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## **HALF FULL OR HALF EMPTY? LABOUR MARKET POLICY MAKING IN POST SOCIALIST POLAND**

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## **POLAND'S POST SOCIALIST TRANSFORMATION AND THE EUROPEANIZATION OF LABOUR MARKET POLICY**

### **Abstract**

Over a decade and a half ago Central East European countries changed from authoritarian command economies to more democratic market systems. In addition to internal changes they reoriented their external outlook away from the soviet block towards integration with the European Union. The paper examines the impact of the EU on labour market policy making and reform processes in Poland in its pre-accession and new membership stages. While during the pre-accession phase adoption of the community acquis, and thus also the employment related directives, was necessary and obligatory, full participation in the European Employment Strategy was not. Still, Poland has been reforming its policies towards taking part in the EES since the late 1990s. How does the governance process in the hard and soft law traditions compare given Poland's socialist legacy of top down government juxtaposed with deteriorating unions, and an absence of powerful employer associations? How are the challenges of policy making and institution building met in the context of economic situation currently far-off from the goals specified by the Lisbon strategy? The paper engages in the discussion of the impact of Europeanization by analysing a post socialist transition state turned an EU applicant and then a new member.

## INTRODUCTION

In this paper I discuss the impact of the European Union (EU) on labour market policy making in Poland – a post socialist transition state turned EU applicant and eventually new member. The transformation of the political, economic, and social spheres took off in Poland in 1989. Thus, over a decade and a half ago the country began to change from an authoritarian command economy toward a more democratic market system. Aside from internal transformation, Poland reoriented its external outlook away from the soviet block towards integration with the European Union. While during the pre-accession phase adoption of the community acquis, and thus also the employment related directives, was necessary and obligatory, full participation in the European Employment Strategy (EES) was not. Still, Poland has been reforming its policies towards taking part in the EES since the late 1990s.

My focus lies in the area related to labour market gender equality. Why is this issue interesting and important to consider? Certainly, a new context has emerged for dealing with the matter. This is evident on at least two levels. On the one hand, the domestic change of the functioning of the polity, economy, and society resulted in reshuffling of actors and their priorities regarding the issue: the state withdrew its socialist era support, and the civil society presents a mixed picture. The changed overall conditions worsened women's employment situation and female unemployment levels rose faster and persisted longer than those of men. The gendered wage gap improved only slightly in the first phase of the transition, the segregation in the labour market did not. The higher human capital of women did not translate into significant improvements in wages or positions of authority, labour market discrimination has increased, and the political power of women decreased. Household and child care duties have remained predominantly with women.

On the other hand, there is a strong new player in the game – the EU – who provides an impulse and a direction to labour market equality issues, and specifically stresses the need to reconcile family and work life, and eliminate various gender gaps. Moreover, the concept of mainstreaming has come to the fore in the recent years within the EU. Poland's entry into the ranks of EU, can be seen as an impetus in achieving a more balanced gender contract, a chance to reverse the deterioration occurring since post-socialist transition, especially that gender mainstreaming formed a part of EU accession criteria (Pollert, 2000). While joining the EU has been a top political priority (Lippert et al, 2001) the commitment to equal opportunities has not. In fact, combined problems associated with the decline in employment, rise of unemployment, and increasing inequality, complicate the prioritising of this specific policy area (Pollert, 2000).

Hence, the politics of gender related labour market policy may prove a fertile ground for observing processes responding to opposing pressures. It is interesting to investigate what happens given the domestic context of difficult overall labour market situation and actors with conflicting interests, juxtaposed to the external pressure to engage in the promotion of equal opportunities. How does the governance process in the hard and soft law traditions compare given Poland's socialist legacy of top down government contrasted with deteriorating unions, and an absence of powerful employer associations? How are the challenges of policy making and institution building met in the context of economic situation currently far-off from the goals specified by the Lisbon strategy? I consider these questions through an analysis of policy in terms of the transposition of relevant directives and by the engagement in the EES through the drafting of the National Action Plan for Employment (NAP) for 2005. The

analysis is based on interviews with various experts<sup>1</sup> active on the Polish political scene as well as legal acts and other documents issued by a range of EU or Polish institutions.

The paper begins with providing a context for current labour market policy making in Poland by describing the socialist and post-socialist approaches to the labour market areas concerned with women's employment. Next, it gives a brief description of the EU level action in employment matters. The following section traces the accession criteria required of Poland and their relevance for employment policy. Finally, EU oriented labour market law and policy making are discussed in terms of the transposition of European directives and engagement with the European Employment Strategy.

## **THE SOCIALIST STATE: POLICY, ECONOMY AND SOCIETY BEFORE 1989**

Under the state socialism all citizens of Poland were in principle given the same legal rights: all were able to participate in political, economic, and social domains and all were guaranteed employment. The socialist ideology stressed participation in work outside the home as emancipating, and as such supported women as paid employees (Piotrowski, 1963; Pascall and Manning, 2000). However, there were at least two exceptions to this general rule of declared equality. First, the right of all to work did not translate automatically to equalities surrounding work. For example, men were excluded from entitlement to some of the work benefits related to family care (like childcare leave), and women were barred from certain occupational categories. Second, the official stance of the party, the government, and the state controlled media fluctuated in their interest and promotion of desired role for women (Piotrowski, 1963). Still, the employment of women steadily grew from 30.6% in 1950 to 46% in 1990 (Glogosz, 2000; based on GUS, 1998). The state provided various benefits

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<sup>1</sup> The experts of the Polish political and administrative scene I have interviewed represent labour unions, NGOs, Parliament, Office of the Commissioner for Civil Rights Protection, and government officials from: Labour Market Department and Labour Law Department of the Ministry of Economy and Labour, and Secretariat of the Government Plenipotentiary for Equal Status of Women and Men.

attached to labour market participation, such as institutionalised childcare, paid maternity and childcare leaves, or subsidised canteens aimed to enable women's employment by minimizing the conflicts between professional and family responsibilities (Lobodzinska, 1995) thus, the employment policy was closely coordinated with family policy (Piotrowski, 1963). Outside of this assistance though, the traditional gender division in child care responsibilities and the division of household labour remained intact. The official socialist rhetoric of equality did not spread to the private sphere and the double burden of women in socialism was an acute problem (Fuszara, 2000).

### ***Labour Market Participation: Employment and Unemployment***

In the socialist era women's labour was needed and work was perceived a civic duty more than a citizenship right (LaFont, 2001). On an individual level, work was also a necessity because single wages were insufficient to support a traditional family with only one income (Marody and Giza-Poleszczuk, 2000). Therefore the state demand for professional involvement of women was readily met with a supply of women who combined full time employment with motherhood. By the end of 1980s women comprised about 46 to 47 percent of the entire workforce in Poland, thus, nearly half of the workers were women (Kramer, 1995). Table 1 details the rates of employment in socialist Poland.

*Table 1. Activity Rates in Poland in the years 1950-1988*

<b>Category</b>	<b>1950</b>	<b>1960</b>	<b>1970</b>	<b>1978</b>	<b>1988</b>
Total	50.4	71.8	70.6	67.3	65.3
Men	59.4	86.8	79.9	76.6	74.3
Women	42.4	59.0	62.0	58.7	57.0

Source: GUS, 1970, 1995, and 2004

Note: Activity rate reflects employment rate (unemployment was not formally recognised) for population 15 years and over (without the upper age limit), so they appear lower and not directly comparable to Eurostat data based on population 15-64 of age.

High employment rates were achieved especially in the 1960s and 1970s. Thereafter they were on the decline mainly due to older workers (over 55) leaving employment (GUS, 2004). As far as unemployment is concerned, the command economy was characterised by excess demand for labour resulting in labour shortages and as such no open unemployment (Brainerd, 2000). Furthermore, unemployment in socialist Poland was illegal, although hidden unemployment together with labour hoarding were widespread (Kramer, 1995).

### *Employment Structure and Wages*

The communist era attained a level of legitimation and control, but it did not eradicate gender inequalities or enable women to gain positions of power (Graham and Regulska, 1997). Thus, men occupied the top professional positions – a situation that has not changed today (LaFont, 2001). In Poland horizontal and vertical segregation was a norm, with women based in a narrower range of sectors and occupations; such professions as medicine, legal areas, teaching, business and accounting became feminised, thus conveying lower status and commanding lower salaries (Bialecki and Heyns, 1993).

Under the command economy most employment was in the public sector, and the much smaller private sector employment was mostly in agriculture or in small businesses. The service sector was relatively underdeveloped, in 1989 employment in the economy comprised of about 36 percent in services, 35 percent in manufacturing and construction, and 29 percent in agriculture (Boni, 2001). Part-time employment has not been a wide spread work arrangement in Poland (Glogosz, 2000).

Concerning earnings, the Central East European (CEE) region was characterised by centrally assigned wages on the basis of an occupational wage scale for specific industries with a narrow wage differential skewed towards manual workers. Wages were higher in the heavy

industry and skilled manual work, for example coal miners were earning more money than doctors, dentists or teachers. As in the Western economies, women in Poland were overrepresented in the lower earning sectors, men dominated the higher ones (Brainerd, 2000). Not surprisingly then the gender pay gap was widespread, where female wages tended to be about 20% to 40 % lower for women compared to men even in the same positions (Marody and Giza-Poleszczuk, 2000).

### **THE POST-SOCIALIST STATE: POLICY, ECONOMY AND SOCIETY AFTER 1989**

The state's commitment to equal opportunities surrounding work, even if at times nominal or superficial during the socialist regime, was not sustained throughout the transition. For example, institutionalised child care has declined very rapidly, already by mid 1991 some 40 to 60 percent of nurseries and pre-schools were closed (Titkow, 1993). The decreasing number of public daycares and the high cost of private ones make it difficult for parents to use them, and thus create obstacles for women to actively engage with the labour market (Mickiewicz and Bell, 2000). Currently, statistical data show that the general trend of taking a leave to bring up a child is declining, and that only about 2 percent of fathers in Poland take such a parental leave (Szemplinska, 2000) thus child care is still mostly a women's problem (Siemienska, 2000). This general decline in parents exercising their right to time off is ascribed to their fear of losing employment in the precarious labour market situation and to low childcare allowance while on leave (Glogosz, 2000). After 1989 also the official ideology changed, by assigning women to the position of mother in the private sphere of the home (Watson, 1993; Fuszara, 2000). More concretely, at the beginning of the transformation period the Polish conservative government openly advised women to return to households and take up motherly and wifely duties in order to make jobs available for men (Sasic Silovic, 2000). The stance of the state, however, has not remained static. The Polish state's policy making has not only changed from the socialist to post-socialist times but remains

continuously transforming in the now more democratic political system. Depending on the political orientation of the administration in power, the polity, politics and policy vary. In addition to the given government's preferences the influence of the EU level clearly comes into play, especially in the years approaching Poland's accession to the EU.

### ***Labour Market Participation: Employment and Unemployment***

The labour market situation in Poland in the areas of employment and unemployment shows drastic differences between the socialist and post-socialist periods. The introduction of the free market system has been detrimental to full employment. Labour force participation as well as the employment rates of men and women have been declining sharply while the unemployment figures display the opposite, increasing trend (see Table 2).

*Table 2. Labour Force Participation, Employment and Unemployment Rates (%) for Select Years 1997-2003 and Population Aged 15-64, and over 15.*

<b>Category</b>	<b>Activity</b>	<b>1997</b>	<b>1999</b>	<b>2001</b>	<b>2003</b>
Total	LFPR	65.9 / 57.7	65.9 / 56.7	65.5 / 56.4	63.9 / 54.7
	ER	58.9 / 51.2	57.6 / 48.8	53.4 / 46.1	51.2 / 44.0
	UR	10.9	13.4	18.5	19.2
Men	LFPR	73.3 / 65.5	72.5 / 64.3	71.5 / 63.4	70.0 / 62.4
	ER	59.8 / 66.8	64.2 / 55.9	59.2 / 52.5	56.5 / 50.9
	UR	9.1	11.8	17.1	18.6
Women	LFPR	58.8 / 50.0	59.4 / 49.7	59.7 / 48.8	58.0 / 47.9
	ER	51.3 / 44.0	51.2 / 40.7	47.7 / 39.0	46.0 / 38.2
	UR	13.0	15.3	20.2	20.0

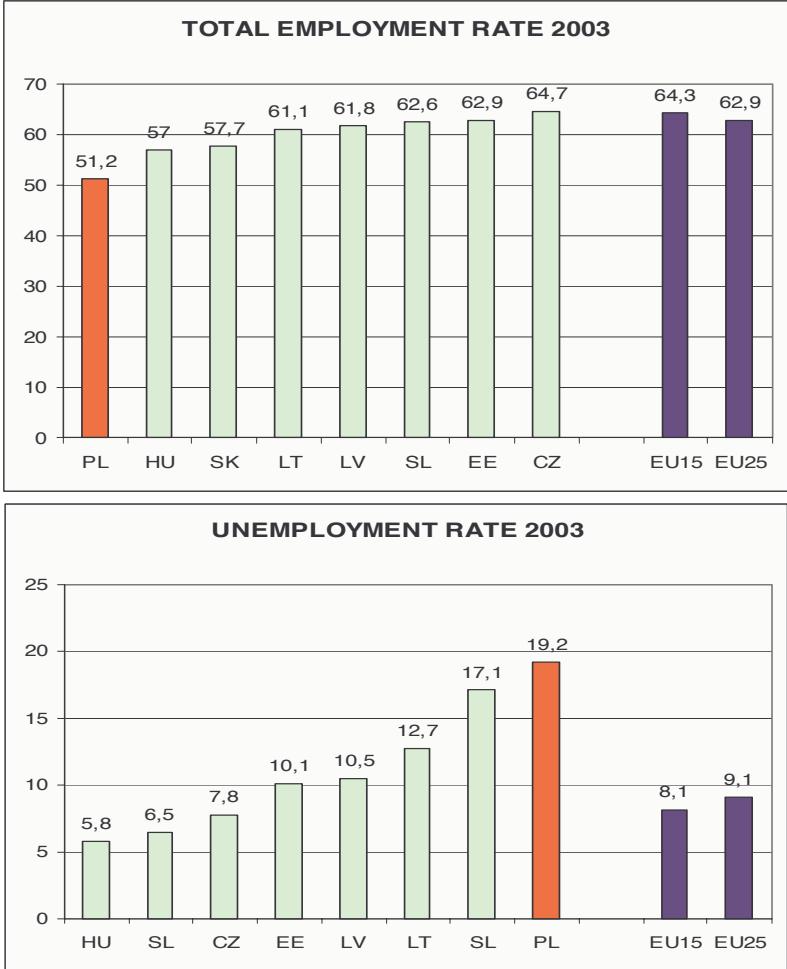
Source: Based on Eurostat reported in *Employment in Europe*, 2004; and GUS, 2004.

Note: LFP and ER first figure for each category based on Eurostat: population aged 15-64; second figure for each category as reported by the Central Statistical Office (GUS) for population aged 15 years and older (without the upper age limit).

Since the adoption of market economy there has been a strong increase in non-employment and a steep rise of unemployment. The overall employment rate fell from about 70 percent in the late 1980s to about 60 percent by 1994, and the activity rate from an estimated 76 percent to 71 percent (JAP, 2001). In terms of numbers of actual persons in employment, the change

is also telling: between 1992 and 2003 this number dropped from circa 15.2 million to circa 13.6 million, in the context of a growing working age population (NAP, 2004). Participation rates have also declined greatly in other transition countries, but Poland has been affected to a greater degree – its employment rate of working population (15-64) is currently the lowest among 25 member states of the EU (see Graph 1 below).

Graph 1. Employment (Age 15-64) and Unemployment Rates in the EU and EU Candidates in 2003.

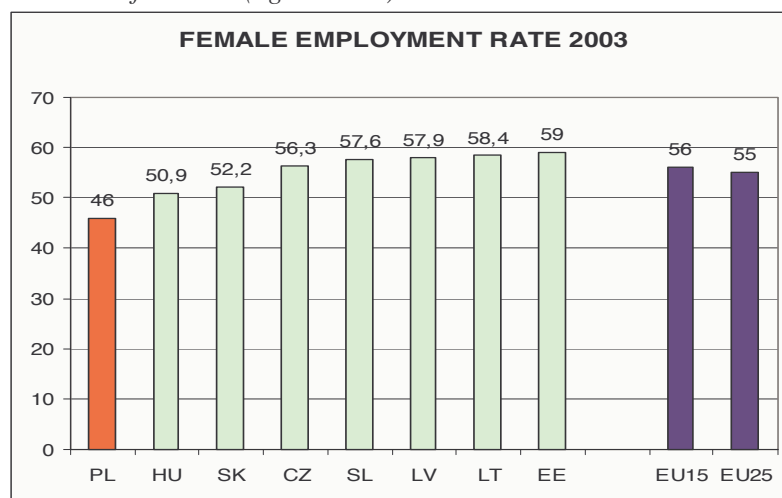


Source: Based on Eurostat reported in Employment in Europe, 2004

The Lisbon European Council in 2000 set a target of achieving 70 percent overall employment rate by the year 2010, currently Poland is 18.8 percentage points below target and is unlikely to reach that goal. Also Poland’s unemployment levels are higher than its CEE neighbours’ and higher than in West European states (see Graph 1 above). Unemployment rate of over 19% at accession is in fact the highest among EU 25. And thus, based on the

employment and unemployment rates, Poland represents a particular challenge for European labour markets. Similarly to the total employment situation, the employment rate of women in Poland is very low indeed. In 2003 it was one of the lowest among EU countries - at 46 percent it surpassed only Malta, Italy and Greece. Here again the trend of the Polish labour market affects the overall European picture. The target of women's employment rate set by the European Council in Lisbon (2000) to be achieved by 2010 is 60 percent. Considering the employment rate for women, the EU15 average has improved from 50.2 percent in 1996 to 56 percent in 2003, thus staying on course to reach the Lisbon goals. For EU25 the corresponding number looks somewhat lower, reaching in 2003 the rate of 55 percent (CEC, 2004). But, focusing on Poland with women's employment at 14 percent below the desired rate for 2010, its attainment seems unrealistic. Graph 2 (below) illustrates this situation.

*Graph 2. Employment Rate of Women (aged 15-64) in CEE Countries and EU in 2003*

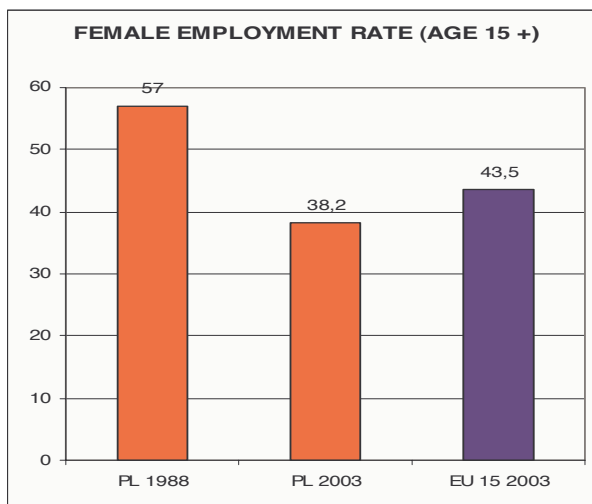


Source: Based on Eurostat reported in *Employment in Europe, 2004*

Clearly, the labour market situation in Poland is very difficult from many points of view: political, economic, and social. It is worse in relation to most other European states, and in relation to the socialist period. To illustrate, and for comparability reasons, Graph 3 presents the employment rates of women age 15 and above (no upper limit) in pre-transformation Poland as well as currently, and the current rate for EU15. Accordingly, women's

employment in Poland during the command economy was much higher than it is now, and as compared to the recent EU average.

*Graph 3. Employment Rate of Women (over 15) in Poland and EU15*



Source: GUS, 2004b

### ***Employment Structure and Wages***

The post transition shifts in overall employment situation have not affected the horizontal or vertical segregation drastically. Women still outnumber men in education, health care, and social and financial services, although more men enter financial brokerage or real estate (Balcerzak-Paradowska, 2004). Predictably, with the transition to market economy via privatisation of state owned enterprises as well as setting up new ventures the public sector contracted and the private sector expanded. The structure of employment evolved in a way that by the end of the 1990s the private sector employed more men and women than the public one: 71 percent of workers find employment in the private sector, while 29 percent are employed in the public sector (Boni, 2001). More women than men find employment with the public sector (42.5 percent and 34.2 percent respectively), conversely more men than women are attached to the private sector (65.8 percent and 57.5 percent respectively) (Kolaczek, 2001). The service sector is still relatively underdeveloped, in 1999 employment in the economy comprised of about 50 percent in services, 31 percent in manufacturing and

construction, and 19 percent in agriculture (Boni, 2001), but the trend is towards convergence with West European patterns.

Part-time employment continues to be a rare work arrangement in Poland. There are calls for the provision of more part time jobs, as it is commonly held that greater number of part time positions could reconcile the professional and family aspirations of persons who would like to combine these two spheres. Currently part time employment shows a slight growing tendency, with women more likely to be employed part time (13.1 percent in 1998) than men (8.1percent in 1998) (Kolaczek, 2001).

Since the collapse of the socialist system some changes took place in the wage structure. In the early years following the demise of the command economy, women's relative wage disadvantages have decreased. The mean female to male earnings ratio changed from 72 percent in 1986 to 81 percent in 1992 (Brainerd, 2000). Arguably, the bulk of the change occurred in 1989 when the state owned enterprises were reducing their labour costs. The jobs and wages of men were cut, and that along with a fraction of well educated women entering more lucrative positions account for the narrowing of the wage differential. After 1992 this trend no longer continues, as women also suffered job and pay cuts, especially in the public services sector (Grajek, 2001). Thus, although the relative position of female wages has improved, in real terms women's pay still has some catching up to do.

## **EU LEVEL CONCERN WITH EMPLOYMENT POLICY**

Over the years the EU has developed various methods applicable to the employment policy field, which can be filed under either 'hard' or 'soft' law approaches. In the 'hard' law tradition, directives are developed by the European Commission and then endorsed by the European Council with participation of the European Parliament, or sometimes through the

social dialogue where top labour and management organisations prepare directives for the approval of the European Council (Trubek and Trubek, 2003). Upon passing of a given directive on the European level, it must be transposed into national law by each member state within a specified time frame. After the transposition process the laws are applied and enforced at the domestic level (Duina, 1997). But, the outlined course of action does not always ensue smoothly, as data from the European Commission indicate that there are numerous implementation problems of EU directives (Duina, 1997; Treib, 2003). Although sometimes member states resist the transposition of particular directives by delaying or not completing the transposition process, a blunt non-compliance is not possible in the long run. Arguably, such mechanisms as ‘naming and shaming’ procedures and financial penalties ensure that in the end member states do implement EU directives (Falkner et al, 2004).

As early as 1957, economic and social progress together with high level of employment and social protection have become an integral part of EU objectives when they were set by the Treaty of Rome (de la Porte and Pochet, 2002). Then, in the context of accomplishing a common market, various directives referred to such issues as workers’ free movement and residence. In addition Article 119 of the Treaty of Rome introduced the principle of equal pay for equal work for women and men. Further developments took place in the 1970s when the EU tackled the promotion of gender equality, collective redundancies, transfer of enterprises, or employee protection in case of employer insolvency (Goetschy, 1999).

Alongside the ‘hard’ law, a ‘soft’ law approach to employment policy making emerged from the 1993 Delors White Paper, was operationalised at Essen, formalised by the Employment title of the Treaty of Amsterdam, realised through the Luxembourg process, and further defined at Lisbon in 2000 by the Open Method of Coordination (OMC) procedure. Also, the Lisbon European Council shifted the focus on employment and unemployment to a broader

economic and social concern, defined specific quantitative targets, and employment issues were made a part of each Spring European Council.

The Union defined a new strategic goal “to become the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion” (European Council, 2000, paragraph 5). The Council defined quantified objectives for employment rates: in the Union as a whole it should reach 70 percent by the year 2010, and for women 60 percent (European Council, 2000). In order to achieve these goals, employment and social policy were judged in need of deep reforms. Three overarching objectives were identified: full employment, improving job quality and productivity, and strengthening social cohesion and inclusion (European Council, 2003). The new, streamlined guidelines<sup>2</sup> were defined within a time span of 2010 and remain stable until a mid term review in 2006 (CEC, 2003b). Implementing the new strategy called for an improvement of the existing process with a strengthened role for the European Council, together with the introduction of the new method – the OMC (European Council, 2000).

The Lisbon Presidency Conclusions (2000) identify the new OMC as the instrument of dissemination of best practice and achieving greater convergence towards EU targets. The method includes:

- fixing guidelines for the Union combined with specific timetables for achieving the goals which they set in the short, medium and long terms;
- establishing, where appropriate, quantitative and qualitative indicators and benchmarks against the best in the world and tailored to the needs of different Member States and sectors as a means of comparing best practices;
- translating these European guidelines into national and regional policies by setting specific targets and adopting measures, taking into account national and regional differences;

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<sup>2</sup> The ten guidelines for 2003 are: helping the unemployed and inactive enter employment and prevent long term unemployment (1); promoting entrepreneurship and business start-ups (2); promoting adaptability of workers and firms (3); increasing investment in human capital (4); increasing labour supply and promoting active ageing (5); advancing gender equality in employment and pay (6); overcoming discrimination against disadvantaged groups (7); making work pay (8); decreasing undeclared work (9); and encouraging occupational and geographical mobility (10) (CEC, 2003).

- periodic monitoring, evaluation and peer review organised as mutual learning processes.  
(European Council, 2000, paragraph 37)

The principle of subsidiarity applies to this decentralised approach, calling for the active involvement of the Union, member states, regional and local actors, social partners and civil society in various partnerships. The European Council assumes a guiding and coordinating role; it holds a meeting each spring dealing with economic and social issues, and it defines and updates the common objectives and the employment guidelines. The Commission issues reports on progress relying on agreed structural indicators. The Employment Committee has the task of supporting the Council's work and of fostering participation of social partners (European Council, 2000). Social partners, such as trade unions, employer associations, NGOs and the civil society are supposed to take part in the preparation and implementation stages of the national level process (de la Porte and Pochet, 2002).

Concluding, the intention of the OMC is to coordinate a learning process in order to spur an exchange and use of best practices, where benchmarking serves as a major technique and management by objectives is encouraged by adapting European guidelines to national contexts (Rodrigues, 2001). Thus, modern governance based on subsidiarity principle and convergence on common targets respects national and local conditions. OMC is therefore a mode that offers flexibility by proposing guidelines that are implemented by member states according to their own preferences; it operates in a decentralised way where collective work brings together multiple types and levels of actors; the procedural routines foster learning and sharing of knowledge; and the lack of formal sanctions is replaced by a peer assessment procedure (Dehousse, 2002). Moreover, OMC can be, and is, combined or supplemented with other methods, such as the use of 'hard' law. In the pre-accession period Poland's aspirations of joining the EU had to take into consideration both the 'hard' and the 'soft' aspects of employment law and policy making.

## **EU ACCESSION REQUIREMENTS AND EMPLOYMENT POLICY**

The EU included labour market issues early on in the relations with CEE countries. Poland's relations with the EU began with the 1989 trade and cooperation agreement, followed by the 1989 PHARE Programme, and then by the Europe Agreement signed on the 16<sup>th</sup> of December 1991 and enforced on the 1<sup>st</sup> of January 1994. Already the Europe Agreements provided for cooperation and harmonisation of labour law, social security and labour market policies (Mickiewicz and Bell, 2000). The 1993 Copenhagen European Council required of candidates to fulfil criteria of stable institutions guaranteeing democracy, a functioning market economy, and the ability to carry membership obligations. All were required to adopt and implement social, economic, and legal sections of Community's legislation, the *acquis communautaire*. The pre-accession strategy came with the 1994 European Council in Essen. On the 5<sup>th</sup> of April 1994 Poland submitted its official application for accession and on the 31<sup>st</sup> of March 1998 began official accession negotiations (Lippert et al, 2001). Poland became an EU member on May 1<sup>st</sup> 2004.

An intensification of relations began several years before the full membership in the EU. The Nice social agenda (2000) suggested that the candidate states take on a strategic approach to employment policies corresponding to the EES. They have started participating in the EES by drafting the Joint Assessments of Employment Policy Papers to align national employment policies with the EES (CEC, 2004). The DG EMPL and the Polish government engaged in an employment policy review and have developed a Joint Assessment Report (published in January 2001) identifying the most urgent labour market policy issues for Poland.

Already in 2002 during the Barcelona European Council meeting the ministers of finance and foreign affairs and the heads of state from candidate countries participated to discuss the implementation of the Lisbon strategy as an incentive to implement major economic, social,

and environmental objectives in the candidate states (European Council, 2002). Later, delegates of the acceding countries attended the European Council meeting in Brussels in March 2003, and were included for the first time in the Commission's Spring Report as they have begun implementing reforms and started participating in the OMC (European Council, 2003). Moreover, the accession countries were involved in the Employment Committee meetings and working groups as active observers until May 2004 in order to prepare for a full participation after attaining membership in the EU (Employment Committee, 2004). The new member states submitted their NAPs for the first time in 2004 (CEC, 2004).

The 2004 EU enlargement poses major challenges to the European labour market and employment policy. The employment situation in the accession countries, as seen most poignantly in the Polish example, has been much worse than that in the old member states. The accession of 10 countries brings about more diversity, thus making unanimous decisions in the field of social policy by use of directives or regulations even more difficult than so far. Since OMC is a more flexible approach and thus allows for greater diversity, it may prove a well suited instrument in EU 25 governance (Trubek, 2003). Additionally, the EES, as part of the OMC, differs from the Community Method of law transposition by its iterative character, medium term perspective, learning process, acceptance of diversity, lack of sanctions and thus may be advantageous to CEE states (Goetschy, 2002). Congruently, the 2003 modifications of the EES placed the need on closer monitoring of member states' reforms and were deemed adequate to face employment challenges in all, new and old, members (CEC, 2004a). Shorter, more focused and strengthened recommendations have been designed to support reforms in the ten new member states and the European Social Fund resources for the years 2004-05 must be allocated to facilitate them (CEC, 2004b).

## **LABOUR MARKET POLICY MAKING AND A NEW MEMBER STATE:**

### **SUBSTANCE AND GOVERNANCE**

With unemployment being such a new development in the post-socialist Poland, the state had to lay down legal foundations for labour market policy and facilitate its institutionalisation.

Thus, the first Employment Act came to being in December of 1989, and its regulations included a definition of the term unemployed person, introduction of unemployment benefits, and compulsion of regional employment offices to take unemployment counteracting measures (Churski, 2002). Currently in force in Poland is the Act of April 20<sup>th</sup> 2004 on Employment Promotion and Labour Market Institutions. This act defines labour market institutions, strengthens social dialogue and partnerships, distinguishes between labour market services and instruments, supports local and regional labour markets, stresses human resources development, and clarifies PES staff requirements.

Active Labour Market Programs (ALMPs) are prominent at the European level, with the view that activating measures are best for dealing with low employment rates. In contrast, Poland has not prioritised ALMPs. The proportion of ALMPs has been so small that, for example, in 1993 ALMPs in Poland covered fewer than 6 percent of all unemployed (Kramer, 1995). In 1997 the Polish government allocated only about 0.3 percent of GDP on ALMPs, which constituted about 15 percent of total labour market program spending. In comparison to the EU such allocation of funds is much lower (EU average is 1.1 and 36 percent respectively) in both real and relative terms, given the fact that Poland has much lower GDP and much higher unemployment levels (Krynska, 2001). In 2003 the level was at 12.8 percent of the total Labour Fund expenditure (NAP, 2004) – still relatively low. However, the plans of utilising European structural funds should shift more funds towards ALMPs and bring Poland closer to the European averages.

Poland has some history with regards to the involvement of social partners. Trade unions were a significant force spurring the transition from socialism and in organising and sustaining the civil society. Over time however, the initial power of the unions subsided, and new actors entered the scene – employer organisations and NGOs. The Tripartite Committee for Socio-Economic Issues was formed in 1993, consisting of government, employers, and employee representatives. It provides a forum for exchange of opinions and consultations, including those related to the transposition of EU directives or participation in the EES.

### ***Hard Law: Transposition of Gender Equality Directives***

The transposition of gender equality directives was required under the adoption of the *acquis communautaire*. Parts of the relevant legislation in the Polish legal system have been inherited from the socialist period, as the law guaranteed a degree of gender equality, like maternity leave or equal pay. Already the Constitution of 1952 contained the equality principle of all citizens. However, some other anti-discrimination regulations, such as the issue of burden of proof in discrimination cases or removing the upper limit of compensation in case of discrimination needed to be adjusted or expanded. And so, the harmonization of Polish law with that of the EU has been tackled in several stages. For example, the 1996 Labour Code amendments banned discrimination and obliged the employer to respect the dignity of employees. The Constitution of 1997 (Article 33) asserted equal rights for men and women in family, political, social and economic life, in particular in education, social security, public office holding, employment and promotion, with equal remuneration for equal work (Fuszara, 2000). Next, the social security system was reformed in 1998. In 2001 and than again in 2003 further Labour Code revisions took place, most importantly by first adding a chapter detailing ‘Equal treatment of men and women’ and later amending and renaming it to ‘Equal treatment in employment’. The nine specific EU directives addressing work related gender equality and their transposition into Polish legislation are summarised in Table 3 below. Generally, as

numerous Polish experts confirmed during interviews, Poland has good, modern labour laws with high levels of employee protection, which either comply with or exceed European regulations.

*Table 3. The Transposition of EU Gender Equality Directives Relevant to Employment*

Directive	Transposition into the legal system
75/117/EEC related to the principle of equal pay for men and women	legal regulations conform to the directive via the Constitution and the Labour Code
76/207/EEC on equal treatment for men and women in access to employment, vocational training and promotion, and working conditions; amended by 2002/73/EC	the law guarantees principle of equality through the Constitution and the Labour Code, and also conforms to the directive, by removing the upper ceiling of reparation benefits paid to the victim of discrimination
79/7/EEC on the principle of equal treatment for men and women in matters of social security	regulations of the directive were addressed by the 1998 reform of the social security system
86/378/EEC on equal treatment for men and women in occupational social security schemes; amended by 96/97/EC	reforms of the social security system entering into force in 1999 comply with the directive's principle of equality
86/613/EEC related to equal treatment between men and women engaged in an activity, incl. agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood	the equal treatment principle of the Constitution as well as well as Act on Social Security System (1998) and Act on Economic Activity (1999), both with subsequent amendments, address the directive
92/85/EEC on the measures to encourage improvements in safety and health of pregnant workers, those who recently gave birth or are breastfeeding	the Labour Code and various Ordinances of the Council of Ministers (e.g. from 1996, 1997, 1998) conform to the directive or grant wider protection than stipulated by EU law
96/34/EC on the framework agreement on parental leave concluded by UNICE, CEEP, and ETUC	leave rights secured in the Labour Code in 2001, in the Act on Family, Care, and Childcare Benefits (1994) correspond with the framework agreement; the provision of childcare leave exceeds the required minimum
97/80/EC on the burden of proof in case of discrimination based on sex	the formulation of the burden of proof on the employer's side is contained in the Labour Code amended in 2001, thus meeting the directive
97/81/EC concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and ETUC	amendments to the Labour Code of 2001 satisfy the requirements of the directive

Sources: Fuszara, 2002; OSI 2002; Act of 14.11.2003

In substantive terms, therefore, the transposition of the European directives appears to be completed. Procedurally, as legal experts from the Labour Law Department of the Ministry of Economy and Labour claim, the Polish law makers began to learn and benefit from EU level legislation even before Poland became an official applicant to the Union. For example, the

first Act on Employment (1989) was modelled after the group lay offs directive, as Poland did not have a home grown expertise in dealing with problems related to the system change.

In the pre-accession period, learning from other member states was an integral part of the *acquis* adoption. The Labour Law Department responsible for legislation drafting has followed other states' practices and experiences and learned from their 'mistakes' how to transpose certain directives or their parts correctly. Also, numerous meetings and workshops on the EU level for the then applicant countries were organised. On such forums ongoing working comments were given by the European Commission and the individual states had a chance to either explain their domestic context or adjust their legislation proposals. So, before the most recent Labour Code changes were finally adopted, the meetings in Brussels addressed subsequent stages of completed work and commented on the phases that still needed to be achieved. The civil servants from the department also mentioned monitoring the relevant cases and verdicts of the European Court of Justice. They followed the cases that referred to other member states and tried to take them into account in their work of adjusting the national legislation in the direction indicated by the ECJ.

Interestingly, the transposition process of the directives into the national legislation, although obligatory given Poland's accession aspirations, encountered some hiccups along the way. The adoption of the working time directive is an example of such a meandering journey through the Polish legislative system. According to the interviewed lawyers, the changes of the working time laws have begun in 1996 by aligning the Labour Code with other employment acts in force at the time. This however, did not conform to the EU regulations and so working time changes were drafted again in 2001 and secured the Parliament's approval. Yet, the proposed legislation could not have been adopted as it did not pass the next hurdle of acquiring the presidential signature. Once more, the issue was tackled in November

2003 and finally reached the appropriate level of compliance required by the EU. In the end, the adoption of the directives has been viewed as an imperative issue without any room for manoeuvre, as poignantly put by one official:

Here we have joined [the EU], the requirements of the European law they of course have the priority. If something flows from European law, there is no resistance. It is accepted that we are in the Union, or we are entering the Union, and this must be so.

Therefore, the adoption of the EU law is generally not questioned. Where there is some room for politics is in exceeding given directives by legislating standards that go beyond the specified minima. Here, the legislative drafts that propose solutions not clearly required by the EU must obtain the backing of the Parliament.

Aside from the parliament playing a key role in the process, participation of various other actors is required for projects of modernising the existing or proposing entirely new legal acts. Different ministerial resorts are involved in the process, as well as the State Labour Inspection, and the social partners – labour unions and employer organisations. Their opinions and comments are collected and taken into consideration, and a proposal of an act is passed on to the Council of Ministers. After that it moves on to various Parliamentary committees, and finally to the Parliament.

In addition to the supra-national or national interactions, civil servants pointed also to sub-national learning processes relevant to their work. Every lawyer at the department has to cover a telephone shift several times a month, thus having a direct contact with either workers, lawyers, or various offices making inquiries regarding labour law. Such practise allows them to assess whether a given law is clear and functions well, or whether it needs to be clarified or adjusted, and what direction the amendments should take.

### *Soft Law: Participation in the EES and the Use of the OMC*

In September 2004, just over four months after joining the EU, Poland submitted its first National Action plan for Employment for 2005. The document addresses the ten 2003 EES guidelines for employment policy, and each of the responses to guidelines contains between two and eight specific tasks (totalling 37) specifying objectives and expected results. The NAP identifies the priorities of the Polish employment policy for 2005. These are: elimination of the institutional obstacles to employment creation by improving the functioning of the labour market institutions, supporting adaptability of enterprises, and making employment more attractive; advancement of active labour market policies at local and regional levels; activation of the disadvantaged unemployed via training, vocational, and general development; and improvement of the institutional coordination and the transparency of decision making (NAP, 2004).

The main avenues for achieving these goals are seen in the reduction of the tax wedge, limiting early retirement, better emphasising active labour market policies, benefiting from synergies of labour market policy with the European Social Fund (ESF), the improvement of the effectiveness of public employment services (PES), distribution of resources rewarding job seekers' active attitude, eliminating the appeal of being unemployed, and profiting from social partnerships (NAP, 2004). Overall, the character of social policy has changed towards increasing employability and the promotion of economic activity, as well as accounting for regional and local diversity. For example since 2002 activating and revitalizing programs apply to the regions that are in particularly difficult situation (NAP, 2004). Some concrete targets contained in the NAP propose to: reduce unemployment from 19.6 to 15 percent between 2003 and 2006; reduce the share of long-term unemployed from 50.3 to 44-45 percent between 2003 and 2006; reduce the share of young unemployed from 41.1 percent to

31.5 percent between 2003 and 2006; increase the employment rate of women from 46.4 percent in 2002 (47.9 in 2003) to 49 percent in 2006 (NAP, 2004).

The Polish NAP does not explicitly link the EU's three overarching objectives, and its weakest response concerns the objective of social cohesion and inclusion (CEC, 2005b). The Commission also notes the inadequacy of efforts toward transforming undeclared work into regular employment and points to the failure of providing agreed on indicators on prevention, or activation of long term unemployed. Nine specific recommendations are given to the Polish NAP, with areas of reducing labour costs, restructuring/anticipating change, and female participation in terms of work and family life balance earning 'Insufficient' marks. The following section provides more detail on why the grade on reconciliation of work and family life may be warranted.

### ***Guideline 6: Gender Equality***

The NAP describes the situation of women in the labour market as worse than that of men, as evidenced by gaps in labour force participation rates, employment rates, unemployment rates (both overall and long term), and pay levels – all this in spite of their, on average, better education. Additionally, the development of childcare facilities is recognized as a basic requirement for reconciliation of work and family life.

The government proposed two tasks for guideline six on gender equality, firstly to integrate and re-integrate women into employment, and secondly to promote anti-discrimination provisions of the labour law. The first task aims to comprehensively support women in the labour market, increasing their rate of employment and raising their employment and social status. The second task aspires to develop complex information materials on the provisions of anti-discrimination law, and as such raise women's awareness thereof. The proposed actions

are by all means important for the achievement of greater gender equality, but they are nevertheless treated in a superficial manner. The lack of a systematic and instrumental approach is evident in proposing that ‘promotional and training activities shall be carried out to ensure equal opportunities for employment for both sexes’ (paragraph 169). Although attachments to the document specify the amounts of financial resources committed to the task, the time frame dedicated to its completion, and the implementing and reporting entities, no further details are given. It is unclear who and how exactly should engage in such training, under what conditions, on what scale, and what results are expected. And again ‘information concerning flexible forms of employment shall be disseminated to allow for reconciliation of occupational and family duties through implementation of various projects in this field, financed by the European Social Fund’ (paragraph 169) does not point to any specific mechanisms of addressing the issue. Dissemination of information does not seem to be a sufficient requirement for increasing labour market opportunities for women. And mentioning that actions will be taken towards spreading the practise of utilising care services for dependants does not commit the provision of more care services, or their subsidies, or whatever else can serve towards the desired outcome of work and family life reconciliation. In fact, Poland failed to provide data on both the existing situation and the national targets in the field of childcare (CEC, 2005b). Without such data, neither goals themselves nor their attainment can be evaluated for the lack of a reliable ‘measuring stick’. A related issue of equal sharing of family and work responsibilities between women and men is ignored. Thus, in terms of goals and mechanism relevant to the guideline (aside from pledging to raise the level of female employment by 2.6 percent over the course of four years) the proposal of research and analysis of women’s situation as well as the awareness raising campaign are imprecise and seem to have come short in resolving the gender gaps pointed to in several instances in the document.

From the standpoint of addressing gender equality, a more nuanced assessment can be deducted from the annexes to the NAP. Annex 2b for example details the amounts of financial resources dedicated to each guideline and task for three consecutive years (2004, 2005, and 2006). According to the financial table most money will be spent on job creation and entrepreneurship, human capital development and lifelong learning, and active and preventative measures to unemployment. Guideline six comes in eighth out of nine specified positions. Thus, in relevance to other areas, increasing gender equality does not place high on the list of priorities for the Polish government, as it commits thirteen times less financial resources than the most prominent item<sup>3</sup>. But, following the plan over three years indicates that together with the growth of the total amount of money dedicated to the ten EES guidelines, the budget for guideline six increases as well (from over 19 to over 35 million €).

Overall, the issue of achieving greater equality between genders in relation to employment is addressed only partially. The problem of women encountering greater labour market difficulties than men is mentioned in some other parts of the document, e.g. by pointing to the possible benefits of more flexible forms of employment for women, or by advocating the set up of alternative preschool centres. However, these sporadic examples are not developed into coherent, concrete and programmatic packages, but remain sketchy instead.

Guideline six itself, as well as the entire document more generally, falls short of implementing gender mainstreaming by means of an organized incorporation of gender issues in all policies and governmental institutions. Gender mainstreaming has not emerged as a key concern of the authors of the NAP. Officials from the strategic team of the Labour Market Department reported that there is no such thing as an assessment of possible impact of government's decisions on gender issues. Perhaps this is the case because the method of

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<sup>3</sup> For the year 2004 guideline 2 on job creation and entrepreneurship commands € 252 257 000 and guideline 6 on gender equality € 19 497 000

gender mainstreaming is a demanding exercise, as it requires from policy makers the adoption of a new perspective, acquisition of new expertise by training many officials whose knowledge lies outside of gender issues, and the change of working methods as through the collection and consideration of sex disaggregated data or other specialised measures (Pollack and Hafner-Burton, 2000). In Poland the steps taken in the direction of including gender issues were for the most part limited to consultations with the Secretariat of the Government Plenipotentiary for Equal status of Women and Men (SGPES). On this point Poland does not stand out from the other member states, as only Sweden's gender mainstreaming policy is recognised as apparent (CEC, 2005a). Consequently, the Commission stresses that gender mainstreaming needs to become evident throughout the employment policies of all member states (CEC, 2005b). Other procedural requirements are more successful, as the following section describes.

### *Governance*

The current Polish employment act in force provides that the labour market policy should be derived from a dialogue and collaboration with social partners. The National Action plan for Employment for 2005 was drafted by an inter-ministerial group coordinated by the Ministry of Economy and Labour. Representatives from various ministries and state offices<sup>4</sup> took part in the preparation of the document. According to the NAP, the government did engage in discussions with various actors on national and sub-national levels. In May 2004, at the beginning stage of drafting the document, directors of regional offices received relevant materials, in June social partners from the Tripartite Committee were notified of scheduled consultations and were requested to submit proposals of initiatives for inclusion in the NAP.

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<sup>4</sup> Representatives from: Ministry of Internal Affairs and Administration, Ministry of the Economy and Labour, Ministry of Finance, Ministry of National Education and Sports, Ministry of Agriculture and Rural Development, as well as Secretariat of the Government Plenipotentiary for Equal Status of Women and Men, Office of the Government Plenipotentiary For Disabled Persons, Central Statistical Office, the Chancellery of the Prime Minister.

Such consultations took place in July, and in August the draft of the NAP was submitted for inter-ministerial and social consultations. In September it was approved by the Council of Ministers. The Government is obliged to report to the Parliament on the results and the follow up of the strategy (NAP, 2004). Therefore, a practice of horizontal and vertical communication, if not coordination, has been set up.

Generally speaking, opportunities for information exchange and learning processes take place on various platforms. For example lawyers from the Labour Law Department (for whom EES is also relevant) learned from the rulings of the ECJ, among others. For another, officials who partook in the drafting of the Polish NAP used German or Swedish examples from their labour market organisation. Also, training is provided for civil servants and oriented towards learning about the EU. Or the union confederation OPZZ, when engaging in negotiations or agreements with employers, looks up for guidance to the Scandinavian countries.

In terms of assuring implementation of the NAP, institutional capacity as well as commitment of diverse actors on various levels must be ensured. The collaboration among several ministries in drawing up the policies as well as their participation in implementation stages suggests a comprehensive treatment of the proposed plan. Modernisation and restructuring of the PES by staff training, increasing the number of employment agencies, and developing performance indicators, will potentially improve their services. And administrative decentralisation tackled several years ago facilitates a stronger role for the regions. Regional consultations took place at the drafting stage of the plan and in follow up meetings. Also, each region is required to develop its own action plan based on the national guidance and via consultations with social partners (NAP, 2004). So, a decentralised trend is visible here.

In regards to the institutional involvement into carrying out and reporting on the various tasks of the guidelines specified in the NAP, Annex 4 lists the relevant players. In case of guideline six they are the SGPES, Ministry of Government and Labour, ESF Implementation Department, and ESF Management Department on the implementation side, and SGPES on the reporting side. Thus, only governmental bodies appear to be directly involved in the programs. However, interviews with civil servants and NGO activists indicated that they also contribute to the process by closely cooperating with the SGPES for instance, or by entering into partnerships with regional administrations on various projects. Participation in EQUAL is one example of diverse partnerships between governmental and non-governmental organizations on regional or local levels. A representative of an employers' organisation also underlines the value of cooperation with NGOs in regards to the implementation of the NAP.

To illustrate further, the NAP points to the necessity of cooperation with social partners in terms of promoting more flexible forms of employment. A stronger social dialogue with and involvement of trade unions and employers association is called for. For example, a need for the contribution of social partners is seen in surveying the quality and conditions of work or employers are asked to invest in human resources development.

Still, the NAP itself is mainly a governmental property, where the government is the chief author and the social partners only lend their voice. Consultations and discussions of issues with social partners resulted in demands for more precise formulations (from the unions) or calls for more liberalization (from the employers). In further debates the government advocated for more employment flexibility, while the unions claimed there is nothing left to be '*flexibilised*'. So, the social partners do engage in discussions surrounding the NAP, however, this participation is seen as insufficient by the government officials. They point to the lack of working relationship on the ground, or to the lack of alternatives to what the

government proposes. The partners are perceived more as censors than co-authors. A possible reason for this is an apparent lack of resources at unions' disposal that does not allow them to engage in the process on a more equal footing. Still, the civil servants claim that there is much more room for improvement.

From the point of view of unions the story on the issue of participation in the social dialogue or in the Tripartite Committee is slightly different. For example, a union confederation representative noted that while the setting up of the Tripartite Committee is 'our biggest achievement', its quality leaves much to be desired as it is 'a difficult process...the government ignores the Tripartite Committee and the unions are not listened to'. The main problems concern government bypassing the forum when it comes to 'important' acts, or rushing through some projects and ignoring the norm of notifying the unions at least 30 days in advance and demanding an opinion within 4 or 5 days. Obviously, both parties recognise the importance of social dialogue, both see that the process does not work perfectly, and both claim that there is room for improvement. Where they differ, however is in the assessment of where the root of the problem lies.

Certainly, there are implementation problems related to certain aspects of labour market policy. One of them concerns the PES offices. As confirmed in several interviews, the offices should have been aligned with certain European standards and using programs accessing information on European labour markets as of May 1<sup>st</sup>, but months later they were still engaged in training. In regards to decentralization, the system does not function perfectly well for the lack of meaningful links among the different centres and organs of administration. Although, measures toward the attainment of better system cohesion have been put in motion.

## CONCLUSIONS

The paper focused on substantive and procedural issues related to labour market policy making in Poland in the last several years and provided a context for the policy making by reaching back to the socialist system. It addressed both, the adoption of the Community laws by transposing EU directives, and the engagement with the OMC cycle for employment for the first time as a member state of the European Union.

On the substantive level the adoption of EU equality directives and their transposition into the national legal system can be judged complete. The adjustment process took some time, but the domestic law has been aligned with the European, and future communications from the Commission or the ECJ will verify the quality and the degree of this compliance. In the end the process can be described as relatively smooth, where the imperative of Poland joining the ranks of EU proved a potent incentive.

Turning to Poland's participation in the EES, demands a more nuanced evaluation.

Substantively, the main goals of the EES are not disputed by anyone - all the stakeholders see the value in full employment, better work quality and productivity, and in the attainment of social cohesion and inclusion. But, as the participation in the EES via the open coordination method allows for some flexibility in prioritising certain issues over others, this is exactly how the Polish government behaves. Given the difficult domestic socio-economic situation, the most urgent priorities (as seen by the Labour Market Department officials) are economic issues of raising employment levels or promoting entrepreneurship. Indeed, weighing among options is evident for instance in the concern over active aging giving way to creating jobs for the presently growing population of young people. Overall, the policy discourse and content moves towards a more active and preventative approach to unemployment, raising

employment rates, and spreading the practice of lifelong learning. Less attention is given to spheres addressing active ageing, work and family life balance, or gender mainstreaming.

In terms of procedure, given that Poland drew its NAP for the first time, and in light of other states' performance (detailed in the draft JER for 2004/2005) it can be said that the exercise was quite successful on several dimensions. First, the NAP translates all ten European level guidelines into national and sub-national policies. Second, the document represents a degree of continuity over policy areas and time, as it complements some earlier programs such as the National Strategy for Employment Growth and Human Resources Development for the years 2000-2006, and forms an integral part the comprehensive National Development Plan for 2004-2006. Third, it specifies timetables, financial resources, and actors for the attainment of specific tasks. Fourth, the NAP provides some specific targets, which can be used for verification and evaluation. Fifth, it engages governmental actors from different levels and areas, and as such creates horizontal and vertical links. Sixth, it invites social partners and wider civil society to take part in policy making and implementation. Seventh, the processes surrounding the drawing or the implementation of the plan facilitate learning opportunities.

Conversely, some areas of engagement with the EES via the OMC can be improved upon as the NAP falls short of its potential in several instances. First, a more specific treatment of guidelines and tasks would advance the rather declarative wishes to more programmatic and accountable action. Second, the NAP's relationship to other policy documents and the continuity of the policy process is in jeopardy in an eventual (and currently likely) change of government, as the post socialist era shows that politics matter and a more conservative administration may retreat from realisation of the strategy or parts thereof. Third, the provision of timetables, allocation of resources, agents responsible for tasks, and reporting bodies could be strengthened by specifying more details to secure better follow through and

accountability. Fourth, in many instances specific targets and goals are not provided. Fifth, the relationship with social partners is not a partnership among equals, and links with sub-national levels of government are fragmented. Seventh, learning opportunities are limited by time constraints and the speed of the cycle, as actors do not have the sufficient platform on any of the European, national, or sub-national levels.

Therefore the success of Poland's adoption of the *acquis communautaire* and the participation in the EES process can be measured by its content and process. Both approaches render, in my opinion, ambiguity. Depending on the specific policy area, one may find more or less of what one was looking for, or metaphorically speaking the glass of employment policy making appears either half full or half empty. It does not seem, however, that any of the guidelines are either completely 'filled' or entirely 'empty'.

The assessment of the recent Polish employment policy making process itself, out of necessity mainly for the reason of its relative infancy, is only preliminary. Addressing the further issue of effectiveness of labour laws and employment policy in achieving its goals on the ground level is even more difficult. High hopes accompany the accession process, were many actors share the following sentiment:

'Yes, for sure EU played a role. Accession itself, to the Union, was important, because we are bound by directives, rules, to adjust the law. Although in many cases we have a choice, where we regulate based on our own law. But, adjusting our law to the EU is for us a chance for equalising standards of living, equalising laws, so that we are one nation in Europe...so that we all have the same securities'

Although the impact of policy cannot yet be evaluated on a wide societal scale, there are some signals that allow making preliminary inferences. One of these signs allowing for positive predictions is the commitment of EU funds that are allocated among various programs and address a variety of aspects, like human capital development and lifelong learning or supporting unemployment preventing measures. Another one, perhaps, is raising the profile of

some issues by putting them on the governmental agenda. For example, the case for greater gender equality may gain prominence if the government takes the Commission's evaluation seriously and creates more effective mechanisms that satisfy EU level requirement.

The improvement of the social situation in Poland is not only dependent on the right labour market policy set, but also on good economic growth necessary for the creation of new jobs. All the experts interviewed, whether government officials, union representatives, or NGO activists, pointed to the fact that good laws and policies are insufficient in advancing the situation of workers overall, or women in particular. Court cases referring to the violation of equal status are sporadic, not because breach of the law does not take place, but because the climate for their execution is unfavourable. Given the very high levels of unemployment labour market equality gives way to the more general labour market concerns. Perhaps a couple more policy cycles have to pass before a more concrete conclusion can be made.

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