact on the standard of living of Polish population, with specific groups such as women being especially hit.

Table 1. Basic economic indicators for Poland			
	1995	1999	2001
Economic growth	7%	4,1%	1,1%
GDP (constant prices) year 1990=100	110,1	135,7	142,7
Inflation rate	27,8%	7,3%	5,5%
Budget Revenue	83 722 million PLN	125 922 million PLN	140 527 million PLN
Budget Expenditure	91 170 million PLN	138 401 million PLN	172 885 million PLN
Exports	22 894,9 million USD	27 407,4 million USD	36 092,2 million USD
Imports	29 049,7 million USD	45 911,2 million USD	50 275,1 million USD
Foreign debt	-	65 365 mln USD	71 048 mln USD
Population below poverty line (50% of average expenditures of Polish households)	12,8%	16,5%	17,1%

Source: CSO, 2002a.

The transformation of the Polish economy has affected all people in Poland but it had particularly negative impact on women. One of the main problems has been the unemployment rate, which has been rising despite the continuing economic growth. Further discussion of the problem of unemployment will be provided in later parts of this Assessment.

Poland now has a left wing government. It could be assumed that economic policies of such a government would focus on gender equality. Unfortunately, this is not the case. In fact, the great majority of mechanisms and programs focusing on gender justice in relation to the labour market in particular and gender economic justice in general are connected to EU requirements, rather than being a consequence of the Polish Government's own commitment to gender justice. This includes recent changes to the Labour Code as well as the introduction of the Office of the Plenipotentiary for the Equal Status of Women and Men. Hence it is important to notice that while on one hand the economic requirements of the EU place a strain on the economy of Poland leading to the decline of economic position of women, social justice requirements of the Community, as well as the notion of the gender mainstreaming present in the EU give hope of the improvement of the economic situation of women as a consequence of the European integration.

At the same time as criticising current Polish Government for failing to ensure gender justice it needs to be highlighted that current climate around feminist issues is much more positive than during the years when right wing governments were in power. It is also important to mention that the situation of women both in terms of government policies as well as the approach to social roles of women promoted by media, for example, changes depending on which government is in power. The terms of right wing governments being characterised by increase of discriminatory anti-women policies discussed as pro-family policies and media campaigns strengthening gender stereotypes. As all of Polish right wing governments had strong associations with Polish Catholic Church during those periods, the impact of the conservative attitudes by the Church had particularly negative impact on the situation of women in Poland. This, however, does not mean that interference of Catholic Church into politics and policy is significantly weaker during terms of left wing governments.

In fact, in recent years the Catholic Church was an important political factor having a negative impact on implementation of EU gender equality standards. Polish Government reached an agreement with the Catholic Church in exchange for its willingness to support Poland becoming an EU Member. The Catholic

Church promotes a patriarchal model of family with women being reduced to family focused roles. It also means that women's rights are seriously limited including limitations being placed on women's reproductive rights. This has a significant impact on their economic and social independence.

The voice of the Polish feminist community is one of the few voices pointing out the dangers of such approach of the Catholic Church as far as social and economic position of women is concerned. Despite the fact that any critique of Catholic Church is not well received in Poland, the feminist community constantly lobbies for the strict separation of the Church from political decisions being taken in Poland. This includes objection to including of references to Christianity or God in the EU Constitution. This issue was, for example, addressed in 'Contribution of Polish Women's NGOs of Pre-election Coalition of Women to the Forum of the Convention for the Future of Europe, 17 July 2002'.

2. CIVIL SOCIETY INVOLVEMENT

Despite the fact that civil society has played a leading role in the development of post-1989 democratic system of Poland, the role of NGOs in social and political life of the country has not been well defined. It was not until March 2003 that the Parliament adopted the Act on Institution of Public Usefulness and Volunteers, focusing on the mechanisms of co-operation between the State and NGOs. The creation of this act was a response to the pressures from the NGOs⁴ and a response to the EU requirement concerning civil dialogue.

Political situation and women's NGOs. The role of women's NGOs has been similarly unclear. The women's movement developed significantly after 1989 and is constantly growing. From the beginning of the democratic changes women joined the social dialogue. The first debate addressing women's rights was the issue of abortion (1993). The next significant debate, partly responsible for a consolidation of the women's movement in Poland, took place

⁴ Association for Forum of Non-Governmental Initiatives, uniting large number of NGOs organized a public debate on the need of such law in 1996 and proposed their own version of the act in 2001.

in 1995 and was associated with women's conference in Beijing. Currently, there are about 250 women's organizations in Poland (OŚKa)⁵. The dialogue and co-operation between women's organizations and government has been sporadic and depended largely on which government was in power. The total collapse of the co-operation took place in years 1997-2001, when the right wing government liquidated women's machinery, and established Office for the Family promoting a patriarchal model of family. During these four years women's NGOs were the only bodies promoting women's rights and actively fighting discrimination of women, referring to the international agreements signed by the Government. Women's NGOs were critical of government policy that was blatantly ignoring the need for strategies aimed at ensuring equal status of women and men. This led to further consolidation and strengthening of women's NGOs. This consolidation resulted in an extremely successful involvement of women's NGOs in the 2001 elections campaign, and led to a significant increase of women in the Parliament (20% in Sejm and 23% in Senat from 13% and 12% respectively). This not only showed the strength of women's movement, but also demonstrated to politicians that they have to be accountable to women.

Current political situation. EU membership is a priority for the current Government, formed in October 2001. This has positive consequences for women. The Government has begun to observe directives and opinions of the EU related to equal status of women and men, where an increasing number of politicians (even if they are not enthusiastic about the implementation of the equal opportunities policies and laws) are influenced by the EU standards and at least try to behave in a politically correct manner. Further, the Government has started paying attention to demands of women's organizations. The best example of this was the pressure exercised by women's NGOs, which led to the creation of the Office of the Plenipotentiary for the Equal Status of Women and Men. The Government initially intended to call it Office of the Plenipotentiary for the Equal Status of Women and Family, and planned to place it in the Ministry of Employment and Social Policy. But after the intervention of women's NGOs, the Government adopted the more progressive name, which does not imply limiting women's issues to issues of family and placed it in the Prime Minister's Chancellery.

⁵ OŚKa's (National Women's Information Center) database contains 230 women's organizations. However, it does not list all existing women's organizations and it is estimated that approximately 250 women's organizations exist in Poland. In 1996, when OŚKa was established, there was 100 women's organizations.

Dialogue between the Government and NGOs. An important EU requirement is a dialogue with civil society as it gave Polish NGOs legitimacy in the eyes of Polish Government, which until now has been very slow in recognising the social significance of NGOs. The recognition of the role of NGOs in civil society, forming advisory bodies consisting of their representatives and inviting them to consultation on documents and strategies developed by governments, are examples of transposing of the EU recommendations to the national mechanisms. Unfortunately, in some cases, despite the Government's good will the lack of experience in discussions and negotiations at such level, the expertise of the NGOs (often exceeding this of public officials) has not been fully utilized. Sometimes consultations are treated as an obligation and formality enforced from the 'top' (i.e. the European Union) and takes place after the Government already made all the decisions. Still this initiative has to be seen as very positive especially since it is only the beginning of a process.

Consultation of policy documents. Within the dialogue with civil society, the NGOs together with representatives for different industries, ministries, experts, academics etc. are invited to consultative working groups focusing on documents and strategies developed by the Government. The Ministry of Economy, Employment and Social Policy consulted in this way new employment and social policy strategy and documents, which are the response to European Employment Strategy. Unfortunately, no women's organizations have been so far invited to such groups, despite the fact that equal opportunities including gender equality are a significant element of the social policy of EU. Ministry of Economy, Employment and Social Policy is co-operating with the Plenipotentiary for the Equal Status of Women and Men, and because of this co-operation women's NGOs and gender equality experts could provide their comments to some documents⁶.

Cooperation with women's national machinery. A good example of co-operation between women's NGOs and the Government is co-operation with the Office of the Plenipotentiary for the Equal Status of Women and Men. The Plenipotentiary herself was involved in the women's movement prior to her appointment. The co-operation includes Advisory Board for the Plenipotentiary, where the expertise of women's NGOs has been very often utilized.

The debate on EU accession and future of Europe. Women's organizations are actively participating in the debate addressing the impact on women of EU

⁶ For example, Karat Coalition Secretariat has prepared a commentary for the draft of the Sectoral Operational Programme. Human Resource Development (draft from September 2002).

accession and, to a certain extent, the future of Europe (Pre-Election Coalition of Women, 2002). Recently, as a consequence of the EU equality policies, a change of approach among other NGOs has been noticed and the input from women's organizations is increasingly sought by non-gender focused NGOs and coalitions of NGOs. The campaign associated with the EU referendum (8 June 2003) was an example of such co-operation between women's NGOs and other NGOs.

Cooperation with EU women's NGOs. As far as co-operation with women's organizations from EU is concerned it is changing as we are approaching the date of Poland joining the EU. Invitations to join the debates and conferences organized by EU women's NGOs focusing on impact of the enlargement process on women was already visible during the Swedish Presidency (first half of 2001) and further increased during the Danish Presidency (second half of 2002). This is a notable increase in interest in women from 'exotic Eastern Europe', but also a genuine willingness to understand a perspective of women, who will soon become citizens of EU. The co-operation is developing in a very promising manner despite difficulties associated with an ability to understand each other, not so much in the terms of language, but rather experiences which for EU women and Polish women or in fact other from CEE, have been very different. The division between East and West still exists in many people's minds and contributes to existing stereotypes. It often demonstrates itself in the patronizing approach of the 'Western' women to their 'Eastern' colleagues and in the lack of negotiating skills on behalf of women from the CEE⁷. Co-operation with women's NGOs from the EU is very important for Polish NGOs, as this will increase our ability to influence EU policy⁸.

3. WOMEN'S MACHINERY

History. The last 15 years of functioning of the State machinery for the status of women clearly indicate that its role has been influenced by the changes of the governments. A lot of efforts has been put into undermining of the problem of gender discrimination. During the period from November 1997

⁷ For more detailed discussion of this difficulty, see Seibert, 2001.

⁸ A good example of partnership relations between CEE and EU women's NGOs is cooperation between Karat Coalition and WIDE (Women in Development Europe) through working together and observing rules of consultation in the development of the lobbying program focusing on the enlargement process.

to October 2001, when the conservative right wing groups, controlled by Catholic Church, were in power there was no national women's machinery at all (Lohmann, Łozinska, Solik (eds.), 1999).

Current national women's machinery. The left-wing Government, elected in October 2001, focusing on the EU accession has been aware of the institutional implementation of the EU gender equality directives. Consequently, the Governmental Plenipotentiary for the Equal Status of Women and Men was appointed on 27 November 2001 by the Regulation of the Council of Ministers. The Plenipotentiary is a Secretary of State in the Chancellery of Prime Minister. The main functions of the Office of the Plenipotentiary are: analysis and evaluation of the legal and social situation in Poland with respect to equal treatment of women and men; initiating and coordinating activities aimed at securing equal opportunities for women and men; issuing opinions and cooperating with relevant state administration bodies, NGOs and educational institutions to promote equal opportunities in educational programmes. The main activities of the office are of educational and promotional nature⁹.

Counteracting discrimination. One of the EU requirements is functioning of a governmental body focusing on preventing discrimination in general. By the Regulation of the Council of Ministers of 25 June 2002, the Office of the Plenipotentiary for the Equal Status of Women and Men has now additional duties related to counteracting discrimination based on race, ethnic origin, religion or belief, age and sexual orientation, including development of a schedule of measures aimed at creation of the Office and preparation of legal acts drafts, pertaining to the Office functioning¹⁰. The Plenipotentiary is currently preparing a draft of a legal act of establishing a government's body for counteracting discrimination (March 2003). Those new duties were added without the real increase of the budget.

Office of the Plenipotentiary. The office has 18 members of staff. In most cases, they are new to the area of gender. This is partly related to the employment practices within the governmental structures, and partly to lack of sufficient budget allowing attracting external experts. Further, the salaries of

⁹ For more details, see: Regulation of the Council of Ministers of 20 October 2001 on establishment Plenipotentiary for the Equal Status of Women and Men; including the amendments made on 11 December 2001; Dz. U. z 2001 nr 122 poz. 1331, amendments Dz. U. z 2001 nr 140 poz. 1572.

¹⁰ For more details, see: Regulation of the Council of Ministers from 25 June 2002 on Plenipotentiary for the Equal Status of Women and Men; Dz. U. z 2002 nr 96.

the staff are rather low as compare to the salaries of other public servants. The budget of the Office for the year 2002 was 1 812 000 PLN, and for the year 2003: 1 884 000 PLN¹¹.

The Advisory Board consisting mainly of representatives of women's NGOs but also academics and politicians, focusing on gender, was established in February 2002. Its role is to provide advice to the Plenipotentiary. It meets regularly once a month. Thanks to this co-operation an updated version of National Action Plan for Women for years 2003-2005, propositions of amendments to the labour and criminal codes (on sexual harassment) and comments to the policy documents related to employment were developed.

National Action Plan for Women (NAP) (Krajowy Program Działań na rzecz Kobiet, 1997) was developed in 1996 as a consequence of signing the Beijing Platform for Action by Polish Government. The implementation of this document was practically halted in autumn of 1997, when the right-wing government liquidated the Women's Machinery. Upon the establishment of the current Office of the Plenipotentiary for the Equal Status of Women and Men the work related to the second stage of the National Action Plan to be implemented during the years 2003-2005 was commenced. This stage is addressed mainly to the central and local government bodies¹².

As far as improvement of the economic position of women is concerned, the new document (Krajowy Program Działań na rzecz Kobiet, [January] 2003) is largely a reflection of EU directives and recommends implementation and execution of the laws aimed at elimination of the discrimination of women in the labour market. It also includes initiatives related to implementation of the fourth pillar of European Employment Policy (Equal Opportunities), and the fifth priority of European Social Fund (improvement of the participation of women in the labour market).

The current NAP, as compared to the earlier one, places much less emphasis on the women's entrepreneurship as a magical antidote for female unemploy-

¹¹ The 2002 budget was 510 480 EUR (based on the exchange rate of Polish National Bank for 2 January 2002), and for 2003 469 884 EUR (based on the exchange rate of Polish National Bank for 2 January 2003).

¹² There was no budget allocated to the implementation of the previous and the current stage of the National Action Plan for Women, and the government bodies responsible for its implementation have to secure the funds required themselves.

ment. It rather provides tools for the improvement of the situation of women in the labour market (which will be possible largely due to the availability of EU funds). One of the actions mentioned is development of childcare and care for dependent adults as this will allow women to be economically active. This is extremely important in the context of other documents which promote flexible work hours and part time jobs which, as it is shown by experience from numerous countries, has a tendency to perpetuate discrimination of women in the labour market.

4. LEGAL FRAMEWORK

To be able to join the EU Poland has had to adapt its laws to the EU legal standards (*acquis communautaire*)¹³. The main points of the *acquis communautaire* addressing gender equality are covered by directives¹⁴. Many women's organizations believe that the changes of the laws associated with the EU accession can lead to the improvement of situation of women in the labour market. This is despite the fact that unfortunately the gap between the laws and their implementation is very profound (the *de jure* and *de facto* divide).

EU equality directives in the Labour Code. The directives on equal treatment for women and men including directives on equal treatment, burden of proof, and equal pay¹⁵, have been transposed into Polish legislation through the amendment to the Labour Code, which entered into force in January 2002¹⁶. This amendment involved adding a separate chapter¹⁷ 'Equal Treatment for Women and Men' to the first division of the Labour Code¹⁸. Further, the references to gender equality are made in the so called *expressis verbis* manner, which means that they are a much clearer and easier to

¹³ This condition is a consequence of the negotiations between European Commission representing the EU and Polish Government. The process of adapting of Polish laws to the EU standards is evaluated annually in Regular Report on Poland's Progress towards Accession, prepared by the Commission.

¹⁴ Directives are legal acts which are binding for the Member States, but only as far as the overall objectives are concerned. How the directives are included into the specific laws is left to the discretion of individual countries.

¹⁵ Full names of the directives are provided in Appendix 1.

¹⁶ Act of 24 August 2001 on amendment to the Act on Labour Code (Dz. U. 2001 Nr 128 poz. 1405).

¹⁷ Chapter IIa – Articles 18^{3a}, 18^{3b}, 18^{3c}, 18^{3d}, 18^{3e}.

¹⁸ The translation of the full text of this chapter is provided in Appendix 2.

understand than previously. There are three directives transposed in this chapter.

Equal pay. Article 18^{3c} §1 of the Labour Code states: 'Employees, regardless to their sex, shall have the right to equal remuneration for the same work of the same value'. It also adds that the mentioned pay includes all elements of the award, received by the employee, including money as well as benefits in kind. The work of equal value was also defined.

Equal treatment including sexual harassment, direct and indirect discrimination. Article 18^{3a} §1 states: 'Women and men shall be accorded equally treatment as far as entering into and terminating of an employment relation, terms of employment, promotion and access to training for the improvement of professional qualifications are concerned'. Further changes to the Labour Code were proposed to Sejm on 26 November 2002¹⁹. They are focusing on preventing discrimination due to gender, nationality, race and ethnicity, religion, age, disability and sexual orientation. The EU directive modified in September 2002, which treats sexual harassment as a form of discrimination has been included in the proposed changes²⁰. The new amended Labour Code will provide a clear definition of direct and indirect discrimination and a clear definition of sexual harassment.

Burden of proof. Article 18^{3b} of the Labour Code addresses the issue of burden of proof. This means that now it is the employer who has to prove that no gender discrimination was present rather than the employee having to prove that the discrimination took place. Unfortunately, this Article is not easy to understand for parties unfamiliar with the law.

Other two directives have been included in a chapter addressing rights of the workers related to parenthood. The title of the chapter (Chapter VIII of Labour Code) was changed from 'Women's job protection' to 'Job Protection for Women and Men Raising Children' (Heinen, Portet, 2002). This includes:

¹⁹ Proposed amendments to the Act on Labour Code was received by Sejm on 26 November 2002.

²⁰ 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 (text with EEA relevance).

Maternity leave. It is important to highlight that the laws addressing maternity leave have changed several times during the last few years²¹. The last amendment (Article 180) in force since 1 January 2002 reinstalls 16 weeks maternity leave²². Additionally, it gives fathers an opportunity to take the last two weeks of maternity leave. However, if the father does not take up this opportunity the law prohibits the mother to return to work earlier.

Parental leave. Male workers can now take advantage of parental leave. The parental leave can be taken for the period of 3 years only until child's 4th birthday.

The above mentioned changes to the Labour Code have to be seen as a positive trend as they emphasize the gender equality in much more explicit way than the previous labour legislation. The weak point of the Labour Code is the lack of sanctions for indirect discrimination, and lack of monitoring mechanisms for enforcing the rules aimed at implementation of equal treatment of women and men and equal pay (Heinen, Portet, 2002).

Other relevant legal provisions. There are other legal provisions assisting in ensuring gender justice and responding to EU directives focusing on gender. They include:

Polish Constitution that guarantees equal rights of women and men in economic life, employment and promotion, equal compensation for work of similar value and to social security, but does not refer to institutional mechanisms, responsible for implementation of these regulations (Lohmann, Łozińska, Solik (eds.), 1999).

Equal Status of Women and Men Act. After five years of lobbying, the first draft of the act was submitted to the Parliament in December 1996, next drafts were submitted in 1997 and 1998 (Zielińska, 2002). Senat on the initiative of the Parliamentary Group of Women submitted the next draft of the act to Sejm on 20 January 2003. Despite the fact that a March date was allocated for the pro-

²¹ The 1999 amendment extended maternity leave to 6 months which had a negative impact on already disadvantaged position of women in the labour market (Zielińska, 2002).

²² A woman receives 18 weeks for every next birth and 26 weeks if she gives birth to more than one child.

posed act to be presented to Sejm it did not take place²³. The proposed act suggests creation of the position of Chairperson of an Office on Equal Status of Women and Men on the central level and similar offices at the local levels. This element of the act is very important as this Office would be permanent and its existence will not depend on the politics of subsequent governments, which may be very anti-women. However, the weakness of this act is a lack of sanctions. As far as the EU directives are concerned the adoption of the act could be seen as a response to the latest amendments of the directive 76/207/EEC, through which establishing institutional mechanisms for gender equality became binding and integral part of the *acquis*.

Social Security Act that came into force on 1 January 1999 reforms the current system of social security with special emphasis on retirement payments and equal treatment for self-employed and their assisting spouses with regard to social security. Solutions, which have been adopted concerning pensions, discriminate women. Since the age of retirement is different for women (60) and men (65), the overall contribution period is shorter for women by 5 years. As a consequence, women's pensions may be 30-40% lower than men's (Lohmann, Solik (eds.), 2000). The issue of social security will be developed further in Chapter III.

Act on employment and counteracting of unemployment and act addressing social security. This act was amended on 22 June 2001²⁴. It introduces some valuable anti-discriminatory provisions in relation to foreigners. It also ensures that the information provided by the employer about the vacancy cannot be discriminatory, including gender discrimination²⁵.

²³ Parliamentary Group of Women has been lobbying for the allocation of another date, but through unofficial channels they have learned that the act will not be addressed by the Sejm before the EU Referendum, which took place on 8 June 2003. It has been explained that this delay is caused by financial constraints as the act requires establishment of central governmental body focusing on gender and the Minister of Finances is not willing to dedicate such funds (Rzeczpospolita, 2003).

²⁴ Dz.U. z 2001 nr 89 poz. 973; the amendment came into force on 12 September 2001.

²⁵ Ustawa o zatrudnieniu i przeciwdziałaniu bezrobociu oraz ustawa o pomocy społecznej. Nowelizacja z 22 czerwca 2001 roku, art. 6c punkt 3 oraz art. 12, 3a (Employment, Elimination of Unemployment and Social Assistance Act. Novelisation of 22 June 2001. Article 6c: point 3 and Article 12, 3a).

Anti-Abortion Act. The anti-abortion law, which has a very negative impact on the position of women in the labour market, has been in force since 1993²⁶. This issue is addressed further in Chapter IV.

Poland's compliance with international legal instruments on women; the State's reporting. CEDAW – *Convention on the Elimination of All Forms of Discrimination against Women*, adopted by UN General Assembly, was ratified by Poland on 18 July 1980. An Optional Protocol to the CEDAW was ratified by Polish Parliament on 9 January 2003. Despite the fact that each country is obliged to submit every four years a report noting key trends and identifying obstacles to the full achievement of the Convention, Poland submitted a second and third periodic report only in 1991²⁷.

UN Human Rights Committee. The latest recommendations of the Human Rights Committee from 19 July 1999 state that there are various forms of discrimination of women and emphasize the fact that lack of interest on behalf of Polish Government in an issue of gender equality. The Committee notices following forms of discrimination of women in the labour market:

- low proportion of women in higher technical and managerial positions as compared to relatively large number of women being employed in less paid positions in those fields;
- low wages of women;
- lack of equality between pay of women and men performing work of equal value;
- continuation of the practice of employers asking female employees and potential employees for pregnancy tests;
- in the retirement pension system (Federation for Women and Family Planning).

²⁶ In January 1997 the Act became more liberal: abortion could be performed due to social reasons, unfortunately the act stayed in force in this form for less than a year till December 1997.

²⁷ The Office of Plenipotentiary is preparing now the report to CEDAW for the period of last 12 years.

²⁸ Previous comments of the Committee were published in 1998. In those comments as far as elimination of discrimination of women were concerned it was suggested to introduce legal provisions outlawing sexual harassment and to protect rights of women and men to work according to the principle of 'equal pay for equal work' (Federation for Women and Family Planning).

UN Committee on Economic, Social and Cultural Rights. Latest comments of the Committee from November 2002²⁸ addressing reports submitted by individual countries included number of recommendations for Polish Government related to discrimination of women in the labour market.

The recommendations include:

- implementation of legal provisions and administrative measures enforcing equal pay for women and men which are to counteract the discrepancy between the laws and their implementation;
- outlawing of sexual harassment;
- introduction of equal retirement age for women and men;
- introduction of Gender Equality Act (Federation for Women and Family Planning).

ILO Conventions: Poland has ratified both Conventions of the International Labour Organization on the elimination of discrimination in respect of employment and occupation²⁹. **The only Convention, which was not ratified as far as equal opportunity of women is concerned, is the Convention No 156 on workers with family responsibility³⁰.**

Conclusion. The EU membership criteria including guaranteeing democracy, rule of law, and human rights, and adaptation of Polish laws to the EU standards had a positive impact on Polish laws focusing on gender justice. An important element of the EU accession process is regular monitoring by the European Commission focused on the progress of adaptation of Polish laws to the *acquis communautaire* and associated with it recommendations. The recommendations have been observed by the Government not wanting to jeopardise the chance of Poland becoming an EU Member. This includes equal status of women and men in the labour market.

²⁹ Convention No 100 on Equal Remuneration was ratified in 1954 and No 111 on Discrimination in Employment and Occupation in 1961, in: www.ilo.org.

³⁰ At the time of this report being written the Convention No 102 was waiting for the signature of Polish President. The Convention is introducing homogenous minimal standard as far as social security provisions in case of illness, unemployment, ageing, work place accidents, illness related to employment, inability to work, motherhood, disability, death of the bread-winner. It also outlines conditions in which the provisions have to be made and how should they be calculated.

The examples of other international legal instruments, i.e. UN Conventions or UN Committee's recommendations on women, as there are no 'sanctions' (without taking into account the moral ones), prove that they are not observed in the same manner by Polish Government and the process of reporting is not treated as an obligation and often ignored. However, it needs to be stressed that much stronger emphasis should be placed on measures ensuring stability of institutions (e.g. included in the Equal Status Act) responsible for implementing equal opportunities of women and men on the national and local level.

5. GENERAL OVERVIEW OF THE LABOUR MARKET SITUATION OF WOMEN

The EU accession process has started after the reforms associated with the introduction of a free market economy. These reforms had significant social costs including loss of stability of the labour market, which under the previous system meant guaranteed work places for all (maybe with an exception of political dissidents). Polish society was ill prepared for such a change which consequently led to the downward mobility of large proportion of society, including social groups which, until then were perceived to be middle class. It also led to the monumental increase of the gap between the wealthy and the poor.

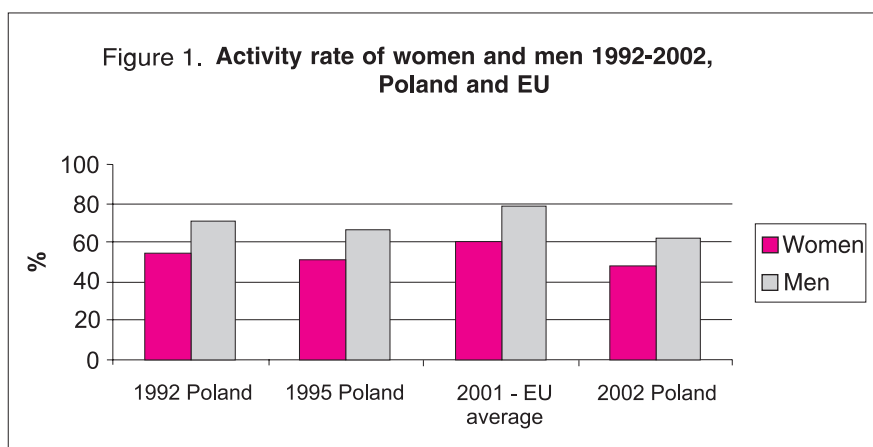
According to the data gathered by CSO (Central Statistical Office) during the 1990s the percentage of people affected by poverty was constantly increasing. In 1996, 46,7% of population was living below the line of social minimum³¹, in 2001 this figure was already 57%. What is more alarming, the percentage of the population living below the level of minimal existence³²

³¹ In Poland social minimum is calculated on the so-called 'shopping basket' bases. According to the website of Institute of Labour and Social Affairs in December 2002 the monthly social minimum for an independent adult was 770,80 PLN (192,70 EUR). For a retired person it was 712,20 PLN (178 EUR), for a family with two and three children 2 265,40 PLN (566,35 EUR) and 2 784,80 PLN (696,2 EUR) respectively. All PLN to EUR calculations are approximations calculated on the basis of the exchange rate for December 2002.

³² Minimum of existence (often also called biological minimum) is also calculate on the 'shopping basket' bases but in this basket there are only items allowing for so called 'survival'. In 2002, social minimum for an independent adult was 351,10 PLN (88,05 EUR) and for a family with two and three children 1 228,30 PLN (308,05 EUR) and 1 551,10 PLN (389 EUR) respectively. All PLN to EUR calculations are approximations calculated on the basis of the exchange rate for December 2002.

doubled between 1996 when it was 4,3% and 2001 when it reached 9,5%. Furthermore, types of households which are most affected by poverty include couples with 3 dependent children, couples with four or more dependent children and single parents families, with most of these being headed by women.

Activity rate (Labour Force Survey, LFS) (CSO, 2003) of women aged 15 years and over is systematically decreasing (in 1992 it was 54,2%, and in 2002 it was 48%). During the years 1992-2002 significant changes in activity of specific age groups took place. The most visible tendency was a marked decrease of economic activity of persons from age groups 18-19 and 20-24. One of the reasons of this could be the observed growth of educational aspirations among younger generations. A very significant drop of economic activity can also be noticed among women aged 45-64. Despite the fact that women between 35 and 44 years of age are most economically active (82,7% in 2002), it is very important to notice that the percentage of economically active women in this age group has dropped since 1992 when it was 86%. Restructurisation of economy of Poland to compete with the EU economies had a significant impact on the drop of economic activity among women with a low level of education. The economic activity of women in this group has dropped during last 10 years from 32,9% to 19,2%.



Source: CSO, 2003.

Employment rate (CSO, 2003). Women 15 years old and over at the end of 2002 constituted 45% of the total of employed population and this figure practically did not change since 1985. However, at the same time the employment rate of women is dropping significantly from 46% (1992) to 38%

(2002). The employment rate of men has also decreased from 61,4% to 50,7%. This low official employment rate is partly compensated by significant informal employment. Again it was the process of restructurisation that was responsible for the boom of the informal sector, which offers relatively high number of jobs for persons with limited level of recognized professional skills.

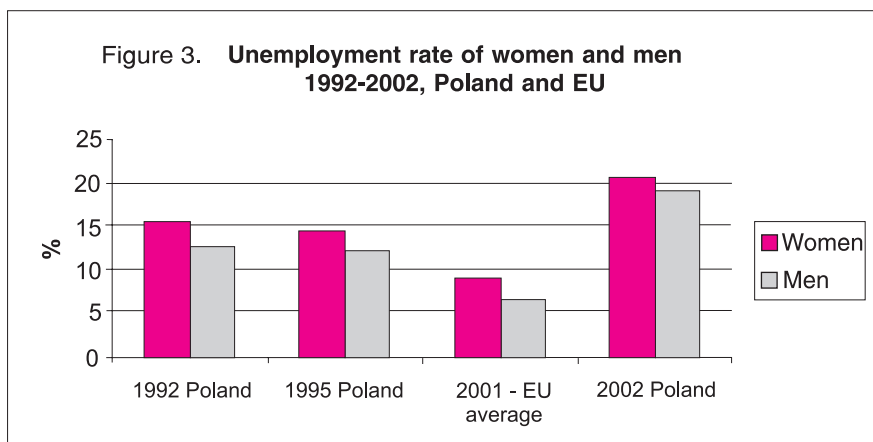


Source: CSO, 2003.

Unemployment rate (CSO, 2003). At the end of 2002 women constituted 47,7% of the total of unemployed, with the level of unemployment among women being higher (20,6%) than among the men (19%). Furthermore, the unemployment of women increased over last 10 years from 15,2 % to 20,6%. The unemployment rate of women is closely related to their education. Generally speaking, the higher education level attained by a woman, the lower is the risk of unemployment (in 2002 the rate of unemployment of women with tertiary education was 8,3%, in comparison with women with primary education – 24,8%). The free market economy pushed the poorest groups with lowest level of education outside the labour market. This created a social underclass constituting of long term unemployed experiencing severe poverty, where inability to be gainfully employed is often 'inherited' by the next generation.

Since 1999 the relationship between the unemployment rate and age is very apparent. From 1999 onwards a systematic and quite significant increase of unemployment of young women (aged 20-24) is becoming evident (it was 23,1% in 1998, and 41,9% in 2002). It is related to the fact that the economic growth of Poland came to a halt in the second half of 1998. During the last year a new trend became apparent – there is a marked increase of unemployed among women between 50 and 54 years of age (2001 – 10,7%, 2002 – 14,3%).

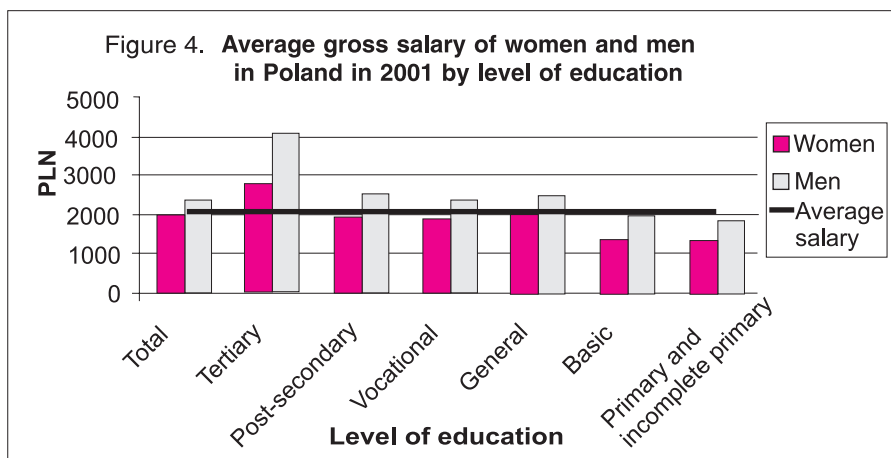
This fact is particularly concerning as women who become unemployed at this age practically have no chance of ever becoming employed again.



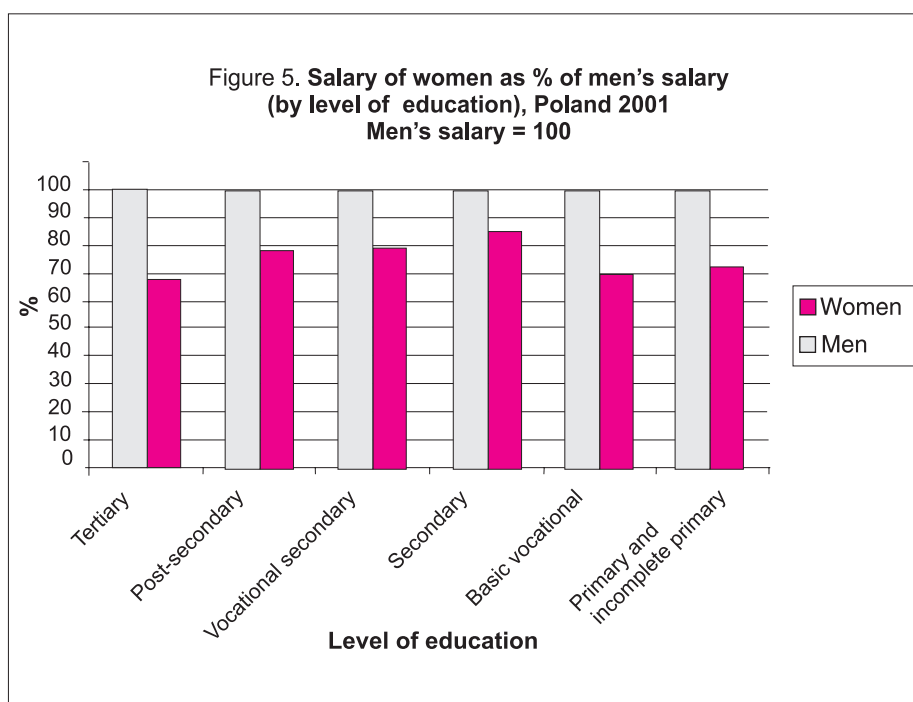
Source: CSO, 2003.

Wage gap (CSO, 2002b,d). Existing statistical data also illustrates the fact that the wage gap is in part responsible for the disadvantaged economic situation of women. The best wages are rarely earned by women and in fact women are overrepresented in jobs receiving lower wages. 71% of women and 56% of men earn below national average (equivalent of 580 EUR) (CSO, 2002b). In 2001, only women with tertiary education received wages above the national average and women with secondary education receive an average wage. As far as men are concerned only the two lowest groups: primary and basic vocational education, receive wages below the national average of 520 EUR and 545 EUR respectively.

Furthermore, generally speaking the average wage of women in 2001 was 18,2 % lower than average wage of men. The largest difference (31,6%) disadvantaging women is visible among tertiary educated employed persons. The next most significant difference is for workers with basic vocational education (31,1%) as well as those with incomplete primary and primary education (27,6%). This data can suggest that women, who are highly educated, work in positions below their qualifications and less often than men hold managerial positions and therefore receive lower wages than men with the same qualifications. At the same time the disproportion of wages of men and women with lowest education suggests that unskilled women perform jobs traditionally perceived to be 'female' jobs (cleaners, childcarers and caring for sick and disabled), which automatically leads to being poorly paid as women's labour is generally not valued.



Source: CSO, 2002d.



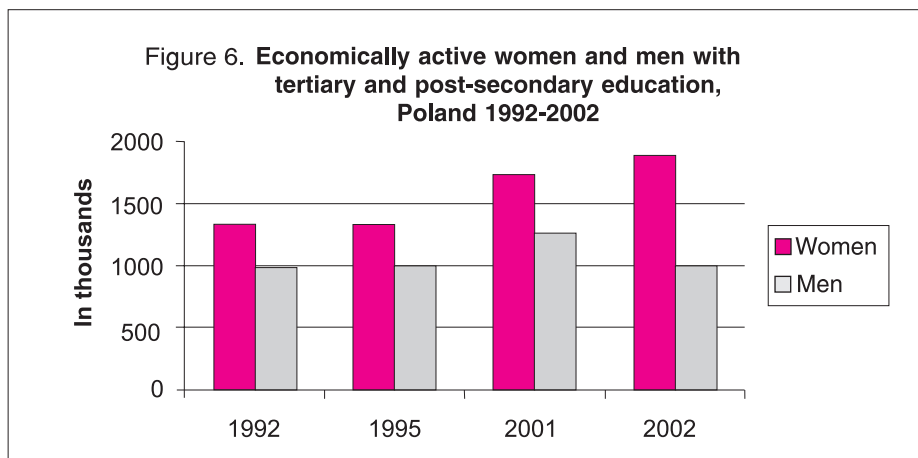
Source: CSO, 2002d.

A note on education (CSO, 2003). Women who are actively involved in the labour market are better educated than men. A larger percentage of women have tertiary education and a greater percentage of women have secondary education. In 2002, among women active in the labour market those with secondary and

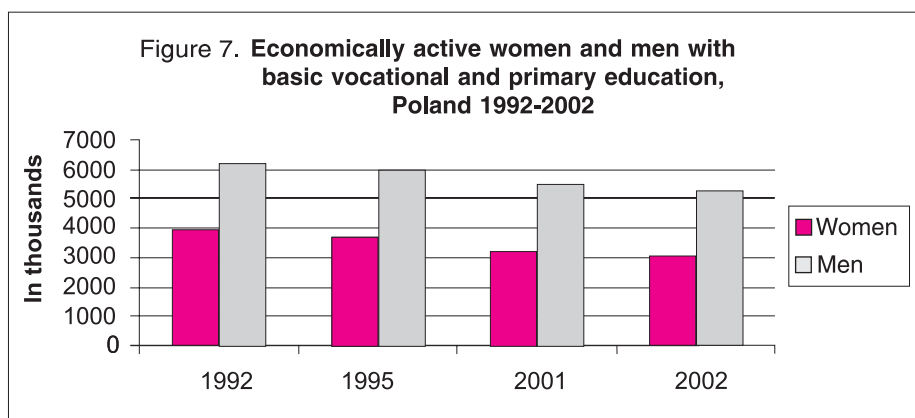
tertiary education constituted 61,3% of the total of active women. The same figure for men was 43,2%. As far as higher education is concerned the percentage of economically active women who graduated from tertiary institutions has increased much more significantly (by 43%) than for men (where it increased by 32%). For every 100 men with higher education there are 120 women with the same level of education. This significant increase of number of women with higher education took place during the last few years, as a response to the changing labour market characterized by demand for qualified employees. The change can suggest that women tend to adapt much quicker to the changing conditions in the labour market.

Among women who are active in the labour market the number of women with the lowest education dropped significantly (in 1992, 51% of women and 66,5% of men had lower education; in 2002 the figure was 39,3 % and 53,8% respectively). This is associated to the changes to the labour market characterized by lack of demand for unskilled workers resulting in women with very limited education do not even consider being active in the labour market.

In 2002, 78,7% of tertiary educated women were active. This percentage has decreased by two percentage points as compared to 1992. Among men the figure for 2002 is higher: 82,4%. As far as women with secondary education are concerned 57% of them are active in the labour market and this figure has decreased as compared to 1992 when it was 64,4%. For women with lowest level of education - 40,5% of them are active as compared to 1992 when 51,1% were active.



Source: CSO, 2003.



Source: CSO, 2003.

Demographics and fertility and the labour market. One important issue which is often omitted or not covered sufficiently in discussion on gender and labour market, is the link between reproduction and position of women in the labour market. This is extremely problematic as those two issues cannot be treated separately and their omission often leads to gender blind conclusions even in analysis focusing on women as such. Following section will provide a brief overview of the link between reproduction and position of women in the labour market. It will be also addressed further in Chapter IV of this Assessment.

Poland belongs to the group of 20 European countries with a negative natural increase (CSO, 2001). In Poland and other CEE countries rapid decrease in the total number of births started at the beginning of transformation period (Kotowska, 1999). Changes in the reproductive behaviour were so significant that in spite of their short duration in 2000 in post-communist countries fertility was among the lowest in Europe. However, it should be stressed that Total Fertility Rate (TFR)³³ in Poland is one of the highest in transition countries.

Changes in the reproductive behaviour can be described as a decrease in the propensity to marry, fall in total number of births, postponed decision to have the first child, rise in the rate of extra marital births. In Poland, child-bearing is strongly related to marriage, hence postponement of marriage

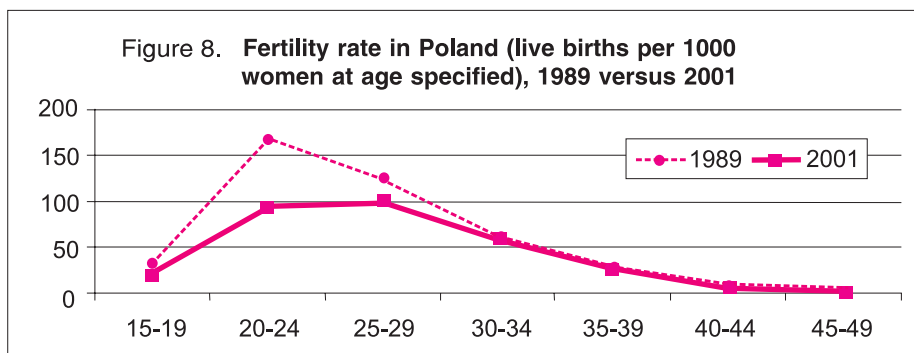
³³ Total fertility rate refers to the number of children a woman in a given population will have, on average, during her childbearing years.

leads to postponement of childbearing. While in 1998 Total Fertility Rate scored 2,08, it dropped to 1,32 in 2001. Only TFR at the level of 2,1 ensures a simple replacement of generations. At the same time there has been a significant shift in the age of highest fertility. While in the late 1980s and the beginning of the 1990s the highest fertility was observed for women aged 20-24, since 1997 this is so for women aged 25-29. Additionally there has been a significant growth in the rate of extra marital births from 5,8% in 1989 to 12,1% in 2000 (Frątczak, 2001).

Economic factors are perceived to be main determinants of fertility drop in Poland (Kotowska, 2002), and are the most often stated reasons for resigning from having a child. In 2001 survey 86% of respondents stated uncertainty/fear of future of children as a reason for not having a child, while 66% quoted high costs of raising a child (Rostonek, 2002).

After the fall of the previous system in Poland, the relation between the State and the household has changed (Kotowska, 2002). There has been a significant reduction in social spending, which resulted in burdening families with costs of upbringing and educating children. Costs of children increased while the State moved from family oriented social services by cutting down childcare services, raising their costs and at the same time limiting financial support for families. Limited availability of childcare facilities and nuclearisation of family make childcare a significant burden for parents. At the same time growing competition in the labour market leads to the necessity of investing in human capital. It is quality of children that matters. Costs of children rise with the need for significant investments in their education. At the same time uncertainty in the labour market demands permanent investment in education of children and adults alike.

Alternative costs of having a child mostly relate to women, which results from traditional attitudes towards gender roles in Poland. Although women are active in the labour market, they carry out most of the household childcare duties. The higher the education level of woman, the higher the conflict between family duties and professional career. There are two strategies to cope with the inconsistency between family and work for pay. Women with low education, hence lower incomes, start family earlier. While better educated women with higher incomes and higher alternative costs of having a child, postpone marriage and childbearing (Jóźwiak, Kotowska, Kowalska, 2001). In 1990s due to the situation in the labour market educational aspirations of youth have increased, which leads to significant postponement of marriage and childbearing (Kowalska, 2001).



Source: CSO, 1990, 2001.

6. NATIONAL ACTION PLANS FOR EMPLOYMENT; PROGRESS REPORT (CHAPTER 13: SOCIAL POLICY AND EMPLOYMENT)

The Polish Government has adjusted Polish laws related to equal status of women and men in the labour market to the EU norms. What is important in the context of this Assessment, however, is the significant gap between the existing laws and their implementation. More attention has to be paid to other measures aimed at ensuring equal opportunities of women and men in the labour market such as employment and social policy strategies produced by the Government. These strategies are adaptations of the European Employment Strategy and since equal opportunities are an important component of employment policy (with gender also having to be mainstreamed in all policies), and hence they create a great opportunity for Polish women. The fact that resources from the EU Structural Funds have been allocated to the employment policy as well as social policy gives hope that those strategies will be implemented effectively. This section of the Assessment focuses on the gender equality objectives outlined in the main Polish employment and social policy documents responding to the EU employment and social policy.

The Polish Ministry of Economy, Employment and Social Policy developed following documents: National Action Plan: Social Policy Strategy (work and social security) for the years 2002-2005³⁴, Sectoral Operational Programme.

³⁴ This document outlining program of Polish Government and based on strategic documents is a response to European Employment Strategy. It has been developed by the Ministry of Labour and Social Policy, issued on 14 November 2002.

Human Resources Development 2004-2006 (SOP HRD)³⁵; and is now preparing the documents for the EQUAL³⁶ Programme.

National Action Plan: Social Policy Strategy (work and social security) for the years 2002-2005 outlines activities to be undertaken in two areas: employment and social security. A very positive aspect of the document is that it refers to the commencement of the civil dialogue and actions aimed at the development of the NGO sector. Both of these processes have to be seen as important tools in improving the position of women in the labour market.

As far as gender equality is concerned the document lists three activities related to employment and social security:

1. *Implementation of the principle of equal opportunities for women and men in access to employment and training, and working conditions.* Proposed ways of achieving this concentrate on promoting the legal provisions for gender equality and increasing public awareness about equal status of women and men. This approach seemed to be somewhat unsatisfactory since it does not suggest measures leading to an increase of the employment rate of women and strengthening their economic and social status. The document does not mention constraints placed on women, as far as their access to labour market is concerned related to child care responsibilities, and does not propose to address it through greater access to diverse childcare services. There is no mention of gender pay gap and mechanisms aimed at decreasing it. This leaves an impression that the Government does not actually have a strategy for addressing them. Positive measures proposed for elimination of gender discrimination in the labour market are revocatory procedures to employment courts, as this is very concrete proposal compare to the other one, which states that mechanisms for implementation and execution of equality policy should be strengthened.

³⁵ It is one of six similar programmes which are to be used as tools for achieving objectives formulated in National Development Plan for the years 2004-2006 (approved by Polish Government on 13 of January 2003). This document was prepared (last version in April 2003) by Ministry of Economy, Labour and Social Policy in cooperation with the Office of Plenipotentiary for the Equal Status of Women and Men. Women's NGOs or gender experts were not part of this group despite the document explicitly addressing gender.

³⁶ European Programme EQUAL is a preparation for the absorption of the European Social Fund and is now prepared by the Ministry of Economy, Labour and Social Policy to be ready in autumn 2003.

2. *Equality in the retirement pension scheme.* In Poland women and men retire at 60 and 65 years of age respectively. The Government explains that the retirement age continued to be different until now due to the resistance by women themselves, who being unaware of its economic relevance, treat their ability to retire earlier as a privilege. Women's organizations, however, believe that this attitude was due to the lack of public debate and information about the economic consequences of retiring earlier³⁷. The Government is now planning to amend the law and to make the retirement age of women and men homogenous. This will be preceded by an information campaign conducted in 2004.
3. *Transposing of the EU directives addressing gender equality in relation to work into Polish law.* This chapter mentions the most recently amended directive on equal treatment, which should to be transposed by 2005. It is important to mention that the mechanisms allowing for implementation of the amendment have not been developed by the bodies responsible for transposing of the directives into Polish law.

Sectoral Operational Programme. Human Resources Development 2004-2006 (SOP HRD). The key directions of future activities ensuring equal opportunities are set out in this document. The funds which will allow meeting the objectives, also outlined in the document, will come from the European Social Fund (ESF) as well as from the EU Programme EQUAL.

In Chapter 4.3. of the document: 'Equal Rights of Women in the Labour Market' the main activities related to the integration and reintegration of women at the labour market are listed. They include:

- promotion of equal opportunities for women and men in the labour market,
- further development and updating of vocational/professional skills of women necessary for modern economy and relevant as far as newly created job opportunities are concerned,
- development of institutional environment and social partnership necessary for fostering equal status of women and men.

It has to be highlighted that Karat Coalition Secretariat had an opportunity to provide comments on the earlier draft of the document (for details see:

³⁷ 'Implementation of the Platform for Action by the Polish Government, by Women's Association for Gender Equality - Beijing 1995' (2000) points out that the contribution period is shorter for women by 5 years and hence a pension for woman (born after 1st of January 1949) may be 30-40% lower than that of man employed at the same position and performing the same duties.

Appendix 4), and its comments have been reflected in the latest draft where recommendations for provision of care services for children and dependent adults as well as provision of training for persons interested in employment in care services is made. Still, even after these amendments, our concern lies with flexible work hours and lack of measures to decrease the gender pay gap. It can be assumed that unless policies encouraging men to take advantage of flexible work hours in order to combine family responsibilities with paid employment will be implemented, introduction of flexible work hours will only increase already existing division between women and men in the labour market. In fact, the main concern of women is not only related to unemployment but also the lack of suitable pay, which allows them to survive.

EQUAL is a program which is part of the European Union strategy aimed at increasing and improving employment opportunities and improving access to employment through elimination of all forms of discrimination in the work place. It is to prepare Poland for the absorption of the European Social Fund. The budget allocated for EQUAL is 118 million EUR. Poland is at the stage of developing a program (Homogenous Program Document).

The implementation of EQUAL in Poland will include 5 thematic areas. As far as equal opportunities pillar is concerned only one issue – reconciling family and professional life and the reintegration of men and women who have left out of the labour market, by developing more flexible and effective forms of work organization and support services was chosen for Polish document. Unfortunately, the group developing the Homogenous Program Document does not include representatives of women's NGOs. Further similarly to other documents it promotes flexible work arrangements as an answer to difficulties faced by women combining their family and professional lives.

Joint Assessment Paper (JAP) (Joint Assessment of the Employment Priorities in Poland)³⁸ presents set of employment and labour market objectives necessary to advance Polish labour market transformation in accordance with the European Employment Strategy. The production of this document met with approval of European Commission expressed in the Regular Progress Report (2002). One of its sub-chapters (3.5) is dedicated to equal opportunities of women and men. The document is two years old, and hence its recommendations concerning achieving further progress in employment of women are mostly related to

³⁸ Signed on 29 January 2001 by the Ministry of Labour and Social Policy and the European Commission, Directorate General for Employment and Social Affairs.

the strengthening the anti-discrimination legislation through transposition of the remaining elements of the *acquis*, which already took place³⁹.

Since in Poland the Labour Code is simply not observed by employers or employees and hence it does not guarantee gender equality in the labour market, our concern is related to lack of appropriate measures of implementation of anti-discriminatory legislation proposed by JAP. However, we may hope that the monitoring of implementation of EU employment policy in area of equal opportunities of women and men will provide sufficient pressure for Polish Government to undertake some concrete actions. The proposal of promoting part-time employment for people with caring responsibilities is also a concern, especially if accompanied by lack of recommendations for development of sufficient childcare facilities and services. Part-time employment is seen in Poland as a solution to resolve the unemployment phenomena. **We are also concerned that in joint conclusions of Poland and European Commission (from the end of October 2002) great emphasis has been placed on 'family friendly' forms of work, which in Polish in practice means part-time and flexible work for women only.**

Joint Inclusion Memorandum (JIM)⁴⁰ will be adopted upon Poland joining the EU. The document has not been developed yet but has to be seen as important because it will include a section on promotion of gender equality. It will outline long term strategy for elimination of social exclusion. The work associated with this document will require consultation with the social partners, but so far the body which is to develop the document does not include women's NGOs nor a representative of the Office of the Plenipotentiary.

2002 Regular Report on Poland's Progress Towards the Accession⁴¹. Chapter 13: Social Policy and Employment (less than four pages long) includes only few lines on the progress of Poland towards adopting the *acquis* on equal

³⁹ Most of the *acquis* entered into force on January 2002.

⁴⁰ JIM is in the process of developing by the Ministry of Economy, Labour and Social Policy. The memorandum will be signed by the candidate countries in September 2003.

⁴¹ This document has been prepared annually since the end of 1998 by European Commission. The document discussed in the Gender Assessment was published on 9 October 2002. The regular progress reports place special emphasis on the adaptation on the *acquis communautaire*. The main part of the report is the section (more than 100 pages) which addresses the question of Poland's ability to assume the obligations of membership – that is the legal and institutional framework, known as the *acquis*, by means of which the Union implements its objectives.

treatment of women and men. The evaluation of this progress is effectively limited to legislative changes, where report states that progress has been made since the *acquis* on equal treatment of women and men has been largely transposed by the amendments to the Labour Code. The report does not address issue of lack of monitoring, mechanisms or other measures that would help the legislative changes actually impact the lives of Polish women. The progress achieved in gender equality is mentioned also in the section on criteria for membership: political criteria and human rights and the protection of minorities. Poland is also acknowledged for the establishment of the Office of the Plenipotentiary of the Equal Status of Women and Men and for the increase of number women in the parliament.

The Lisbon Strategy. Upon joining of the European Union, Poland will be also obliged to implement so-called Lisbon Strategy. The objective of the Strategy is the development of competitive and well-functioning, knowledge-based economy, creation of more and better work places, and increase of social cohesion⁴². The Lisbon Strategy can be a very important tool for Polish women, since as far as gender equality in the labour market is concerned, it places emphasis on the eliminating of barriers for women through creation of kindergarten places for 90% of 3 to 6 years old by the year 2010 (currently only 37% of children attend kindergartens in Poland). It also aims at creation of childcare places for 33% of children below 3 years of age (currently, only 2% of such children are catered for by organized childcare). The Strategy also includes increase of employment rate of women to 60% (Radło, 2002). These aspects of the strategy are particularly important in the light of the fact that in the already discussed documents focusing on employment and social policy developed by Polish Ministry of Economy, Labour and Social Policy development of institutional childcare is practically omitted. Unfortunately, in statements made by Polish politicians about Lisbon Strategy, the social aspects of the strategy are practically never addressed. Additionally, in the opinions of some prominent economists (Szomburg, 2003) Polish priorities as far as the Strategy is concerned should be of economic nature, focusing catching up with the economies of more developed countries, rather than bringing Polish social or sustainable development standards to those of other, more socially

⁴² Numerous elements of Lisbon Strategy has been reflected in a document developed by Polish Government 'Economic Strategy of Polish Government SLD - UP - PSL: Entrepreneurship - Development - Employment' (Strategia Gospodarcza rządu SLD - UP - PSL: Przedsiębiorczość - Rozwój - Praca).

and environmentally developed states. Person holding such beliefs argue that not all aims of the Strategy have to be adopted and suggests for example ignoring the aim of increasing of activity of older people and instead recommend focusing on the employment of the young people.

7. CONCLUSIONS

The comparison of the economic activity of Polish women and men to the European Union average shows that activity rate of Polish women is 11,4% points lower than EU average and this of men is 14,7% points lower than the EU average. The gender gap in employment rate between Polish women and men is 13,5% points. In the EU the gender gap in employment rate is much higher – 18% points.

Despite the fact that data focusing on economic activity, employment, and unemployment shows that situation of Polish women is closer to the EU average, and the fact that usually it is Polish men who seem to be in a much worse situation than the EU men we should not conclude that the economic position of Polish women is good. Analysis of the general economic status of Polish women will illustrate this. First of all the fact that women are economically active does not actually guarantee them economic independence. Secondly, higher education level (tertiary education) of women as compared to that of men does not lead to higher wages and/or ability to secure managerial positions. The statistics also do not show the fact that women very often accept employment they are overqualified for, and more research would have to be conducted to clarify this point.

Existing statistical data also illustrates the fact that the wage gap is in part responsible for the disadvantaged economic situation of women. The best wages are rarely earned by women and in fact women are overrepresented in jobs receiving lower wages. 71% of women and 56% of men earn below national average (equivalent of 580 EUR).

Additional concern has to be connected to the fact that fertility rate in Poland has been decreasing. People delay having children partly as a consequence of difficult situation on the labour market (and/or general concern about their economic situation). Women's NGOs are concerned that in reaction to this

Polish Government instead of introducing measures, which will allow Polish men and women to combine their family and employment aspiration, will introduce policies excluding women from the labour market in hope that this will lead to women staying home and having more children.

The EU accession and membership criteria including ability to achieve objectives of the social and economic union also had a positive impact on the further reforms of the Polish economy with greater emphasis being placed on social policy. Recent economic reforms included reinstating of some of the social security provisions which, were previously eliminated by privatisation and restructurisation. The EU requirements gave women new tools they can use to fight for their social and economic rights. This is extremely important as until now glorified image of the capitalist system promoted by Polish Government and the media deprived women of arguments they could use to support their calls for the return to more comprehensive social security system available in the past.

CHAPTER II.

WOMEN'S ACCESS TO EMPLOYMENT AND EQUAL PAY

1. BRIEF HISTORICAL ANALYSIS OF GENDER ROLES

In Poland, historically, women have been the ones carrying majority of responsibilities associated with domestic tasks including childcare and meeting needs of dependent adults such as disabled and elderly. Despite the fact that during the period of centrally controlled economy women, including those who were mothers of small children, participated in the labour market in very large numbers, such traditional division of labour was not changed. However, we cannot fall into a trap of declaring Poland a country with 'traditional approach to family' understood as clear division between public and private sphere, with public sphere being the realm of men-bread-winners-decision makers and private sphere being exclusively populated by passive female-care-takers.

Historically, Polish women were in different economic situation to women in some other parts of the world. Similar to women from some other European countries, but very different to, for example, British women, Polish women have always had inheritance rights and hence have a history of being economically independent even prior to industrialization. The political circumstances – non-existence of Poland as an independent state as a result of partitions prevailing in Poland for almost 150 years until end of First World War gave women quite a specific social position. As men were often absent due to their political activities, mass imprisonments, political immigration and death in uprising it was women who were not only responsible for ensuring continuation of national identity through patriotic activism but were also

often responsible for economic well-being of their children and extended families. This position gave women some strength as far as their economic, social and political position was concerned but only within the traditional framework. **To be active socially, economically and politically they had to be wives of heroic Polish men and mothers of future heroes, which in practice meant combining their family focused responsibilities with public ones.**

During the pre-1989 period the full employment policy, a labour intensive approach to economic development, relatively low wages and, finally, policies trying to fulfil principles of women's equality led to high numbers of women being involved in paid employment (Ciechocińska, 1993; Wolchik, 1992). Participation of women in paid employment increased steadily throughout the communist period. In 1950, women in Poland constituted 31% of the labour force; in 1970, this figure was 39,6 % and in 1985, 45% (Wojciechowski, 1990). This, however, does not mean that the overall economic situation of women was ideal, or that this was directly leading to an increase of standard of living of women as a group or that it undermined their caring responsibilities. Women participated in the labour market, but at the same time they lived in the country, which experienced a shortage of housing, an insufficient infrastructure of nurseries, kindergartens and care facilities for the elderly, shortages of fresh food, limited availability of processed foods, restaurants, canteens and laundries (Giza-Poleszczuk, 1992; Wallace, 1995).

Furthermore, despite the constitutional guarantee of equal pay, well paid jobs in heavy industry were still reserved for men, with badly paid jobs in the underdeveloped service, health, education and manufacturing sectors being performed by women (Paci, 2002). When women did manage to enter traditional men's fields in large numbers (medicine being one example) remuneration received in such fields dropped dramatically. **While there is no proof that this was a result of conscious government policy, it can be hypothesized that the government of pre-1989 Poland continued to consider women to be secondary or complementary workers in contrast to men perceived as breadwinners.** Additionally, women's participation in the labour market was not accompanied by any marked change of division of labour within households. Hence, women experienced so-called 'double burden' where effectively to earn the wage in their paid employment they had to fulfil duties of both worker and homemaker (unpaid work). Men were not encouraged to extent their activities to domestic chores in a significant way. Instead, women were expected to rely on social services such as childcare, maternity leaves etc. in order to combine their family and work responsibilities. At different times they also had access to different forms of family planning.

In the conditions where employment was guaranteed such double burden of women, (while making career advancements more difficult) still allowed women to have both family and employment. In the post-1989 environment characterized by unemployment and decrease of social services, juggling those two spheres of life led to the economic disadvantaging of women. In capitalist Poland women are seen as expensive employees. This is despite the fact that costs associated with maternity leave, and great majority of costs associated with payments for sick employees including absence from work due to pregnancy is covered by ZUS (Social Insurance Institution). Employers, however, are either concerned about the necessity of finding a new worker should their female employee become pregnant and/or assume that once women become mothers their child-caring responsibilities will make them inflexible and unreliable workers.

Women seeking employment are discriminated against on the basis of their appearance and age, with many employment advertisements specifying that only young and attractive females need apply! The research conducted by Karat Coalition Secretariat where analyzing advertisement placed in the employment sections of the leading newspaper 'Gazeta Wyborcza' were monitored over the period of four months (April to July 2003) indicates that discrimination of women on the labour market starts already before commencement of employment. Quarter (24,9%) of the job announcements placed in Gazeta Wyborcza during this period was addressed directly to women. One sixth of those advertisements had age restrictions – with 'young' women, women 'up to the age of 30' and recent graduates being searched for. Only the advertisements for nannies seem to favour women between 40 and 55 years of age. Most of advertisements (53,2%) directed at women are for occupations traditionally associated with women: hairdressers, seamstresses, shop assistants, waitresses, cleaners, nurses, care takers, nannies. One third of advertisements (30,8%) reserve for women supportive positions (for example, kitchen hand or dental nurse) typically associated with low wages and lack of opportunities for professional development and promotion. Further, the language used in most of these advertisements places women in the subservient position as compared to the position of male workers. Employees often look for 'doctors (males) and nurses (females)⁴³', 'manager of

⁴³ In Polish language all nouns are either feminine, masculine or neutral ending. Therefore in job advertisements which state that employers look for *lekarz* (male medical doctor) as compared to *lekarka* (female medical doctor) there is little doubt regarding the gender of preferred employee.

the pharmacy (male) and pharmacist (female), 'foremen and seamstresses'. Almost 10% of advertisements specify that the female applicants need to 'be attractive', 'have pleasant appearance', 'look nice', while such prerequisites are never placed in advertisements directed specifically to males. Significant number of advertisements directed to females is placed by employees trying to avoid social security payments to potential workers, those advertisements are directed to students, pensioners, retired persons, and disabled persons. These advertisements also are additionally mainly for jobs based on commission and which, request potential employees to register as self-employed. An average wage offered to women (when it is specified in the advertisements) is lower than the national average.

The withdrawal of state assistance caused partly by the difficult economic situation of the country, as well as changing of political and economic priorities limited women's ability to combine work and family responsibilities and contributed to the identification of women purely as mothers and care givers. Subsidized nurseries, kindergartens and holiday camps for children, also became severally cut. The situation is similar as far as care facilities for disabled children and dependent adults. In this context, the fact that women are quite reluctant to demand improvements of social services including ones related to the ability to participate in the labour market can be quite surprising. **However, it can be explained by the fact that pre-1989 shortages of food and other basic consumer items had an incredibly significant impact on lives of women who were spending hours in queues lead to the situation where women have been perceiving (and were encouraged) to perceive their current situation as significantly improved.** As a consequence of this they were very reluctant to demand provision of social services similar to those they had under the previous system in the obscure logic that somehow such services are the relict of the past and that you either can have provision of social services and job security or availability of products on the free market and never both. In today's Poland significant number of women still believes that their situation is better than before 1989 simply because of availability of products in shops (Seibert, 2001). This issue of the connection between gender roles and the position of women in the labour market will be returned to in different parts of this Assessment.

2. LABOUR MARKET ANALYSIS

While in many instances it is difficult to determine, which changes to the women's access to employment are caused by the process of the post-1989

Table 2. Economically active population aged 15 and over									
Year	Activity rate %			Employment rate %			Unemployment rate %		
	Total	Women	Men	Total	Women	Men	Total	Women	Men
1992 Poland	61,7	54,2	70,0	53,3	46,0	61,4	13,7	15,2	12,4
1995 Poland	58,4	51,1	66,5	50,7	43,7	58,5	13,1	14,4	12,1
2001 Poland	55,8	48,8	63,4	45,5	39,0	52,2	18,5	20,0	17,3
2001 EU total	69,2	60,2	78,1	63,9	54,9	73,0	7,4	8,7	6,4
2002 Poland	55,0	48,0	62,2	44,1	38,1	50,7	19,7	20,6	19,0
Lisbon objectives by 2010					60	70			

Figures for IV quarter of each year

Source: CSO, 2003.

Table 3. Economically active population aged 15 and over. Urban areas									
Year	Activity rate %			Employment rate %			Unemployment rate %		
	Total	Women	Men	Total	Women	Men	Total	Women	Men
1992 Poland	59,5	52,4	67,6	50,1	43,2	58,0	15,8	17,6	14,2
1995 Poland	57,2	50,5	64,9	49,3	42,9	56,7	13,7	15,0	12,6
2002 Poland	54,3	48,0	61,5	42,7	37,5	48,7	21,3	21,8	20,8

Figures for IV quarter of each year

Source: CSO, 2003.

Table 4. Economically active population aged 15 and over. Rural areas									
Year	Activity rate %			Employment rate %			Unemployment rate %		
	Total	Women	Men	Total	Women	Men	Total	Women	Men
1992 Poland	65,5	57,4	74,0	58,8	51,0	66,9	10,3	11,2	9,7
1995 Poland	60,5	52,2	69,1	53,1	45,2	61,4	12,2	13,4	11,2
2002 Poland	56,1	48,0	64,3	46,4	39,2	53,9	17,2	18,5	16,2

Figures for IV quarter of each year

Source: CSO, 2003.

restructurisation and which by the macroeconomic policies linked to the economic criteria for EU accession, it can be confidently stated that the combination of both had a very significant impact on the situation of women in the labour market. Data provided below, all from Labour Force Survey (LFS) in Poland, IV quarter 2002, by CSO (2003) illustrates this.

Activity rate of women aged 15 years and over is systematically decreasing. In 1992, it was 54,2%, and in 2002 it was 48%. The activity rate of men is also decreasing: in 1992 it was 70% and in 2002 it was 62,2%). The difference between activity rates of women and men has slightly decreased.

During the years 1992-2002 significant changes in activity of specific age groups took place. The most visible tendency was a marked decrease of economic activity of persons from age groups 18-19 and 20-24. This was the case for both women and men. One of the reasons for this could be growth of educational aspirations among younger generations related to adaptation to the new conditions in the labour market. Existing data indicates a very evident increase in the level of education of women. A very significant drop of economic activity can also be noticed among women aged 45 to 64 years of age. Ability to retire earlier by people who were employed by companies which were closing down, as well as relatively easy access to disability pensions were partly responsible for this drop. The aim of the policies allowing

large proportions of people to retire earlier or to receive disability pensions was aimed at decreasing access to the labour force but in consequence led to an impoverishment of large proportion of the over 45 age group (SOP HRD, 2003). The people from this age group often lost their life savings as a consequence of post-1989 inflation and now have to survive on social security payments, which are not sufficient to cover even basic needs. The fact that Polish women live longer than Polish men results in feminisation of this kind of poverty.

Despite the fact that women between 35 and 44 years of age are most economically active (82,7% in 2002), it is very important to notice that the percentage of economical active women has dropped since 1992, when it was 86%. The data suggest that some women enter labour market at that point after the period of childrearing. The factor, which without any doubt has an impact on this drop in economic activity, is lack of access to public childcare at a price affordable for women earning low wages. As far as men are concerned the period of highest economic activity (90% and more) is spread over a longer period from 25 to 44 years of age. This is the case for both 1992 and 2002.

The EU economic criteria related to the capacity of market economy of Poland to compete with the EU economies had a significant impact on the drop of economic activity among women with low level of education. Economic activity of women in this group has dropped during last 10 years from 32,9% to 19,2%. This drop is caused by the assumption made by women that they do not have any chance of being gainfully employed. Very significant decrease of economic activity has been noticed also among women with basic vocational, vocational secondary and general secondary education (9-10% points decrease). Women with tertiary education have experienced a less significant drop of economic activity (in 1992 it was 80,5%, while in 2002 – 78,7%).

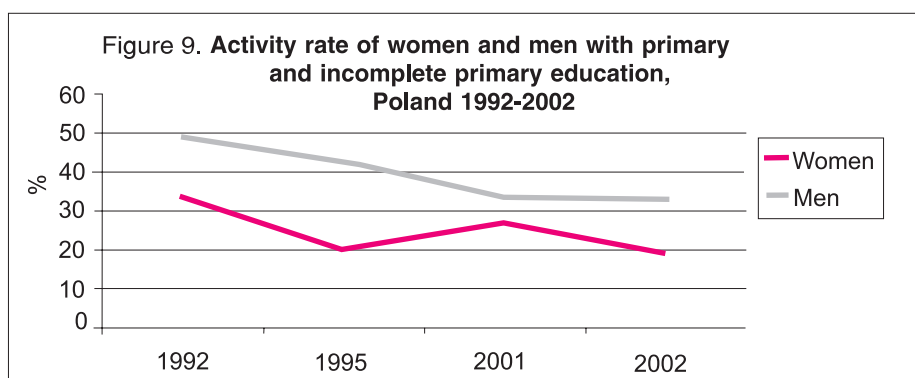
Decrease of activity rate of women is twice as large in rural areas (9,4% points) than in urban areas (4,4% points). This drop can even become greater for women from rural areas due to decline of the agricultural production stemming from the EU accession process (Gawrońska-Nowak, Jura, Zarzycka, 2003).

Economic activity of women differs between particular administrative regions of Poland (currently there is 16 of them). Women are less active (42,9%) in Śląskie voivodship, the region that, before 1989, was based on coal mining.

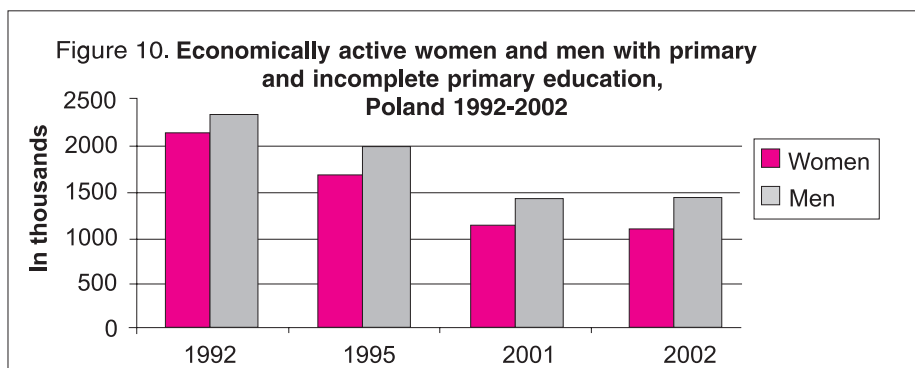
In the past coal miners' salaries were relatively high with most of coal miners' wives not working outside home. This led to persistence of very traditional models of family in the region (Seibert, 2001). However, since 1989 the activity rate of men continued to decrease. As a consequence of restructurisation of coal mining industry (financed by the loan from World Bank) currently men's activity rate in the region is also one of the lowest in Poland. One of the elements of restructurisation of the coal mining industry was relatively high severance payments received by coal miners leaving the industry and possibilities of earlier retirement.

Highest activity rate for both women (52,7%) and men (66%) is recorded in Mazowieckie voivodship. This is partially due the fact that in Warsaw, Poland's biggest city, employment opportunities are much greater than in other cities. It is also connected to educational level of population in that region – 48,2% have at least secondary education (country average – 25%) (Gazeta Wyborcza, 2003a). In Wielkopolskie and Pomorskie voivodships there are the biggest disproportions between women's and men's activity rates (17,8 and 17,5% points respectively).

Generally speaking, this drop of women's activity rate can be explained by worsening of economic situation, restructurisation of industry, lack of job offers and significant competition for employment, lack of employment opportunities for persons with lower level of education, rising awareness among young people, especially women, about how important it is to have high level of education in order to find a satisfactory job.



Figures for IV quarter of each year
Source: CSO, 2003.



Source: CSO, 2003.

Employment rate (CSO, 2003). At the end of 2002 women 15 years old and over constituted 45% of employed population and this figure practically did not change since 1985. However, at the same time the employment rate of women has dropped significantly from 46% (1992) to 38% (2002). The employment rate of men has also decreased from 61,4% to 50,7%. This low official employment rate is partly compensated by significant informal employment. Again it was the process of restructurisation that was responsible for the boom of the informal sector. The boom was also caused by the fact that it is difficult for small businesses to function formally due to high taxes and social security contributions, which have to be made by the employers for all the workers they employ. Despite the fact that men are involved in informal employment more often than women (men perform 70% of informal work), women are engaged in informal employment on a more permanent basis. The informal sector offers relatively high number of jobs for persons with limited level of recognized professional skills. Unfortunately, there is a marked lack of reliable data addressing employment in informal sector (SOP HRD, 2002).

Employment rate dropped across age groups, but the drop was the biggest for women aged 20-24 (16,9% point). However, a drop of employment rate is more visible among young men (21,9% points). The decrease of employment rate among women of age 25-29 and 30-34 amounts only to 1,5 and 1,8% points respectively. For the same age groups of men these data are 8 and 5,6% points respectively.

It is well known that Polish employers prefer to employ men and the high unemployment provides them with conditions in which they can afford to do it. If they employ women then they prefer women from 25 to 35 years of age. The tendency is largely responsible for the fact that women in this age

group seem to be less affected by the unemployment than young men. This trend is indicated by the texts of the job advertisements published in newspapers. In large number of advertisements the age limit for women is 35 years of age and for men 40-45 years of age⁴⁴.

The reasons for which employees prefer to employ young women 35 years old, despite the fact that traditionally they are perceived as 'unreliable' because of the 'risk' or rather traditional assumption that very soon they are going to become mothers and hence will not be devoted workers, are to some extent unclear. Childcare in Poland is still perceived to be exclusively a responsibility of a woman, which in combination with lack of affordable quality childcare services (including nurseries, kindergartens and pre- and after-school care for older children) has a dramatic impact on the employment opportunities of women. It also has to be added that women returning to work after the childrearing period (i.e. women around the age of 35) are perceived to be passive and unenthusiastic workers, whose professional skills (both those gained through formal training as well as through work experience) are outdated.

Stereotypical perception of women as carers and men as providers leads to paradoxical situation where a mother of a small child will be perceived as undesirable worker because of her assumed caring responsibilities. At the same time the father of the same child will be perceived as very desirable, because it is assumed that his 'duty' is to support the family will make him a very focused and dedicated worker. In the light of this fact, the preference for younger women by employers can be explained by numerous factors. Women in this age group have better education than young men; they are more capable to function in new free market work environment (this includes learning new ways of looking for employment). Further they can present themselves better (i.e. in a way accepted in other free market countries) during the interviews and can highlight their qualities better than older women in their job application. They have ability to adapt to contemporary organization of work and work place relations. This ability to adapt to free market economy is best illustrated by the increase of education level of women. Since 1992 the number of employed women with tertiary education have risen twice (10,8% of total number of working women in 1992 and 20,1% in 2002), while the number of employed women with primary and incomplete primary education decreased more than twice (from 27,1% to 12,8% in 2002). It is assumed that young

⁴⁴ Results of the informal research conducted by Karat Coaliton Secretariat in 2003.

women are not used to pre-1989 form of work generally characterized by lack of initiative, dedication and independence. It is also assumed that young women have knowledge of ICTs and foreign western languages which since 1989 are widely taught in schools (prior to 1989 in most schools Russian was the main foreign language taught). Finally, they are perceived as more physically attractive and this is definitely an attribute on contemporary Polish labour market. Young and attractive women are in high demand in the private sector which has grown significantly during the last years due to their lower salary expectations, as compared to young men. Furthermore, young men seem to be less attractive at the labour market due to their obligatory military service. It is important to note that some of the above 'qualities' of young women are often the issue of perception rather than reality, and further it does not explain the difference between the age limit for desirable workers between women and men.

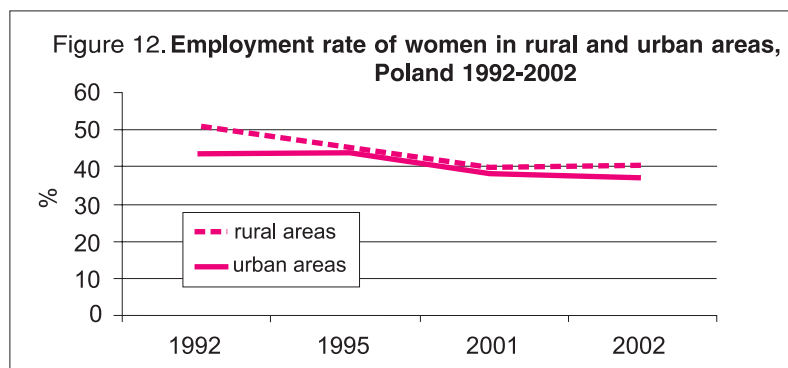
Decrease of employment rates threatened women from rural areas much more seriously than women from urban areas (in 1992 employment rate of women in rural areas was 51%, in 2002 – 39,2%, while for women from urban areas these indicators were 43,2% and 37,5% respectively). It has to be stressed that prior to 1989 the employment rate of women from rural areas was relatively high and is still a slightly higher than that of women from urban areas, despite the drop. There is a strong correlation between a place of residence and a type of occupation. In the case of women from villages and small towns, 73% of them are manual workers⁴⁵. Women from rural areas declare they encounter problems with finding new job – they consider lack of education to be the main constraint. The most common case of losing a job, according to them, is pregnancy. Making a decision about leaving work or not taking up employment is also caused by pregnancy and childcare responsibilities (Gawrońska-Nowak, Jura, Zarzycka, 2003).

The lowest employment rates are in western voivodships (34-35%). There is no doubt that this is due to highest mobility of population and the ability to undertake seasonal work abroad, mostly to Germany. Women aged 25-29 are the group most likely to travel abroad for work (Gazeta Wyborcza, 2003b). The employment rate of women is highest in Mazowieckie voivodship. For women it is 43,1% and for men it is 55,6% (see: the explanation given above in the section addressing Activity Rate).

⁴⁵ Data focusing on women from Świętokrzyskie voivodship, in: Gawrońska-Nowak, Jura, Zarzycka, 2003.



Source: CSO, 2003.



Source: CSO, 2003.

Unemployment rate (CSO, 2003). At the end of 2002, women constituted 47,7% of the total of unemployed, with the level of unemployment among women being higher (20,6%) than among the men (19%). Furthermore, the unemployment of women increased over last 10 years from 15,2% to 20,6%.

Since 1999 the relationship between the unemployment rate and age is very apparent. Obviously, it is connected to the fact that the economic growth of Poland came to a halt in the second half of 1998. From 1999 onwards a systematic and quite significant increase of unemployment of young women (aged 20-24) is becoming evident. During the last three years since 1998,

points (it was 27,4 % in 1992; and 23,1% in 1998, and 41,9% in 2002). As far as men in this age group are concerned their unemployment has increased by 18% points and now is higher than that of young women (43%). This unemployment affects mostly graduates of primary, secondary schools and various post-secondary courses. The youth unemployment is explained by: high demographic tide entering the labour market since 2001 and lack of possibility to absorb the new labour force. It is also a consequence of decreased demand for employees with limited professional experience and illustrates the lack of co-ordination between the educational system and the needs of the labour market (for example, schools place limited emphasis on work experience). The fact that young women are less visible in the unemployment figures can be explained by the fact that young women may focus on childrearing responsibilities (it can be speculated that poor employment prospect encourage some young women to 'decide' to start a family out of lack of other options). Many of those women will not be reflected in the unemployment rates.

During the last year (2002) a new trend became apparent – a marked increase of unemployed among women between 50 and 54 years of age (1992 – 8,3%, 2001 – 10,7%, 2002 – 14,3%). This fact is particularly concerning as women who become unemployed at this age practically have no chance of ever becoming employed again.

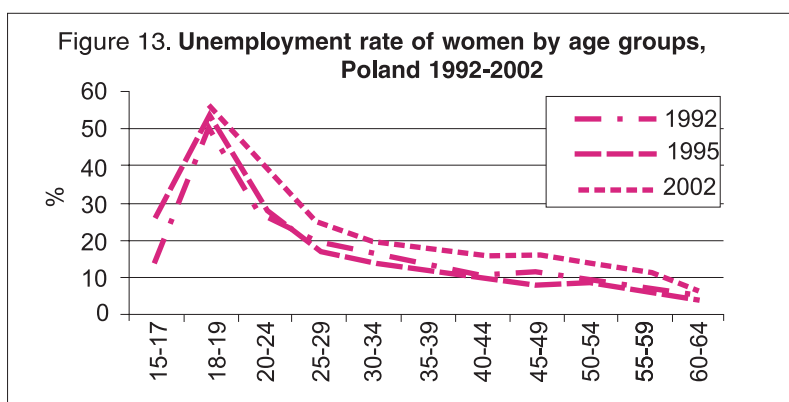
The unemployment rate of women is closely related to their education. Generally speaking, the higher education level attained by a woman the lower is the risk of unemployment. Women who attained basic vocational education constitute the largest group of unemployed (2002 – 26,8%). They are followed by women with primary education (24,8%), and those with general secondary education (24,3%), secondary technical and post-secondary (16,6%) and tertiary education (7,5%) (CSO, 2003). Therefore it can be said that the free market economy pushed the poorest groups with lowest level of education outside the labour market. This created a social underclass constituted by long term unemployed experiencing severe poverty where inability to be gainfully employed is often 'inherited' by the next generation. In the past Poland had well developed system of vocational training, with significant number of women receiving it. In the new economic reality there is no demand for many of the jobs performed by people with such education (secondary vocational training) consequently leading to unemployment rate for women from this group being 20% and for men 15,4%.

Anna, 40 years old, primary educated, married mother of two daughters, (21, 17 years old and still studying) was working until 2000 as a cleaner in a state-owned company. Her earnings (including family allowance) were 480 PLN per month. When her firm was restructured Anna ordered to work in another branch of the company a long distance from her place of residence. Commuting to her new work place took her 1,5 hours each way and the monthly costs of transport was 55 PLN. Other women working for the company were also moved to branches located further away from their places of residence. The goal of this was forcing the women to quit due to the inability to dedicate this much time and money to commuting to work. If they quit themselves the company did not have to pay them any redundancy payment. Anna's inability to travel to her new work place was related to her additional informal work, which was giving her permanent and necessary, although not very large income. Therefore she quit her job and registered as an unemployed. Due to the fact that she quits herself she was not eligible for the unemployment payment for the first 90 days. After that, for three months she received unemployment payment of 420 PLN per month (including family allowance). From April 2001 she has been receiving only the family allowance of 42,50 PLN per month. Anna is working informally, cleaning private houses. On average she earns 700 PLN (approximately 160 EUR) per month. For some time now her husband has also been unemployed. He receives unemployment payment of 505 PLN per month. He also earns additional income every now and then working informally. Their household's (Anna, her husband and their two daughters) income adds up to approximately 1 250 PLN (approximately 285 EUR) per month and regular monthly payments (rent, electricity, gas, phone, insurance, payment for a gas heater purchased) are 830 PLN (approximately 170 EUR).

Source: Interview conducted by Karat Coalition Secretariat in July 2003

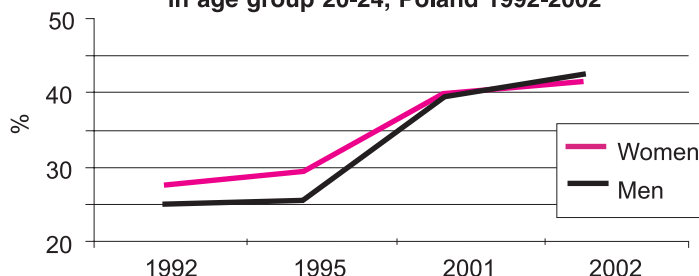
Despite the fact that unemployment among women from rural areas (18,5%) is lower at the moment than among women from urban areas (21,8%), it has to be noted that during the last 10 years unemployment affected countryside more than cities (increase by 6,3% point compared with 4,2% in cities). As far as regional differences the highest unemployment of women is noted in Dolnośląskie voivodship (28,1%) and the lowest in Małopolskie voivodship (16,1%).

Generally speaking, the unemployment rate of women is higher than that of men in Poland in the transformation process, which was predominantly based on restructuring of specific areas of economy such as heavy industry, where men constituted the bulk of employees, and also restructuring of health sector, education and public administration, where women were employed. As far as restructuring of large industrial companies, which should be mainly leading to the loss of employment of men, women were the ones, who lost their jobs first. **In fact, the number of women who lost employment as a consequence of restructuring of their workplace is twice as large as the number of man, who lost their employment because of the same reason** (SOP HRD, 2002). Since the restructuring of industry is still continuing, it can be assumed that unemployment of men will continue to increase. Further, the rate of increase in unemployment was higher among men (in 1992 - 12,2 % to 19% in 2002) than women (from 15,2% to 20,6%). However, we have to be careful before making such assumptions, remembering that it is easier for men than for women to find a new job and that further restructuring of industry may also increase the unemployment level of women. In 2002, female unemployment rate is still higher than male unemployment rate (CSO, 2003).



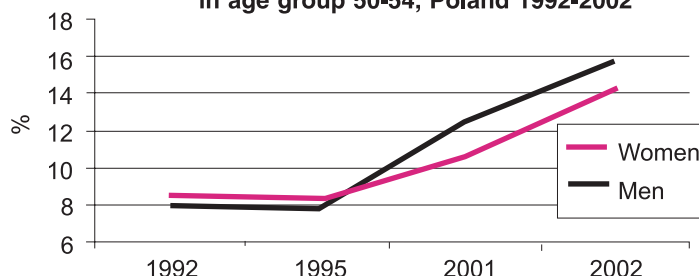
Source: CSO, 2003.

Figure 14. Unemployment rate of women and men in age group 20-24, Poland 1992-2002



Source: CSO, 2003.

Figure 15. Unemployment rate of women and men in age group 50-54, Poland 1992-2002



Source: CSO, 2003.

3. GENDER PAY GAP

Possibly, the most important factor in the discussion of gender justice in the Polish labour market and the link between it and the EU accession process is that for Polish women being employed is not synonymous with economic independence. This is due to the gender pay gap, which was briefly described in Chapter I where it was shown that on average women earn less than men despite being better educated. Better education not only does not lead to higher wages being earned by women, but rather

it increases gender pay gap with greatest difference between wages of women and men existing among tertiary educated group. In this chapter wages earned in specific occupations and sectors of economy, where gender gap is particularly evident will be analysed.

The data used in this section is predominantly derived from Year Book 2002 by Central Statistical Office (CSO, 2002b), and refers to the end of 2001. The average gross wages for the full-time employees considered in this chapter was 2 216,55 PLN (October 2001) which is approximately 591 EUR⁴⁶.

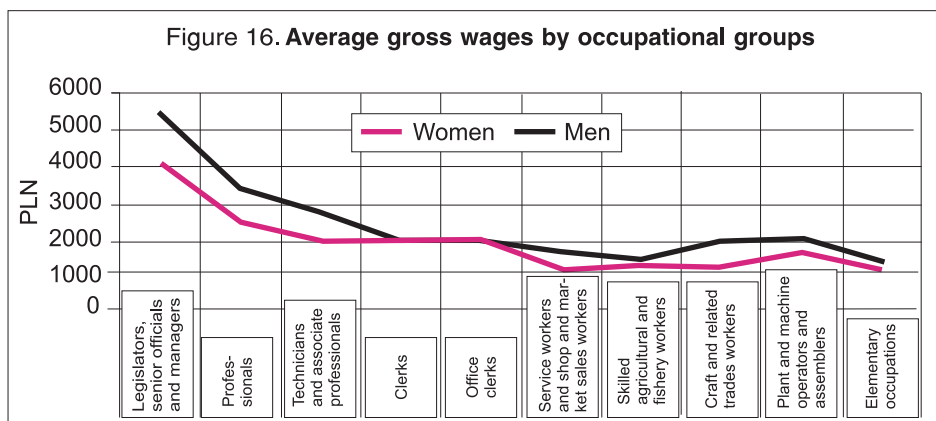
Analysis of the occupational and sectoral differences. *Occupations.* The wage gap across all occupational groups is 22%, although it varies within groups. In the group receiving the highest remuneration: 'Legislators, senior officials and managers' (where the average wage is 221% of the national average), the gender pay gap is 33%, which means that women rarely hold the highest (i.e. best paid) positions.

The greatest proportion of women (24%) is employed in the second occupational group: professionals. The wage difference between women and men in this category is one of the highest – 36%. On average women in these occupations earn 14% above the national average, while men earn 55% above the average.

Next occupational group in which women work in large numbers is 'Technicians and associate professionals' (this includes health associate professionals and basic vocational teachers). The gender pay gap in this group is also 36%. Men in this group earn 23% above the average and women earn 11% below the average. The highest gender pay gap is noted for craft and related trades workers (60%); as this field is dominated by men. 30% of all employed men work in this field, compared to only 7% of women. The smallest difference in pays (1,6%) is among clerks. There is one occupation where women earn more than man, with female office clerks earning 0,8% more than male office clerks. It needs to be added, however, that wages earned in this occupation are relatively low (11,5% below the average).

Generally speaking, the wage gap disadvantaging women is most evident in fields, which are dominated by one gender. The only exception is the above mentioned clerks, where wages are practically the same for both sexes.

⁴⁶ According to the National Bank of Poland exchange rate for October 2001.



Source: CSO, 2002b.

Sectors. During the period of transformation no significant changes took place as far as proportion of women employed in specific areas are concerned. Women still continue to be employed in feminized professions such as education. In other sectors such as construction, transport and communication women constitute less than 1/3 of employees. Vertical segregation is very high since only about 6% of women hold higher position of responsibility (Heinen, Portet, 2002).

In many sectors an increase of gender wage gap disadvantageous to women is a reflection of not valuing women's involvement in the labour market (Heinen, Portet, 2002). An analysis of sectors where large percentage of employees receives very low salaries indicates that lowest wages are much more often received by women than by men. The lowest wages 886,62 PLN (237 EUR) and below are predominantly earned by people employed in sectors such as 'Hotels and Restaurants', and 'Trade and Repairs'. More than 19% women (for men this figure is 14%) who work in 'Hotel and Restaurants' receive lowest possible wage. In 'Trade and Repairs' 16,5% of women and 10,6% of men earn the lowest possible wage.

The greatest difference in wages earned is evident in 'Industry sector', where the percentage of men receiving lowest salary is two and a half times smaller (5,4% of men working in this sector receive the lowest salary). The smallest difference between wages of women and man are in 'Administration and Defence'.

In one of the most feminised sectors, 'Health and Social Work', 88,2% women earn below national average and 43,5% earn between 50-70% of the ave-

rage (296-414 EUR). The average gross salary in this sector is 1 721,12 PLN (CSO, data for 30 September 2002). Such low wages do not allow the employee to support herself and in many cases they are even below poverty line (Heinen, Portet, 2002). These low wages were the cause of the nurses' strike, which took place in 2000 (October-November). Besides demanding increase of wages the nurses also emphasized the link between low prestige of their work and their low economic status. They were demanding a pay increase as a form of the recognition of the important social role of their profession. Unfortunately, the strike was perceived by the government and the parliament as a strike of women whose wages are only an additional family income rather (i.e. addition to husbands/bread-winners) than the main income allowing a person to support herself and her family. Hence, the demands of the nurses were not responded to by the government in a serious manner. This was very different to the government's response to strikes by other groups (for example, coal miners), where majority of employees were men.

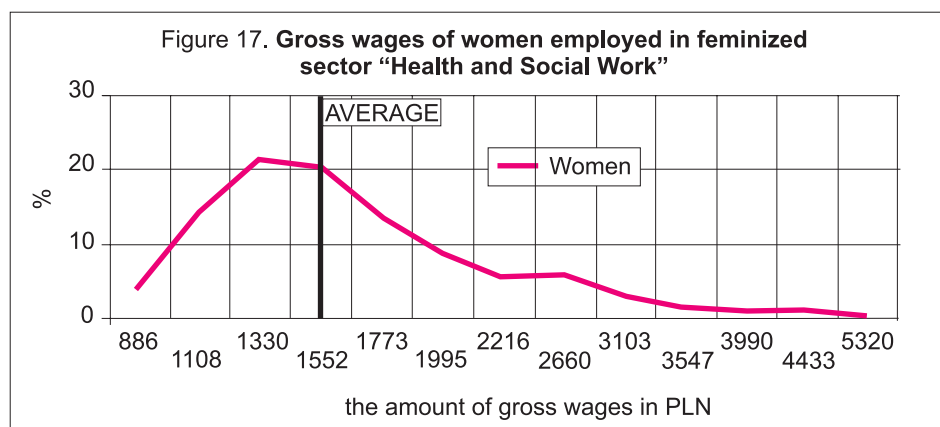
What is important in the context of this Assessment is that the EU accession may have very direct positive impact on the wages earned by nurses. The nurses have a lot of hopes associated with EU membership of Poland⁴⁷. Representatives of nursing organizations stress that Polish nurses were extremely disappointed, when in 2002 European Commission decided that qualification of Polish nurses will not be recognized as the same as the qualifications of nurses from the EU. The European Commission had a negative opinion about the methods of education of nurses and midwives in Poland (Palczewska, 2003). Through efforts and lobbying of nurses' and midwives' organizations a document guaranteeing recognizing the skills of Polish nurses⁴⁸ was signed in Copenhagen on 13 December 2002 as part of the closing the negotiations process for EU accession. What it means in practice is that Polish

⁴⁷ The EU accession of Poland will lead to concrete changes impacting nurses. This will include changes of the current system of education of nurses. Nursing community responded very positively to EU requirements related to further professional education and believes that all issues related to health including education should be supervised by the Ministry of Health. Until now vocational education of nurses was supervised by the Ministry of Education and not Medical Academy as training of doctors.

⁴⁸ a) qualification of persons holding Master of Nursing Degree will be automatically recognized, b) acquired rights will be gained by:

- 1) nurses and midwives holding bachelor degrees who has worked professionally for three years during last five years from the day of receiving the qualifications,
- 2) nurses or midwives with degrees from other medical schools, who have worked for five years in last seven years from receiving her qualifications (Palczewska, 2003).

nurses with sufficient work experience will be able to work outside Poland in their profession, but that this ability will force wages of nurses to be increase in Poland in order to retain the employees and prohibit them from mass migration to countries where they will be able to receive better earnings.

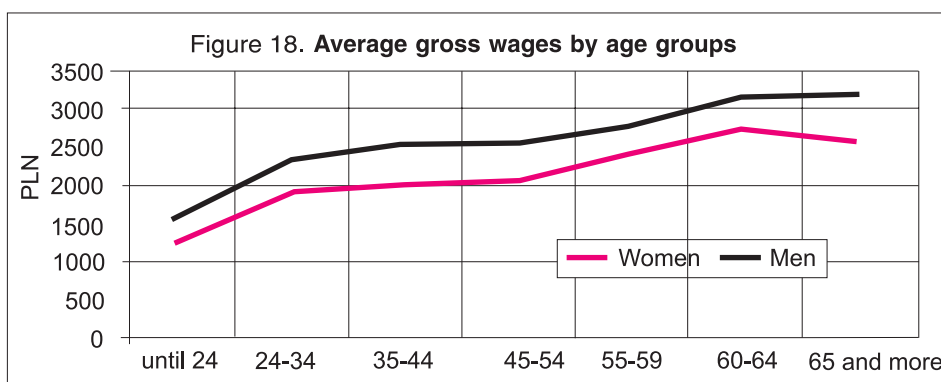


Source: CSO, 2002b.

The second feminised and hence badly paid sector of employment is education. In this sector, 68,2% of women and 58,8% of men earn below the national average. Only 2,2% of women working in this sector earned above 3 546,49 PLN (946 EUR). For men this proportion was 9,1%.

Wage differentials (wage gap). In Poland, men earn 9,6% above average salary while women earn 10,7% below the average. This means that an average earnings of men are 22,2% higher than the average earnings of a woman. Average gross hourly rate in Poland is 12,28 PLN (3,3 EUR), with the hourly rate of men being 13,8% higher than that of women (2,9 EUR). The hourly rate for work performed predominantly by women such as factory workers in textile industry, home help, laundry workers and cleaners was 6,28 PLN (1,7 EUR) (CSO, 2002d).

Employees employed in the public sector earned on average 3,6% more than people employed in the private sector. However, private sector provide greater earning opportunities for employees with tertiary education (who there could earn almost 59,3% more than in the public sector). The wages of all employees (i.e. both women and men) increase with their age (CSO, 2002d).



Source: CSO, 2002d.

4. CONCLUSIONS

The reforms associated with the introduction of a free market economy had significant social impact including loss of stability in the labour market, which under the previous system meant guaranteed work places for all.

The main problem faced by women in the labour market, characterized by 20,6% high unemployment rate of women, is a visible decrease of their ability to compete for employment and particularly employment, which could guarantee them economic independence. The process of transformation and the EU accession criteria played their role in drastic decline of activity rate, which impacted women to much greater extend than men. The drop of activity rate is associated with most disadvantaged women (those with low level of education) being pushed into the informal sector, where they are not protected by the Labour Code. At the same time, the competitive nature of the labour market resulted in marked increase of the level of education among women. Women become better educated at much greater rate than men. The question if this education is appropriate for the current employment market remains to be answered.

Despite the fact that equal pay is guaranteed in Polish Constitution (1997), enforced by the Labour Code from January 2002, and is further stipulated in the ILO Convention on Equal Remuneration, signed by Polish Government (1954), lack of mechanisms of enforcing it (including lack of sanctions for those

who do not) leads to equal pay being guaranteed only on paper and not in practice. This has been very well illustrated by the nurses' strike of 2000. The strike also illustrated the fact that depreciating the value of work performed by women, and treating it as additional family income in the country where for over 50 years women have been gainfully employed surprisingly still exists. The already disadvantaged position of women in the labour market is strengthened by the wage gap responsible for the disadvantaged economic situation of women. The best wages are rarely earned by women and in fact women are overrepresented in jobs receiving lower wages. In this context, the social policy developed by Ministry of Economy, Labour and Social Policy lacking strategy, actions and mechanisms focusing on decreasing of the wage gap has to be seen as extremely concerning.

CHAPTER III.

SOCIAL SERVICES AND WOMEN'S EMPLOYMENT

1. INTRODUCTION

This chapter⁴⁹ is focusing on the selected social services necessary if women are to participate freely and actively in the labour market. The chapter is focusing on aspects of social services, which are most closely related to the ability of women to successfully participate in the labour market. Special emphasis is placed on services related to women's caring responsibilities including caring for small children and school aged children, as well as caring for other dependent person such as elderly, long-term sick, and disabled. This is due to the fact that the link between availability of care services and employment of women has been not only pointed out by numerous researchers (Sheridan, 1992; Seibert, 2001) but also noted by women's NGOs. The impact of those services on women over 35 year of age (women likely to have childcaring responsibilities and also responsibilities associated with caring for their ageing parents) is particularly significant. Despite this, both qualitative and quantitative studies conducted in Poland rarely focus on the link between social services and women's employment. Furthermore, the manner in which the CSO

⁴⁹ This chapter is a very brief analysis of the link between social services and the position of Polish women on the labour market in the context of the EU accession. For more detail account of the gender impact of post 1989 reforms of social security including childcare see: Fultz, E.; Ruck, M. and Steinhilber, S., (2003) 'The Gender Dimensions of Social Security Reform in Central and Eastern Europe: Case Studies of the Czech Republic, Hungary and Poland, ILO Subregional Office for Central and Eastern Europe, Budapest.

gathers statistical data makes it very difficult to see the pattern of the deterioration of care services. This is very unfortunate since women continue to be the main carers and there is little indication that this will change soon. Consequently, access to care services accessible to all women regardless of their financial capabilities (i.e. publicly provided) is crucial to allow them to compete in the labour market. This will be the case either because they themselves will feel they cannot combine the two spheres of their life or because they will be discriminated by the employers who will see them as unreliable workers placing priority on their caring obligations and not on their work responsibilities. This chapter will focus predominantly on caring services predominantly due to the time and size limitations of this reports. Further, the limitation is also caused by an opinion that in contrast to social services such as childcare, the impact of some other forms of assistance provided by the State on the ability of women (or rather families) to address their caring needs such as tax breaks, financial support for parents and families, paternity leave etc. is much more complex. Additionally, in the case of some of the provisions it has been argued that they reinforce discrimination of women in the labour market and therefore due to the limited size of this report they will be covered in this chapter only in a very brief and general manner.

2. CHILDCARE AND OTHER CARE SERVICES

Despite the fact that for numerous decades in most Polish families both women and men have been working outside the home, Polish households have not become based on partnership (Wójcicka, 2002; Seibert, 2001). Before 1989 instead of relying on the assistance of their husbands, working women were expected to rely to on social services provided by the State and/or assistance of older women usually their mother or mothers-in-law⁵⁰. The provision of affordable childcare by the State was intended to help women to combine their dual roles. While it was of significant assistance for working mothers, it was never adequate. In fact while all centrally planned economies of CEE prior to the transformation period were very well developed social services, in Poland social services were less widespread than in other counties of the so-called Soviet Bloc. In 1939, only 83 300 children attended kindergartens; in 1946, this number had increased to 201 500; and in 1959

⁵⁰ For an account of crucial role played by Polish grandmothers in childcare and other household activities, see: Hillier, 1990.

the number reached 356 088. It is important to understand, however, that during the post-war period of 1950 to 1955 Poland experienced a 'baby boom'. Each year between 760 000 and 800 000 children were born. So the number of children in kindergartens during the communist period was actually quite low in relation to the birth rate, considering that during this period the majority of women were in paid employment. Furthermore, childcare facilities were never equally available to everybody. There were, for example, discrepancies between the provision of kindergartens in urban and rural areas (Golinowska, 2002). The number of children attending kindergartens in urban areas was three times as high as that in rural areas. The official explanation of this situation was that this was related to the 'nature of parents' employment' (Suchodolski, 1959), while in fact women in rural Poland often experienced a triple burden as they combined paid work with farm work and domestic responsibilities (Pine, 1992). In urban areas kindergartens were often overcrowded and had long waiting lists. In the later decades of centrally controlled economy women often had to 'prove' that they required organized childcare and could not have their children looked after at home by a paid carer (employing a paid child carer was legal during previous system) or a relative. Furthermore, the State was responsible for provision of all care services, as not all of the services were provided (and controlled) by the State. Other institutions such as religious institutions, various co-operatives and to some extent also private sector were allowed to provide some of the services (Golinowska, 2002), with standard of care in many of the provided in non-State (and hence usually more expensive places) being higher.

Already in pre-1989 Poland, accessibility and quality of childcare services was a problem, but the post-1989 changes made the situation even worse. The services started to be limited further and/or moved to the private sphere as a consequence of the economic and political transformation of Poland have impacted in the labour market situation of women. In 2001/2002 in Poland there were 8 175 kindergartens. Out of this 375 were private, 287 were religious, and 146 belonged to foundations. Only 1/3 of them were located in rural Poland. In general, 31% of children attended kindergartens in these years, but in the country it was only 14% (Nowakowska, 2003). Since 1989 the access to public provided childcare services has significantly decreased. Public care⁵¹ for small children is not encouraged with only 2% of Polish children between ages of 0 and 3 attending nurseries (Fodor et al, 2002).

⁵¹ It needs to be pointed out here that public childcare is not synonymous with state care. The childcare services are funded by the local authorities and provision of childcare is connected to the budgets of those authorities.

The situation is slightly better for older children with 33% attending kindergartens. The number of kindergartens has dropped from 12,308 in 1990 to 9 350 in 1995 and 8 175 in 2001. Similarly the number of nurseries has dropped from 1 412 in 1990 to 591 in 1995 and finally 396 in 2001. The number of places in nurseries per 1 000 children below the age of 3 has dropped from 104 in 1990 to 45 in 2001. **While some of the changes in availability of the childcare services can be explained by the decrease of fertility in Poland which in 1990 was 2,039 in 1995 – 1,611 and in 2001 – 1,288 the fact that most of kindergartens are full or above its capacity proves that the decrease of provision of those kinds of social services is not purely related to the drop in demand.** This can be illustrated by the CSO data according to which at national level in 1990 for 100 kindergarten places available 96 were filled, in 1995 the figure was 101 and in 2001 it was 94. In practice it means that while in some places it is reasonably easy to find a vacancy in child care place, majority are always full (see, for example, case study of Anka available in this chapter).

The drop in provision of childcare is related to the fact that in contemporary Poland relatively low % of GNP is spent on social services. Overall spending on social services including family and parent benefits has dropped significantly after 1989. In 1990, expenditure on family assistance constituted 2% of GDP and in 1999 only 0,7% (Fodor et al, 2002).

It has been argued that in contrast to Poland in most of EU countries there is widespread access to public provided social services such as childcare, and care for dependent adults (Golinowska, 2002). In countries of CEE including Poland the solution seems to be a mix between public and private provision of social services. One of the problems associated with this inability of many women, particularly those on low wages to be able to afford childcare which in turns makes them unable to undertake paid employment. The cost of kindergarten particularly for those average earners who have more than one child is relatively high: 37% of net wages, while for women earning minimum wages this cost could consist 75% of her net wage (Futz, Ruck, Steinhilber, 2003).

Table 5. Percentage of children in nurseries and kindergartens		
Country	% of children in nurseries (years 0-3)	% of children in kindergartens (years 3+) ⁵²
Poland 2001	2*	37
EU 2001	7-70	50-90
France	29	99
Spain	5	84
Sweden	48	80
Germany	10	78
UK	34	60

Source:

Muszyńska, 2003.

* Fodor et al., (2000)

3. FINANCIAL ASSISTANCE TO FAMILIES

In the post-1989 all forms of assistance to families including maternity/paternity leaves, as well as family benefits have been reformed. The reforms were driven by the need to separate eligibility for social benefits from employment status caused by the raising unemployment. It was also caused by political ideologies, such as encouraging large families during the term of right wing governments connected to the Catholic Church; as well as increasing need for anti-poverty measures coupled with the fiscal pressure to restrict social spendings and at the same time increase of the external pressure from the EU for gender equality in all public programs (Fultz, Ruck and Steinhilber, 2003).

There are two forms of leave available for mothers/parents of small children. The first one is maternity leave. The reform of maternity and family policies started around 1993-1994 with eligibility criteria becoming restricted and

⁵² It is important to highlight here that due to lack of clear regulations children younger than 3 but older than two year of age attend kindergartens rather than nurseries.

payments less generous. This is despite the fact that in 2000 maternity leave was extended to 20 weeks and, in 2001 to 26 weeks. However, in 2002 it was reduced again and currently women are entitled to 16 weeks long birth leave during which they are paid 100% of their salary. Insurance rather than the employer covers the cost of the leave. This can be followed by maternal or technically parental leave which can be taken up for up to three years but not longer than until the fourth birthday of the child. While the parental leave requires the employer to retain the work place for the woman/parent the actual payment during this time is means tested so are available only to poorest women.

There are also some financial benefits which families can receive to assist them in covering the cost of bringing up children. They will not be discussed here in any details but the need for the research focusing on their potential role (despite their monetary insignificance!) in creating an incentive for women to stay home and create potential 'traps' for women (particularly those earning low wages) needs to be pointed out.

4. RETIREMENT PAYMENTS

Similarly to other forms of social services and benefits, pension schemes have also been reformed in Poland. In the reformed old-age pension scheme women are clearly disadvantaged. The main disadvantages are caused by the fact that new pension formula more directly reflects gender pay gap; childcare periods and periods of caring for an ill family member will be assessed for pension purposes at the level of the minimum wage; long term unemployment that women are at greater risk than men leads directly to lower benefits (Fultz, Ruck, Steinhilber, 2003). Further in Poland the age of retirement is different for women (60) and men (65), the contribution period is shorter for women by 5 years and hence pensions received by women may be lower by 30-40% than those of men. While there is a plan of making this age the same for both sexes the Government has been explaining that the retirement age has not been made even earlier due to the resistance from women themselves who treat their ability to retire earlier as a deserved privilege. **It has been argued by women's NGOs that this resistance by the women is due to the lack of economic knowledge and absence of educational campaign illustrating the differences of the retirement payments which are a consequence of the different retirement age.**

5. TAX SYSTEM

The tax system is not arranged in a way that would encourage participation of women in the labour market. Married couples have an option of paying their taxes together or separately. In theory having such two options would allow women to choose the best form of paying taxes and would not discourage to work outside home. However, it can be assumed that in many instances traditional attitudes perceiving men as bread winners, together with the fact that on the household level joint taxation might be beneficial will lead to couples choosing to pay their taxes together and would discourage women seeking well paid employment. **At the same time there is basically no tax benefits for women or families with children can claim to compensate the expenditure associated with combining family and work responsibilities.**

6. SOCIAL SERVICES AND ACCESS TO THE LABOUR MARKET

No sufficient time-use studies have been carried out in Poland to date. Hence it is quite difficult to establish the exact impact of the lack of sufficient social services on the way women use their time. However, using data from other sources indicate that women are burdened with great majority of domestic responsibilities and that this impacts on their ability to be perceived as reliable workers. For example, (limited) data gathered by CSO and CBOS indicate that employed mothers spend three times more hours on house-work as compared to their husbands (Duch, 2002). Therefore it can be assumed that the decrease of number of publicly provided kindergartens limits ability of women to combine family and home responsibilities, as in many cases relying on private provision of services is the only option, which of course is not available to all women. Still some women decide to employ private child-carer in order to be able to undertake employment, even if they effectively are paying to work. This is illustrated by the case study below:

Ania is a mother of two, whose ability to rely on her husbands as far as childcare is concerned is limited. Her husband also looks at the childcare costs in relation to Ania's income rather than household income which due to his earnings is quite substantial. She has two children 3 and 9 years old. Ania is working as a legal secretary. Her after tax income together with fami-

ly benefits is approximately 1 000 PLN (approximately 250 EUR) per month. Until recently she was employing a woman who came to her house to take care of her younger child during the day and who also brought her older child from school, and looked after both children until their mother return from work. The woman was employed informally and received 5 PLN per hour which added up to between 800 and 860 PLN per month. This meant that after paying for childcare Ania was left with 16-20% of her after tax income. After great difficulty of securing a place in one of the overcrowded local public kindergartens Ania is collecting both of her children after work herself. She is now paying approximately 200 PLN for the kindergarten. She is also paying 5 PLN per month for her older child's after school care plus additional 3.6 PLN per day for his dinner. This brings the total cost of childcare to approximately 280 PLN per month which is significantly lower than the amount she had to pay for private childcare.

Source: interview conducted by Karat Coalition Secretariat in May 2003.

Surprising in Poland where women always participated in employment in large numbers it is still assumed that employment of women is only an issue of economics rather than a need for self realization of women and that as soon as men will earn enough women will stop working (Golinowska, 2002). This can explain serious backlash against policies based on partnership model and the need for the establishment of social services allowing people (including women), who are parents to be gainfully employed.

While social provision of childcare is very limited, care services for elderly, such as assistance for those who are cared for at home and disabled (including disabled children) is even further restrained. For variety of reasons data on this is also not available. The below statement from the leader of an organization acting for families with children with Down syndrome illustrate the impact of this situation on the employment of women:

'As far as information on social services for parents (mothers) of children with Down syndrome, we do not have access to a lot of data – nobody is conducting such research. However, I know from letters from the entire of Poland, discussions and observation there is no system which would help mothers who gave birth to children with Down syndrome (this is particularly relevant since the syndrome is recognized at birth) to return to their job. All known to us cases of women returning to work was associated with assistance of their family (grandmothers) or with privately arranged carer.

Caring for a disabled child in the early stages of child's life is so absorbing that it demands constant presence of the mother. Until 1998 mothers could take advantage of earlier retirement available to mothers of disabled children, of course after fulfilling certain conditions. This is no longer possible and the assistance of the State is limited to the provision of caring benefit (...). Therefore giving birth to a disabled child in most cases makes it impossible for a mother to be employed'.

Source: e-mail correspondence between Karat Coalition Secretariat and Ewa Suchcicka of Bardziej Kochani (More Loved).

The links between social services and ability of women to have an actual choice if they want to participate in the labour market or not, are related to other factors beside childcare. Both the laws governing retirement and attitudes towards it are one of such factors. As it was stated, earlier retirement age for women is lower than that for men. What it means in practice is that great majority of women do not have a choice but retire at least from formal, full time, permanent employment at the age of 60. Additionally research has indicated (Wilkowska-Landowska, 2002) that large proportion of society believes that women should retire early even if this means that they retirement pensions will be lower. This allows us to make several conclusions. Firstly, there is an assumption that employment is not as important for women as men and they want to 'get out of it' as soon as possible. This is intrinsically linked to the assumption that women work only for economic reasons and as soon as their husbands will earn enough to support whole family they will leave paid employment. Secondly, there seems to be a social acceptance for women's income (both during employment but also in retirement) to be lower than that of men. And thirdly, we can also assume that preference for retirement of women at the earlier age can be related to them being needed at home either to care for their grandchildren and hence allow younger women to undertake paid employment or take care of ageing members of the family (i.e. if the woman is 60, her parents will be in their eighties and nineties and are likely to require constant care and assistance). In such conditions it is difficult to talk about women having actual choice to work or concentrate on domestic duties.

There is another issue which needs to be discussed in relation to the link between social security and labour market participation of women. In this Gender Assessment it was mentioned numerous times that there is a tendency to promote flexible work hours as a method of allowing workers to combine their family and work responsibilities. It can be assumed, however, that in Poland due to the existing gender stereotypes, it will be mainly women who will take advantage of flexible work hours. Besides, numerous other possible problems associated with flexible work arrangements, especially if they will take form of part-time employment, will most certainly lead to decrease of social provisions at least the ones connected to accumulation of assets based on the salary level (e.g. retirement payments, child birth payments etc.). This, combined with the fact that as it has been argued means testing of parental/maternity leaves, leads to a stigmatisation of the recipients of such benefits and hence lowering the social status of mothers (Fodor et al, 2002).

As the consequence of all the factors discussed in this chapter: insufficient provision of the childcare services, unavailability and stigmatisation of maternity benefits, low level of pensions received by women, lack of tax benefits for mothers/parents leads to a situation where most women – those working (as illustrated by case study of Ania), those focusing on child care responsibilities (and not eligible for parental benefits) and those retired – simultaneous depend on their families and/or the labour market! What is paradoxical is that this double dependence coexist with the fact that Polish maternity and childcare policies encourage women to drop out of the labour force upon childbirth and not return until the child goes to school (Fodor et al, 2002) or even later since the school work hours are not compatible with standard work hours. In such context, we cannot talk about women having a choice between working and/or focusing on domestic responsibilities or cannot have too much faith in women being able to negotiate their position either with their boss or their partner/family.

7. CONCLUSIONS AND RECOMMENDATIONS

The link between the lack of sufficient social services and ability of women to actively participate in the labour market is evident. In order to address this problem and to take full advantage of the EU accession process the following recommendations are made:

- It is recommended that time use studies to be conducted by Polish Central Statistical Office and that those studies are used in formation of future social services policies.
- It is recommended that in depth gender analysis of impact of the provision of social security payments and the relationship between social services with special emphasis being placed on childcare services and services providing care for dependent adults is conducted by the Ministry of Economy, Labour and Social Policy in order to inform future policies developed by the ministry.
- It is recommended that the comprehensive provision of high quality, accessible (both geographically and financially) childcare services including nurseries, kindergartens and pre- and after-school care is immediately provided.
- It is recommended that the Polish Government introduces pro-employment tax benefits allowing for deducting costs of childcare.

CHAPTER IV.

COUNTRY SPECIFIC ISSUE – REPRODUCTIVE RIGHTS

Introduction. The post-1989 transformation of Polish economy and political system has a significant impact on the reproductive rights of Polish women which in turn impacted their position of the labour market. The gravity of discrimination against women in this area has been recognized as a serious problem in Poland (Domański, 1992, 1999).

During first years of the post-war period women became an important resource in Poland and they were encouraged to work outside home (Plakwicz, 1992). However, already in the 1970s when the economic development of Poland slowed down leading to the decrease of demand for labour force women started to be encouraged to return home to raise children. The basic argument at those times was that only a mother could raise children properly. On the other hand, women's income contributed in the significant way to the budgets of the families which could not be supported on one income only. Thus, the policy did not succeed in pushing women out of the labour market but did succeed in strengthening stereotypical gender roles leading to the double burden of women involved in paid employment and continuing to be the main person responsible for domestic tasks. The pro-natal politics were associated with the demographic trends: the drop of number of births (Nowak, 1998) and the ageing of populating lead to the Polish Government seeking for the ways of reversing it. Further, the growing economic crisis leading to social unrests resulted in the government needing alliances which could pacify social disapproval of the politics, if only temporarily and only to some extend. This lead to the Government being prepared to enter some sort of dialogue and co-operation with Polish Catholic Church. The issues related to family and motherhood were ones seen as an appropriate area for such discussions and co-operation (Heinen, Matuchniak-Krasuska, 1995).

Although the reproductive services were part of a common health care system, the family planning and promotion of modern and effective contraception was never a priority for health care authorities. A liberal abortion law existed in Poland since 1956. That law permitted termination of pregnancy free of charge for social reasons which in practice meant that abortion was available upon request. At the same time funding to family planning organizations and clinics was cut and thus access to contraceptives (even good quality condoms were difficult to obtain and were considered a luxury) and sexual education became even more limited. What made the situation worse was that in pre-1989 Poland there were no non-governmental organizations, which could have ensured access to modern and non-ideological sexual education. Consequently, the primary means of birth control was abortion (Paci, 2002). The first real threat to this law was in early 1989, prior to the historical elections of 4 June 1989, when political moves of the future election winners Solidarity, a movement closely linked with Catholic Church, aimed at making abortion illegal became visible. The political significance of the Church, which has been seen as the main anti-communist opposition, cannot be underestimated in the discussion of the women's fertility both prior and after 1989. The influence of the Catholic Church also played a crucial role in shaping the social perception of birth control. Often using nationalist rhetoric, the Catholic Church has depicted of birth control methods as communists' instrument aimed at destroying of the Polish nation. The political role of Catholic Church, strong by itself, was additionally, strengthened by the support of the pope, Polish pope.

The repeated attempts to restrict abortion law which were undertaken in Polish Parliament in between 1989 and 1993 lead to a wave of protests of women's organisations. Heated parliamentary debates were accompanied by numerous demonstrations and public debates. In autumn 1992, Social Movement for a Referendum gathered over one million of signatures for a proposal to decide if abortion should be punishable by law or not through a national referendum. Sejm rejected this project and in January 1993 adopted very restrictive anti-abortion law, permitting abortion only in three cases: when the pregnancy puts at risk life of a woman or is a serious risk to her health; when pre-natal tests indicate serious and irreversible damage of the fetus; and when there is a suspicion that the pregnancy is a consequence of a criminal act.

In 1996, after several unsuccessful attempts the anti-abortion law was liberalized and the abortion on social grounds became legal. In 1997 after the controversial decision of Constitutional Tribunal the Parliament restricted the law withdrawing the provision which allowed abortion for social reasons.

2003 Abortion status. According to existing laws, implemented in 1997 abortion is legal in Poland in three cases:

- If the pregnancy is a threat to the life or health of the pregnant woman, and the threat is confirmed by a doctor other than the one providing abortion. In such case termination of pregnancy can be conducted only in public hospital.
- If the prenatal examination or other medical reasons indicate the high probability of severe and irreversible damage to the fetus or an incurable disease, life-threatening of a child (confirmed by a medical doctor other than the one providing the abortion). In such case, termination of pregnancy is conducted only in public hospital.
- If there is a confirmed suspicion the pregnancy is a result of a crime. The termination of pregnancy in this case is allowed, if a woman is less than 12 weeks pregnant. The criminal circumstances, entitling to lawful abortion, have to be confirmed by a prosecutor. In such case, termination of pregnancy may also be conducted in a private clinic.

There are no provisions for abortion for social reasons.

This law proved to be far more restrictive in practice than on paper (Federation for Women and Family Planning, 2000). Women entitled to legal abortion have to face numerous barriers which in fact make legal abortions almost completely inaccessible. Doctors routinely decline issuing certificates giving the women a right to abortion or performing the abortion. Thus, even if a woman succeeds in getting the required certificate she might not be able to find a doctor who would perform an abortion. This means that in practice pregnant women lost the right to decide about their health. Similar difficulties are met by women who want to undergo abortion and who become pregnant as a consequence of a rape. One of the direct consequences of the existing abortion law is the further decline of already limited access to prenatal testing in public hospitals. This is because many doctors treat them as a prelude to a planned abortion, leading to difficulties faced by a hospital where this abortion would have to be performed. Many doctors treat them as an indication of an intention to undergo an abortion, which in turn would lead to difficulties experienced by the hospital (Federation for Women and Family Planning, 2000). The scale of difficulties experienced by women attempting to access legal abortion is illustrated by the existing statistics. In 2001, only 124 legal abortions were performed, 63 of them were performed to save life of health of the woman, 56 due to genetic reasons and 5 because pregnancy was a consequence of a crime. During the same year 368 200 life births took place (Council of Ministers, 2002). The consequence of the restrictive anti-abortion law is the existence of the extensive abortion underground,

where women who have access to sufficient financial resources can easily gain access to abortion. Hence, the existing law while impacting all women in particular has an adverse effect on most vulnerable financially disadvantaged women.

Social situation. The definite number of abortions in Poland is not known. The estimation of Federation for Women and Family Planning indicates that between 80 000-200 000 are abortions a performed each year. The official figures in governmental reports on the implementation of abortion laws, which is being submitted yearly to Parliament, show the number of abortion decreasing to 138 in 2001. Even when abortion was legal, the precise number of abortions was not known, as the statistics only covered cases of abortions performed in public hospitals. It was widely known that most terminations were conducted in private clinics and these were not covered by any of the official statistics. Nowadays, since the ban on abortion, it has become even harder to estimate the real number of abortions. Existing official statistics show the decreasing accessibility of the termination of pregnancy in public medical centres, and clearly indicate the existence of a widespread phenomenon of backstreet abortion.

The table 6 shows that illegal abortion exists and probably is very widespread. Illegal abortions are performed by medical doctors and usually are very expensive (the average prices are almost as high as monthly average pay and 2-3 times as high as monthly minimum pay). Given that according to the estimations of the Federation for Women and Family Planning there are 80 000-200 000 illegal abortions each year and the average price of each abortion service is 2 000 PLN (around 500 USD), **the total value of illegally performed abortions locates between 40 000 000 and 100 000 000 USD.**

This dramatic situation is strengthened by the fact that the level of use of modern contraceptives seems to be relatively low. The reliable, comprehensive data on use of modern contraceptives is unfortunately not available. There is no register of the contraception counselling services. So far, there has also been no complex research conducted on the issue.

There are many barriers making contraception comprehensive use more difficult. The accessibility of hormonal contraception is very limited. There are about 30 hormonal oral contraception means registered in medical registers, but only 4 of them are partially refunded by the Polish Government (prices 4-20 USD per month). Any other contraceptives are not subsidized by the Government. Sexual education is idealised and not in line with current medical achievements.

Tabela 6. Abortions, life births, fertility rate and spontaneous miscarriages in years 1995-1999			
Year	Life births (in thousands)	Total Fertility Rate*	Total number of abortions conducted in public medical centres
1995	546,4	2,52	168 587
1970	546,0	2,2	148 219
1975	643,8	2,27	138 634
1980	692,8	2,276	137 950
1985	677,6	2,329	135 564
1990	545,8	2,039	59 417
1991	549,0	2,049	30 878
1992	513,6	1,929	11 640
1993	492,9	1,847	1 240
1994	481,3	1,798	782
1995	433,1	1,611	559
1996	428,2	1,58	505
1997	412,7	1,508	3 047
1998	395,6	1,431	310
1999	382,0	1,37	151
2000	378,3	1,34**	138
2001	368,2	1,288**	124

Source:

Council of Ministers, 2002.

* Federation for Women and Family Planning.

** CSO, 2002.

Intersections. Though discrimination against women is illegal in Poland, its existence is prevalent. This is especially visible at the intersection between reproductive rights and laws and employment. Women's reproductive right status in Poland has worsened dramatically since early 1990s, when Catholic-Church-backed political groups gained power. As a result, access to reproductive health services have been strictly limited; there are restrictions in access to free and safe abortion, modern contraceptives, modern and non-ideological sexual education. In fact, in many cases women reproductive decisions become dependent not on their needs and choices, their right of taking their own decision, but on officials or doctors' beliefs or value systems.

Political and social changes after 1989 influenced the lives of women and men in different ways. As it was mentioned in Chapter I.5, during that time the fertility rate decreased. This could be caused by changing economic conditions and the change of the model of life, which is not only specific for Poland, but also for the other countries.

The table 7 shows that the highest level of economic active women are in age group 35-44. It seems to be connected to their fertility rate, which in that age group is lower than in the age group 25-34. There can be a conclusion that in that group the reproductive roles of women have a great impact on the employment. The activity rate changes in the age group 45-54 and older. This, however, is not connected to the fertility rate of the women (as this is low). Rather the high unemployment rate in this age group is caused by factors discussed in Chapter II.

The fertility rate of women is closely connected to their employment and the professional activities. The access to the birth control means is rather controversial. There is no exact data and no estimation is provided by the State services. According to estimation by UNDP, almost half of the population in the reproductive age uses no method, about 25% – interrupted intercourse, and only few per cent use the modern contraceptive methods as IUD and oral contraception. Abortion is practically still forbidden and not accessible even for those who are entitled to use the method. Moreover, the level of sexual education and the quality of 'introduction to the family life', the course, which is provided in the public schools, is of a very low standard and is not giving the modern and non-ideological background for the awareness of everyone's sexuality. On the other hand the economic reasons together with the lack of child-care facilities motivate women to delay having children or resign from having it all together (Muszyńska, 2003).

Table 7. Fertility, employment and activity rate in different age groups of women						
	Fertility rate* (live births per 1000 of women at age specified)		Employment rate** (by age in %)		Activity rate** (by age in %)	
Age group**	1995	2001	1995	2001	1995	2001
15-19	21	18	16,0	11,5	33,7	25,0
20-24	112	73	42,5	35,0	60,0	58,5
25-29	103	84	58,4	57,3	71,1	74,4
30-34	53	52	68,0	64,9	79,7	78,9
35-39	23	21	72,2	66,7	83,3	81,8
40-44	4	3	74,2	67,6	83,5	82,6
45-49	1	0	71,9	65,9	78,4	77,4

Source:

* CSO, 2002a.

** CSO, 2002c.

Recommendations. In order to eliminate the detrimental negative impact of the restriction to the reproductive rights of women on their situation on the labour market it is recommended:

- Polish Government has to change of the existing abortion law, even if it is not required by the process of accession and implementation European Union law, while the EU structures will put sufficient pressure on Polish Government to do so.

- The profile of the sexual education should be altered to make it a tool for awareness raising concerning human sexuality.
- Gathering and provision of the statistic data on the social and economic impact of the restriction of women's reproductive rights in Poland including the link between those restrictions and the position of women on the labour market.
- The revision of the contraceptives' policies to increase the level of accessibility for women and by that, to enable the better access to the labour market.
- Undertaking of a research:
 - a) the influence of teenage motherhood on the economical situation of women,
 - b) how does the economic situation and lack of child care facilities affect the reproductive decisions of women,
 - c) questions asked by the employers during the interviews.

FINAL CONCLUSIONS

The analysis of the impact of the EU accession on women and the labour market provided in this Gender Assessment clearly demonstrates that there is an evident need **for ongoing monitoring of the impact of the EU employment and social policy on the position of women in the labour market** in Poland. Considering the fact that there is a lack of gender awareness at all levels of Polish society including civil servants who develop the policy documents at the central level, the women's NGOs, which are gender sensitive and have expertise in labour market and monitoring experience, should be involved in this task.

The monitoring of national employment and social policy is necessary to ensure gender equality in the labour market as well as guarantee, that solutions proposed by EU are appropriate for Polish circumstances and situation of women. Due to the above, **there is a need of further research focusing on the mechanisms aimed at guaranteeing equal opportunities on the labour market** (such as part-time work, flexible work hours) **and conducted in cooperation between academic researchers, women's NGOs, trade unions and decision makers.**

The link between the lack of sufficient social services and ability of women to actively participate in the labour market is evident, as in Poland women are still the ones carrying out most of childcare and domestic tasks. Social services available in Poland in many cases not only do not help women to work outside home, but often force them outside the labour market for extended periods of time. The conflict between family duties and professional career of women is evident. The low fertility rate is a response to the competition of the labour market and high unemployment. In order to address this problem, and **ensure that women do not have to choose between career and family guaranteed places for all children in highly subsidized public childcare is needed.**

Despite the fact that equal pay is guaranteed in Polish Constitution, enforced by the Labour Code, and stipulated in the ILO Convention on Equal Remuneration signed by Polish Government lack of mechanisms of enforcing it

(including lack of sanctions for those who do not) leads to the equal pay being guaranteed only on paper and not in practice. Further, the national employment strategy does not mention the mechanisms aimed at decreasing it. The already disadvantaged position of women in the labour market is strengthened by the wage gap responsible for the disadvantaged economic situation of women and not guaranteeing them the economic independence. It is necessary that concrete action is taken **to commence the process of decreasing of wage gap by adopting special measures including establishing bench marks and indicators.**

The Gender Assessments of the impact of EU accession on women and the labour market produced for Poland and three other countries show how the labour market position of women in those countries change as a consequence of the EU membership, what opportunities are being utilised, which ones are being lost. It is our belief that that the framework developed by the four Gender Assessments can be used in capacity building of other candidate and non-candidate countries of our region who will apply for EU membership soon. Those countries can utilise our analysis to anticipate the impact of the EU accession on the labour position of women in their countries. They can also use Gender Assessments developed for Bulgaria, Czech Republic, Hungary and Poland as models for similar Assessments produced in their countries.

APPENDIX 1

Directives:

Equal treatment at the workplace: Council Directive 76/207/EEC of 9 February 1976 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.

Burden of proof in sex discrimination cases: Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex.

Equal pay: Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women.

Maternity leave: Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

Parental leave: Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC.

Equal treatment with regard to statutory social security schemes: Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security.

Sexual Harassment: 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 (Text with EEA relevance).

Equal treatment for self-employed and their assisting spouses: Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood.

APPENDIX 2**Labour Code, Division One, General Provisions****Chapter IIa. Equal Treatment of Women and Men****Article 18^{3a}**

§ 1. Women and men shall be accorded equally treatment as far as entering into and terminating of an employment relation, terms of employment, promotion and access to training for the improvement of professional qualifications are concerned.

§ 2. Equal treatment of women and men shall mean that they should not be discriminated against in any way, directly or indirectly, on grounds of sex.

§ 3. Indirect discrimination occurs where there are differences in terms of employment to the detriment of all or a substantial number of employees of one of the sexes if they cannot be objectively justified on grounds other than sex.

Article 18^{3b}

§ 1. Where an employer differentiates the position of employees on grounds of sex, and such a differentiation has, in particular, the following consequences:

- 1) refusal to enter into or to continue an employment relation,
- 2) unfavourable terms of remuneration for work or other terms of employment or overlooking an employee in promotion or granting other work-related benefits,
- 3) overlooking an employee in the selection of participants in trainings for the improvement of professional qualifications,

this shall be deemed a breach of the principle of equal treatment for women and men, unless the employer proves that he was guided by other reasons.

§ 2. It shall not be a breach of the principle of equal treatment for women and men if the employer refuses to enter into an employment relation where a particular job, due to the type of the job or the circumstances in which it is to be performed, should be performed by employees of one of the sexes only.

§ 3. It shall not be a breach of the principle of equal treatment for women and men to apply measures which differentiate the legal position of employees in order to ensure protection of motherhood. Nor shall it be a breach of such a principle to take measures, for a certain time, aimed at ensuring equal opportunities of employees of both of the sexes by reducing, to the benefit of employees of one of the sexes, any actual inequalities, as provided for in Article 18^{3a} § 1.

Article 18^{3c}

§ 1. Employees, regardless to their sex, shall have the right to equal remuneration for the same work of the same value.

§ 2. Remuneration, referred to in § 1, shall include all components of the remuneration, no matter what they are called and of what nature they are, as well as other work-related benefits, granted to the employees in the form of money or a form other than money.

§ 3. Works of the same value shall be a work which requires comparable professional qualifications, certified with by documents set forth in separate provisions, or practice and professional experience, and also comparable responsibility and effort.

Article 18^{3d}

A person who is a victim of a breach by employer of the principle of equal treatment for women and men shall be entitled to damages in an amount not lower than the minimum remuneration for work established under separated provisions and not higher than six times such remuneration.

Article 18^{3e}

The fact that the employee exercises the rights to which she or he is entitled in connection with a breach by an employer of the principle of equal treatment for women and men shall not constitute grounds for termination by the employer of the employment relation with notice or for terminating such relation without notice.

APPENDIX 3

Constitution adopted on 2 April 1997.

Articles 32 and 33 concerning gender equality

Article 32

1. All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities.
2. No one shall be discriminated against in political, social or economic life status for any reason whatsoever.

Article 33

1. Woman and man shall have equal rights in family, political, social and economic life in the Republic of Poland.
2. Woman and man shall have equal rights, in particular, regarding education, employment and promotion, and shall have the right to equal compensation for work of similar value, to social security, to hold offices, and to receive public honours and decorations.

APPENDIX 4

The main Karat Coalition Secretariat's comments to Sectoral Operational Programme. Human Resources Development 2004-2006 (SOP HRD, 2002) focused on public provision of childcare and care for dependent adults, gender education of employers. This was connected to our belief that the legal changes by themselves will not improve the position of women in the labour market.

The specific comments were:

- 1) Lack of social services (childcare services) causes that women are less available as workers. Making the working time flexible should not be the only way of tackling it: situation of Spanish women can be an example on how much women can loose as a consequence of encouraging flexible work hours: they earn less than men, their pensions are lower.

Social services should be developed: not only childcare for pre-school aged children, but also adopting of schools hours to parents' working hours, care services for sick and elder family members. Social services development will also generate new work places, mainly for women and mainly in services, in the field that is especially important for economic development. However, we are fully aware that jobs in this sector are feminised and thus badly paid.

- 2) It is mentioned in SOP HRD (p. 30) that employers prefer hiring men than women. This is the proof that there is a need for educational programs for employers focusing on tackling gender stereotypes, changing the law is not enough. It is said also (p. 32) that legal situation is adapted to requirements of the *acquis*. It is important to remember that the provisions of the Labour Code are permanently ignored both by employers and employees. We are afraid that legal arrangements will have no influence on the situation of women in the labour market.

Reading the section (of SOP HRD) concerning women, we have concluded that gender stereotypes (concerning e.g. women as workers) are an important element of present situation of women in the labour market. Tackling these stereotypes (through education of employers, civil service officers, society as a whole) should be a priority, otherwise nothing will change. Unfortunately, SOP HRD does not mention this.

The document itself ignores notion of gender mainstreaming, which is so strongly promoted in the EU. The document has only few separate sections concerning the situation of women. This leads to an impression of the only reason women are mentioned at all is due to EU requirements only. Even though gender issues are mentioned in Chapters 2 and 3, when it comes to describing the situation of the graduates or handicapped people, handicapped women or women graduates are not mentioned. Our conclusion is that gender is not considered an important factor even in those sections that concern the labour market (even though gender issues are said to be important - e.g. to rise economic activity of the society). Gender is not considered an important factor even in the discussion on demography – only age is.

Comments by Kinga Lohmann and Anita Seibert (5 January 2003).

APPENDIX 5

Table 8. Activity rate of women and men 1992-2002, Poland and EU				
	1992 Poland	1995 Poland	2001 EU average	2002 Poland
Women	54,2	51,1	60,2	48,0
Men	70,0	66,5	78,1	62,2

Source: CSO, 2003.

Table 9. Employment rate of women and men 1992-2002, Poland and EU				
	1992 Poland	1995 Poland	2001 EU average	2002 Poland
Women	46,0	43,7	60,2	38,1
Men	61,4	58,5	78,1	50,7

Source: CSO, 2003.

Table 10. Unemployment rate of women and men 1992-2002, Poland and EU				
	1992 Poland	1995 Poland	2001 EU average	2002 Poland
Women	15,2	14,4	8,7	20,6
Men	12,4	12,1	6,4	19,0

Source: CSO, 2003.

Table 11. Average gross wages in PLN of women and men in Poland in 2001 by education level		
	Women	Men
Total	1 988,78	2 429,94
Tertiary	2 756,90	4 031,84
Post-secondary	1 934,82	2 474,68
Vocational secondary	1 872,55	2 359,24
General secondary	2 050,06	2 424,20
Basic vocational	1 323,29	1 919,93
Primary and incomplete primary	1 325,77	1 830,04
Average: 2 045,11 PLN		

Source: CSO, 2002d.

Table 12. Wages of women as a % of men's wages in Poland in 2001. Men's wages = 100%		
	Women	Men
Tertiary	68,4	100
Post-secondary	78,2	100
Vocational secondary	79,3	100
General secondary	84,6	100
Basic vocational	68,9	100
Primary and incomplete primary	72,4	100

Source: Karat Coalition Secretariat's calculation based on 'Wages structure according to employment groups in October 2001', (CSO, 2002d).

Table 13. Economically active women and men (in thousands) with tertiary and post-secondary education, Poland 1992-2002		
Year	Women	Men
1992	1 318	987
1995	1 321	1 034
2002	1 886	1 305

Source: CSO, 2003.

Table 14. Economically active women and men (in thousands) with basic vocational and primary education, Poland 1992-2002

Year	Women	Men
1992	3 972	6 215
1995	3 639	5 938
2002	3 030	5 279

Source: CSO, 2003.

Table 15. Total Fertility Rate in selected European countries in 2000

Country	TFR	Country	TFR
Austria	1,34	Germany	1,38
Belgium	1,66	Norway	1,85
Denmark	1,77	Portugal	1,50
Finland	1,73	Switzerland	1,50
France	1,75	Sweden	1,54
Greece	1,29	United Kingdom	1,65
Spain	1,24	Italy	1,23
The Netherlands	1,72	Poland	1,34
Ireland	1,89	Hungary	1,32
Iceland	2,08	Bulgaria	1,26
Luxembourg	1,79	Romania	1,31

Source: Recent demographic developments in Europe 2001, Council of Europe.

Table 16. Activity rate of women and men with primary and incomplete primary education, Poland 1992-2002		
Year	Women	Men
1992	32,9	48,3
1995	19,7	42,1
2002	19,2	33,0

Source: CSO, 2003.

Table 17. Economically active women and men (in thousands) with primary and incomplete primary education, Poland 1992-2002		
Year	Women	Men
1992	2 118	2 332
1995	1 681	1 975
2002	1 058	1 374

Source: CSO, 2003.

Table 18. Employment rate of women by voivodships, Poland 2002	
Voivodship	Employment rate of women
Dolnośląskie	34,20
Kujawsko-Pomorskie	36,30
Lubelskie	42,90
Lubuskie	35,00
Łódzkie	39,80
Małopolskie	41,60
Mazowieckie	43,10
Opolskie	36,00
Podkarpackie	39,80
Podlaskie	40,00
Pomorskie	35,10
Śląskie	34,20
Świętokrzyskie	36,60
Warmińsko-Mazurskie	35,30
Wielkopolskie	37,90
Zachodniopomorskie	34,00

Source: CSO, 2003.

Table 19. Employment rate of women in rural and urban areas, Poland 1992-2002		
Year	Rural area	Urban area
1992	51,0	43,2
1995	45,2	42,9
2002	39,2	37,5

Source: CSO, 2003.

Table 20. Unemployment rate of women by age groups, Poland 1992-2002				
Year		1992	1995	2001
Age group	15-17	15,3	26,1	–
	18-19	51,3	54,7	56,4
	20-24	27,4	29,2	41,9
	25-29	19,7	17,9	24,9
	30-34	17,3	14,6	19,5
	35-39	13,6	13,5	18,1
	40-44	11,2	11,1	16,5
	45-49	10,9	8,4	15,9
	50-54	8,3	8,3	14,3
	54-59	6,3	6,0	11,0
	60-64	5,2	3,4	6,6

Source: CSO, 2002c.

Table 21. Unemployment rate of women and men in age group 20-24 in Poland, 1992-2002		
Year	Women	Men
1992	27,4	24,9
1995	29,2	25,4
2002	41,9	42,9

Source: CSO, 2003.

Table 22. Unemployment rate of women and men in age group 50-54 in Poland, 1992-2002		
Year	Women	Men
1992	8,3	8,0
1995	8,3	7,7
2002	14,3	15,9

Source: CSO, 2003.

Table 23. Average gross wages in PLN by occupational groups (October 2001) CSO							
Occupational groups*	Full-time paid employees in percent			Average gross wages in PLN			Wages gap between men and women in %
	Total	Women	Men	Total	Women	Men	
TOTAL	100,0	100,0	100,0	2 216,55	1 988,78	2 429,94	22,18
Legislators senior officials and managers	5,1	4,2	5,9	4 898,13	4 082,98	5 440,55	33,25
Professionals	18,5	24,2	13,2	2 869,12	2 533,96	3 444,30	35,93
Technicians and associate professionals	15,9	21,9	10,4	2 245,71	2 000,89	2 728,51	36,36
Clerks	11,6	17,4	6,1	1 986,60	1 977,88	2 009,72	1,61
Office clerks	9,4	13,5	5,5	1 988,12	1 993,10	1 976,81	-0,82
Service workers and shop and market sales workers	7,5	8,9	6,2	1 475,62	1 279,82	1 741,63	36,08
Skilled agricultural and fishery workers	0,4	0,3	0,5	1 445,62	1 300,87	1 518,17	16,70
Craft and related trades workers	0,1	7,1	30,3	1 894,76	1 272,69	2 031,88	59,78
Plant and machine operators and assemblers	12,3	4,1	19,9	1 981,72	1 660,41	2 043,95	23,10
Elementary occupations	9,6	11,9	7,5	1 310,11	1 220,77	1 443,44	18,24
* See general notes to the Yearbook, item 8, point 1 on page XXXII							
** Karat Coaliton Secretariat's calculation							

Source: CSO, 2002b.

Table 24. Average gross wages in PLN by age groups (October 2001) CSO			
Age	Average monthly wages in PLN		
	Total	Women	Men
Total	2 216,55	1 988,78	2 429,94
until 24	1 454,09	1 367,30	1 519,29
25-34	2 146,56	1 906,58	2 334,77
35-44	2 241,57	1 973,08	2 524,81
45-54	2 320,48	2 114,67	2 554,55
55-59	2 663,78	2 485,51	2 770,42
60-64	3 097,89	2 763,70	3 217,00
65 and more	3 127,51	2 598,05	3 263,42

Source: CSO, 2002d.

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