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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS

Third periodic reports submitted by States parties
under articles 16 and 17 of the Covenant

Addendum

POLAND*

[7 June 1996]

* The second periodic report concerning rights covered by articles 6 to 9 (E/1984/7/Add.26 and 27) submitted by the Government of Poland was considered by the Sessional Working Group of Governmental Experts on the implementation of the International Covenant on Economic, Social and Cultural Rights at its 1986 session (see E/1986/WG.1/SR.25-27). The second periodic reports concerning rights covered by articles 10 to 12 (E/1986/4/Add.12) and by articles 13 to 15 (E/1990/7/Add.9) were considered by the Committee on Economic, Social and Cultural Rights at its third session (see E/C.12/1989/SR.5-6) in 1990 and at its seventh session (see E/C.12/1992/SR.6, 7 and 15) in 1992, respectively.

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Article 6. The right to work

Ratified international instruments

1. Poland is a party to the following Conventions:

International Labour Organization (ILO) Employment Policy Convention,
1964 (No. 122);

ILO Discrimination (Employment and Occupation) Convention, 1958
(No. 111);

International Convention on the Elimination of All Forms of Racial
Discrimination;

Convention on the Elimination of All Forms of Discrimination against
Women.

Labour market situation

2. According to statistical data of the Central Statistical Office, since the beginning of the 1990s a declining trend has been observed in Poland both as regards the number of people working and total employment (see table 1). The working population at the end of 1994 totalled 14,924,000. This means that, as compared with December 1990, the number had decreased by 1,217,400, that is by more than 9 per cent. The number of people employed during the years 1990-1994 decreased by 1,121,300, that is by 11.6 per cent. In 1993, as compared to 1990, the number of people employed on a part-time basis had decreased in the main place of work by around 18 per cent (from 601,900 in 1990 to 494,400 in 1993).

3. During the years 1990-1993 the number of people employed on a part-time basis decreased by 160,700, that is by 19 per cent. However, in the general employment structure the share of people employed on a part-time basis decreased only by 0.3 per cent, that is from 7.9 per cent at the end of 1990 to 7.6 per cent at the end of 1993.

Table 1. Working people and wage earners over the period 1990-1994 (as on 31 December, in thousands)

	1990			1991			1992			1993			1994		
	T	M	W	T	M	W	T	M	W	T	M	W	T	M	W
Working population - total	16 145.4	8 784.3	7 361.1	15 442.6	8 417.3	7 025.3	15 010.9	8 149.7	6 861.2	14 761.2	7 853.7	6 907.5	14 924.0	7 915.6	7 008.4
Total employment	10 797.2	5 827.0	4 970.2	9 921.0	5 388.7	4 532.3	9 448.6	5 072.8	4 375.8	9 157.8	4 783.9	4 373.9	9 675.9	5 103.4	4 572.5
Incl employed part-time in the main place of employment	601.9	270.0	331.9	551.7	257.6	294.1	487.7	227.8	259.9	494.4	227.8	266.6	546.7	248.0	298.7
Total underemployment	862.7	413.2	449.5	787.2	388.1	399.1	695.3	341.2	354.1	702.0	359.7	362.3	761.4	359.4	402.0
Performing more than one job a/	-	-	-	-	-	-	955	646	309	1 049.0	706	342	1 049.0	695	354
Economically active population	17 817.5	-	-	18 213.2	-	-	18 445.6	-	-	17 650.8	-	-	17 760.5	-	-
Working population as % of economically active population	90.6	-	-	84.8	-	-	81.4	-	-	83.6	-	-	84.0	-	-

a/ Working in more than one place.

T = Total
M = Men
W = Women

The unemployed

4. Unemployment emerged in Poland in 1990, thus it is a relatively new phenomenon. It diametrically transformed the labour market. Before 1990 we were faced by the problem of a labour deficit and after 1990 we were confronted by a relative surplus.

5. We present below data as to the number of unemployed, the increase in unemployment and the rate of unemployment for the years 1990 to 1994.

Table 2. Selected data concerning unemployment (as on 31 December)

Year	No. of unemployed (thousands)	Unemployment increase (thousands)	Unemployment rate (%)
1990	1 126	1 126	6.3
1991	2 156	1 030	11.8
1992	2 509	353	13.6
1993	2 890	381	16.4
1994	2 838	- 52	16.0

6. Among the characteristic features of unemployment during the period 1990-1994 we should mention the following:

Persisting wide variations in the unemployment rate between voivodeships, ranging, at the end of 1990, from 2.1 per cent in Warsaw voivodeship to 11.5 per cent in Suwałki voivodeship; at the end of 1993, from 7.2 per cent in Kraków voivodeship to 26.7 per cent in Koszalin voivodeship; at the end of 1994, from 7.5 per cent in Warsaw voivodeship to 30.5 per cent in Słupsk voivodeship;

The high proportion of unemployed in the young age groups: in December 1991 unemployed people aged between 18 and 34 years accounted for 63.2 per cent of total unemployment; at the end of 1993, 62.8 per cent, and at the end of 1994, 61.9 per cent;

The increasing proportion in the overall unemployed population of people with basic vocational education, as well as primary and incomplete primary education. In 1991 these two groups accounted for 67.4 per cent of total unemployment, and at the end of 1993 and in 1994 for 71.4 per cent of total unemployment;

The persisting slightly higher share of women than men in unemployment: at the end of 1991, 52.6 per cent; at the end of 1993, 52.2 per cent; and at the end of 1994, 52.7 per cent;

The large proportion of long-term unemployed: in December 1992 (when information on this group of unemployed people was acquired for the first time), 45.2 per cent of unemployed people waited for a job for a period exceeding 12 months; at the end of 1993, 44.8 per cent, and at the end of 1994, 42.8 per cent;

The stabilizing share of graduates: at the end of 1991 they accounted for 10.3 per cent of the total figure; at the end of 1993, 7.1 per cent; and at the end of 1994, 7.4 per cent.

7. Detailed data concerning different categories of unemployed people are contained in table 4.

8. An important role in counteracting the negative effects of unemployment is played by the Labour Fund, created on the basis of the Act of 29 December 1989 concerning employment. Financial resources from the Labour Fund are allocated for the introduction of a system of unemployment benefits, and to support active forms of counteracting unemployment, that is training and vocational training, intervention works, public works, loans to enable the unemployed to start an economic activity, and loans for the creation of new jobs by employers.

Table 3. Labour Fund expenditures, 1990-1994

Year	Total (milliard zlotys)	Measures to create employment	Percentage
1990	3 702	1 187	32.1
1991	13 584	947	7.0
1992	22 827	1 073	4.0
1993	31 903	3 545	11.1
1994	44 600	5 850	13.1

9. Labour offices staff numbered 2,000 before 1990 and at present number 12,000. (However, for one labour office employee there are still 237 unemployed people.)

Activities undertaken to create new jobs

10. In accordance with article 12, items 1, 2 and 3, of the Act of 14 December 1994 concerning employment and counteracting unemployment (Dziennik Ustaw No. 1 of 6 January 1995), the employment services of local labour offices are obliged to render assistance to unemployed people and other job-seekers in acquiring appropriate employment and to employers in finding appropriate workers. Placement is free of charge and is carried out in accordance with the principles of accessibility, voluntary character, equality and publicness.

11. In addition, employers are obliged to inform local labour offices of current job vacancies or vacant vocational training places. Free access to

information on job offers and to placement services is guaranteed; however, the problem of the lack of job vacancies remains. There is an estimated shortage of around 1.5 million vacancies.

12. The employment services also implement programmes, specified in the Act of 14 December 1994, concerning employment and counteracting unemployment, to promote the employment of jobless people in the form of:

Intervention works (refunding to employers of a part of remuneration and social insurance contributions for people employed in establishments who, without such government assistance would lose their jobs);

Public works (refunding of a part of remuneration and social insurance contributions to organizers of work in the field of infrastructural investments).

13. In addition, loan programmes are implemented to support the starting up by the unemployed of individual economic activity, and to support the creation of additional jobs by employers. If there is no possibility of providing unemployed people with appropriate employment (including employment subsidized from the Labour Fund) or training, labour offices grant and pay - in accordance with principles determined by legislation - unemployment benefits.

Guarantees of freedom for the individual

14. The legislation which ensures that there is freedom of choice of employment and that conditions of employment do not infringe upon fundamental political and economic freedoms of the individual is the following: Constitution of 1952 and the Small Constitution of 1992, as well as the Act of 14 December 1994 concerning employment and counteracting unemployment. These legal acts guarantee to Polish citizens and to foreigners with permanent residence cards or refugee status the right to work and free choice of employment.

Difficulties encountered in attaining the objective of full employment

15. Unemployment in Poland is mainly structural in character. It is an obstacle to achieving full, productive and freely chosen employment. The long-term unemployed give up looking for jobs in their specialized fields in favour of obtaining some sort of employment. Improvement of placement services results in more effective activity towards obtaining job offers and in increasing ability to match candidates for jobs with job offers.

Protection of the unemployed

16. The unemployed come into the following categories, in accordance with the Act of December 1994:

Able to work;

Ready to take up an employment contract;

Jobless and not attending a school, with the exception of evening and extra-mural classes;

Registered with the appropriate local labour office (from the standpoint of place of residence), if he/she:

Has reached 18 years of age (with some exceptions for this minimum age with regard to graduates of vocational training);

Has not acquired the right to an old-age or disability pension or after the termination of employment does not receive a rehabilitation benefit or a sickness, maternity or child-care allowance;

Is not the owner (nor the spouse of an owner) of an agricultural estate, with arable land exceeding an area of two hectares or a farm belonging to a special branch of agricultural production in the meaning of tax legislation;

Does not carry on an economic activity outside agriculture and is not covered - on the basis of separate provisions - by compulsory social insurance or pension security;

Is disabled and his/her state of health allows for starting employment (at least on a half-time basis);

Has not reached the age of 60 years (for women) or 65 years (for men).

Unemployment allowance

17. The allowance is payable to an unemployed person for each day after the day of registering if:

In a one-year period, he/she worked for at least 180 days or was subject to social insurance in respect of other activity for a period of at least 180 days;

There are no suitable employment offers for him/her;

There are no proposals of referring him/her to intervention or public works.

The condition of working for at least 180 days in order to receive a benefit need not be fulfilled by people who lost their job as a result of mass lay-offs, by graduates, or after basic military service or child-care leave.

18. The unemployment allowance is payable at the rate of 36 per cent of the average wage in the previous quarter. The period in which the allowance is received cannot exceed 12 months, except in the case of the following groups of people:

Graduates, who are entitled to the allowance for a period not exceeding nine months (thus they receive their first allowance three months after the day they register until one year after the date of graduation);

Graduates receive the allowance at the rate of 28 per cent of the average wage;

Unemployed people who, before registering, were employed for at least 25 years for women and 30 years for men, are entitled to the allowance for a period of 18 months;

Unemployed people with an employment period of 30 years for women and 35 years for men (25 years for women and 30 years for men if they have worked in harmful conditions for a period of at least 15 years), if no more than 2 years are lacking to the date of acquiring pension rights, receive the allowance up to the time they acquire the right to the old-age pension;

Unemployed people who have lost their job as a result of mass lay-offs and who, during the year in which their employment contract was terminated, reached the age of 55 (women) or 60 (men) - receive the allowance to the moment of acquiring the right to the old-age pension.

19. Unemployed people raising at least one child for whom they receive a family allowance or a child under 25 years of age (attending a school on a daily basis or are attending an institute of higher education and not having an income of his or her own exceeding half the minimum wage), if:

The spouse of the unemployed person is also unemployed and has already lost his/her right to the unemployment benefit;

The unemployed person is a single parent and has lost his/her right to that benefit,

are entitled to the unemployment allowance up to the moment of receiving a suitable offer of employment, intervention or public works. In this situation the right to the allowance is not limited to 12 months.

Pre-pension benefits

20. Unemployed people resident in regions considered as threatened by particularly high structural unemployment, who:

Remained in an employment relationship or service relationship for a period of 30 years for women, and 35 years for men;

Have a total employment period of 25 years for women, and 30 years for men, including at least 15 years of employment in particular conditions;

Lost their job in the period between 27 January 1990 and 31 December 1995 for reasons concerning establishments (the so-called mass lay-offs);

are entitled to pre-pension benefits. These people are entitled (up to the time of acquiring pension rights) to an allowance at the rate of 52 per cent of the average wage.

21. The pre-pension benefit is payable from the Labour Fund and the period in which it is received is considered as contributory for purposes of calculating the old-age pension.

22. Every unemployed person, irrespective of whether he/she receives an allowance, is entitled to free medical care provided by the state health service.

Table 4. Total unemployment and particular categories of the unemployed, 1990 to 1994 (as at the end of December, in thousands)

	1990	1991	1992	1993	1994
Total unemployment	1 126.1	2 155.6	2 509.3	2 889.6	2 838.0
Women	573.7	1 134.1	1 338.8	1 507.3	1 495.0
Aged 15-17	-	38.6 a/	14.1	5.5	2.4
Aged 18-34	-	1 362.6	1 599.7	1 814.1	1 756.8
Aged 35-54	-	716.0	851.9	1 013.3	1 020.7
Aged 55 and over	-	38.3	43.6	56.6	58.1
Total graduates	164.3	222.5	185.3	205.0	210.5
Women	95.2	120.0	110.5	12.2	125.2
Without the right to a benefit					
Total	234.4	452.6	1 197.7	1 495.3	1 415.3
Women	127.1	239.9	665.9	842.6	793.9
Unemployment rate	6.3	11.8	13.6	16.4	16.0
Total number of disabled	12.9	21.9	32.3	64.4	76.3
Women	-	9.7	14.0	26.7	31.9
Total juveniles	-	35.6 b/	4.9	2.3	0.6
Girls	-	19.0	2.6	1.0	0.2

a/ Including school graduates.

b/ Excluding school graduates.

Equality of opportunities and treatment in employment

23. The provisions of articles 67, paragraphs 2, 68 and 78 of the Constitution of the Republic of Poland, which have remained in force, guarantee equality of rights to all citizens irrespective of sex, birth, education, occupation, nationality, race, religion, social origin or position. All citizens have the right to work, that is to say the right to employment for remuneration in accordance with the quantity and quality of work.

24. Polish legislation only provides for differentiation because of nationality as regards access to certain kinds of employment. For example, only a Polish citizen may become a civil servant, be appointed a teacher in a public school, be appointed an employee of the Polish postal service or a public service employee.

25. Provisions regulating the employment of foreigners in the territory of the Republic of Poland are contained in the Act of 14 December 1994 concerning employment and counteracting unemployment. They guarantee the right to apply for work to all foreigners with the status of political refugee or who are in possession of a permanent residence permit.

26. Nevertheless, if no experts in a given occupation are to be found on the labour market among Polish citizens or foreigners with the appropriate status, foreigners who do not have the right to work may apply for employment after receiving permission from the appropriate voivodeship labour office.

The situation in rural regions of Poland

27. The number of unemployed people in rural areas at the end of 1994 was 1,154,000 representing 40.8 per cent of total unemployment. The rate of increase in unemployment in recent years was much higher in rural than in urban areas. This exceptionally unfavourable situation is complicated even more by the heterogeneity of the rural population, both from the standpoint of occupational status and of labour market opportunities.

28. Without reducing unemployment in rural areas and without solving the problem of unemployment among the rural population not connected with agriculture, we cannot expect a decrease in registered unemployment in individual agriculture, which currently affects around 37,000 people, or in hidden unemployment, which is estimated to affect between 450,000 and 700,000 people.

29. Some 14.8 million people inhabit rural areas, of whom 41 per cent are wage earners, 39 per cent work in agriculture (29 per cent of them on their own farms) and 20 per cent living on unearned sources of income (pensioners, etc.).

30. The majority of unemployed people in rural areas lost jobs in town, but a considerable proportion lost jobs in rural areas: on state-owned farms, in agricultural cooperatives and cooperatives of other economic units, in institutions connected with agriculture, in commerce or in rural services.

31. Among all people working in individual agriculture we can distinguish three main groups:

People working exclusively on their own farms - 3,721,900 (in 1994 their number was 13.1 per cent higher than in 1988). This growing trend was mainly the result of reduction in employment outside individual agriculture and the lack of job offers for most school graduates, including rural youth. As a result, the number of people working only on an individual farm increased from 1.55 per farm in 1988 to 1.84 in 1994;

The bi-occupational population - combining work on their own farm with work outside this farm - amounted to 1,056,800 in 1994, 157,700 (12.7 per cent) fewer than in 1988. The decrease in their employment was the result of lay-offs in construction, transport and industry, and in establishments situated in a rural environment, especially those of a service character;

People working exclusively outside farming around 352,700 in 1994, that is 48 per cent fewer than in 1988. Such a decrease is the result of the general economic situation of the country, employment reduction in the State sector, the liquidation of institutions in the agricultural environment, cultural and educational institutions, health service institutions, etc.

32. The data of the Central Statistical Office show that women account for 49.6 per cent of total unemployment in agriculture. In the demographic sense, the most numerous group affected are people in the productive age group (55.3 per cent); and within this group, the most affected are people aged from 18 to 24 years (about 15 per cent).

33. A considerable proportion of people in agricultural households are persons in non-productive age groups (44.7 per cent), including persons in the post-productive age group, (35.4 per cent). From the standpoint of education, the most numerous group are people with primary education (52.2 per cent) followed by those with basic vocational education (19.8 per cent) and incomplete primary education (17.8 per cent).

34. Since Polish farms are in general too small to provide employment to all the people living on them, one of the main ways of increasing income in rural households is to take up employment outside the farm. Up to the end of the 1980s, this population was the main source of manpower recruitment for the national industrial and construction sectors.

35. This bi-occupational population is composed of two groups:

Those working mainly on a farm (farmers, farm workers),

Those working additionally on a farm (worker-farmers).

According to a representative rural census of 1994, of the total number of bi-occupational people (1,046,800), the share of people for whom work outside a farm was their main source of income was 74.7 per cent (782,000 people).

In this group there are 673,300 men and 373,500 women. Over the period 1988-1994 the number of bi-occupational men decreased by 16.8 per cent and the number of women by only 4 per cent.

36. The majority of worker-farmers have permanent employment (95.6 per cent) for an indefinite or fixed period. Three-quarters of this group are aged between 18 and 44 years, the prevailing age group being 35 to 44 years. Every second man combining work on a farm with work outside agriculture has a vocational education. Most people combine employment outside agriculture with work on a farm of an area of from 2 to 5 hectares (38 per cent) or from 5 to 10 hectares (25 per cent). Only 1.6 per cent of worker-farmers come from farms of more than 20 hectares. One third of all bi-occupational people come from farms with the lowest level of mechanization and four-fifths from farms with mixed production. The largest number of bi-occupational people inhabit the south-eastern region and the smallest number the northern (1.8 per cent) and the north-eastern (4.3 per cent) regions.

People holding more than one full-time job

37. According to the data for the period from 1992 collected by the Central Statistical Office in the Labour Force Survey conducted in November 1994, 1,049,000 people held more than one full-time job, revealing a growing trend (an increase of 94,000 people) as compared with the situation in November 1992.

International assistance

38. In August 1991, the Government of Poland concluded an agreement with the World Bank on the basis of which Poland was granted a loan for the implementation of a project concerning employment and improvement of employment services. The project covers the following fields:

Management infrastructure for employment and social welfare programmes;

Income support programmes;

Employment services programmes;

Adult training;

Development of small enterprises.

39. Similarly in the framework of the Socio-Economic Development Programme, a component was included in non-reimbursable European Community assistance (PHARE Programme) to support local initiatives in the field of employment and social development.

Legislation

40. The following legislation is relevant to the implementation of article 6.

Act of 23 October 1987 concerning creation of the office of the Minister of Labour and Social Policy (Dziennik Ustaw No. 33, Text 175, with amendments);

Act of 14 December 1994 concerning employment and counteracting unemployment (Dziennik Ustaw of 1995 No. 1, Text 1);

Order of the Minister of Labour and Social Policy of 16 December 1992 concerning organization, detailed principles and scope of activity of the Labour Office, as well as voivodeship and local labour offices (Dziennik Ustaw No. 97, Text 482 with amendments);

Order of the Minister of Labour and Social Policy of 17 December 1991 concerning organization and procedure of the Supreme Employment Council (Dziennik Ustaw No. 122, Text 538);

Order of the Minister of Labour and Social Policy of 17 December 1991 concerning principles for granting loans from the Labour Fund (Dziennik Ustaw No. 122, Text 539).

Order of the Minister of Labour and Social Policy of 17 December 1991 concerning principles for organizing intervention and public works (Dziennik Ustaw No. 122, Text 540);

Order of the Council of Ministers of 24 August 1993 concerning determination of communities (gminas) threatened by particularly high structural unemployment (Dziennik Ustaw No. 82, Text 385);

Order of the Minister of Labour and Social Policy of 19 November 1992 concerning prolongation of a period of receiving allowances in administrative regions (gminas) threatened by particularly high structural unemployment (Dziennik Ustaw No. 87, Text 440, with amendments);

Order of the Minister of Labour and Social Policy of 17 December 1991 concerning the detailed principles for placement, orientation and vocational guidance, registration and records of the unemployed and job seekers, as well as for granting benefits determined in provisions on employment and unemployment (Dziennik Ustaw No. 122, Text 541);

Order of the Minister of Labour and Social Policy of 27 May 1992 concerning the procedure for collecting Labour Fund contributions from people covered by social insurance in respect of other activity outside agriculture (Dziennik Ustaw No. 50, Text 230).

Article 7. The right to just and favourable conditions of work

International instruments ratified

41. Poland is a party to the following ILO Conventions:

Equal Remuneration Convention, 1951 (No. 100);

Weekly Rest (Industry) Convention, 1921 (No. 14);
Labour Inspection Convention, 1947 (No. 81);
Labour Inspection (Agriculture) Convention, 1969 (No. 129).

Methods used for fixing wages

42. The basic principles for fixing wages were amended in 1995 and determined in the Act of 29 September 1994 concerning the amendment of the Labour Code and the amendment of certain Acts. Special importance will be attached to collective bargaining conducted by social partners without any external interference. New collective agreements concluded thanks to these negotiations will be the main source of the labour law.

43. The Act introduces two kinds of collective agreements: agreements at the establishment level and agreements above establishment level. Agreements at the establishment level will be concluded for workers employed by a given employer. However, they will not be concluded in state entities. Agreements at above establishment level can be concluded both at branch or occupational level and, for example, as multi-branch, territorial, territorial-branch, territorial-multi-branch and territorial-occupational agreements. Legal provisions do not directly regulate this issue, leaving decisions in this field to the discretion of the parties to the agreement (the social partners).

44. Collective agreements, at both above establishment and establishment level, are concluded for all employees of establishments covered by the agreement (unless the parties decide otherwise). However, the agreement cannot be concluded for persons nominated to the public service, persons nominated to serve in self-governments, judges and public prosecutors.

Agreements are concluded at above establishment level:

(a) On behalf of the workers, by an appropriate (according to statute) organ of a trade union;

(b) On behalf of the employers by:

- (i) An appropriate (according to statute) organ of an employers' organization, for employers who are members of this organization;
- (ii) The competent minister, on behalf of state entities;
- (iii) The president of a community (gmina) board (the board of a union of communities) on behalf of self-government entities.

45. The subjects regulated by the collective agreements are very broad and to a large degree depend on the parties. However, a basic condition should be fulfilled: with respect to specific issues the provisions of an agreement cannot be less advantageous for an employee than the statutory labour legislation or regulations issued on the basis of that legislation.

46. However, such agreements cannot establish:

- (i) Provisions for special protection of workers against termination of the employment relationship;
- (ii) Workers' rights in the event of unjustified or illegal termination of an employment relationship, with or without notice, with the exception of remuneration or compensation granted in this respect;
- (iii) Liability for breach of order and discipline;
- (iv) Maternity and child care leave;
- (v) Protection of remuneration.

47. The agreement should observe the provisions of the Labour Code. An amended text of the Code has been submitted to Parliament. In the field of wages it contains, inter alia, the following provisions:

(a) Remuneration for work should be determined in such a way that it corresponds to the particular kind of work performed and the skills required in its performance and takes into account the quality and quantity of work performed;

(b) When determining workers' remuneration, remuneration rates and the principles for applying them should be determined for work of a given kind or at a specified post, as well as the amount of and the principles for applying other components of pay if they have been provided for given work;

(c) The following pay components have been considered as universally granted:

The basic wage;

Additional pay for overtime work;

Additional pay for night work;

Remuneration for work outside normal hours in an establishment or in other place designated by an employer (if he has not been granted compensatory time off);

Remuneration for time during which a worker was idle through no fault on his part;

(d) Payment of remuneration should take place at least once a month, with the exception of components of remuneration for periods exceeding one month. In the case of remuneration calculated on the amount of work performed (contract work, work on the basis of a commission), a worker is entitled to an advance payment and the balance promptly after the full remuneration is calculated.

48. The collective agreement must provide for the payment of the above-mentioned wage components and observe the principles for granting them determined in the Labour Code (and in other Acts of Parliament). However, the collective agreement will be free to determine the amount of these components of pay at a higher level than provided in the Labour Code and to determine principles for granting them that are more advantageous for the worker than the principles determined in the Labour Code or other statutory acts.

The minimum wage

49. The role of the minimum wage in the wage system and in the system of other benefits has undergone many changes over the period in which it has operated. It has always established a minimum level, guaranteed by the State, of total or part of remuneration for work.

50. Since 1 September 1990, the basis for fixing the minimum wage has been the lowest full monthly remuneration guaranteed to workers, irrespective of their skills and personal rates, as well as irrespective of the number and kind of wage components applied in establishments. When fixing the minimum wage only the following components have been excluded: bonuses for a period of employment (anniversary bonuses), pension bonuses, rewards from an establishment reward fund, bonuses from profit, payments from balance surplus in cooperatives and remuneration for overtime.

51. The minimum wage is fixed at a uniform rate for all workers irrespective of their place of employment or sex. The only group to which minimum wage provisions do not apply are juveniles undergoing vocational or on the job training.

Legal force of the minimum wage

52. The minimum wage is fixed by a regulation of the Minister of Labour and Social Policy. The level of the minimum wage is guaranteed by the State. Legal provisions ensure that workers who have not reached the level of the minimum wage receive compensatory payment to reach this level. Wage earners, whose remuneration has been determined to be in violation of the above principles, are entitled to lodge a claim with a labour court.

53. The method of fixing the minimum wage, together with a mechanism for quarterly indexation, negotiated with the trade unions in 1991, allows for the maintenance of the real value of the minimum wage.

Methods for fixing the minimum wage

54. The principles in accordance with which the level of the minimum wage is determined have been in force since the second half of 1991 and were established through negotiations with the trade unions.

55. The minimum wage is fixed on the basis of a basket of goods and services in household budget surveys conducted by the Central Statistical Office. The so-called low consumption level was taken into account, that is the basic expenditures of the first 20 per cent of the total number of workers' households. The basic basket includes all categories of household

expenditures with the exception of expenditure on alcohol, tobacco and private transport. It is updated every year after the results of new household budget surveys are published. In addition, the following are taken into account, in fixing the level of the minimum wage:

The share of personal remuneration in the average total wage (because the minimum wage does not take into account premiums, share in profits, benefits payable by an establishment);

The average number of people per one economically active person (in order to meet the demands of trade unions concerning the family character of this wage);

The overall rate of growth of prices of goods and services (in order to adjust the level of the minimum wage and prevent it decreasing in real value).

56. The minimum wage is fixed on a quarterly basis. In socially justified circumstances (for example a higher increase in the cost of living than was estimated), the minimum wage agreement allows for additional indexation. Application of the principle of quarterly indexation has allowed for constant growth in the level of the minimum wage at a higher rate than that of the average wage in the national economy. Information on the wage structure in the national economy, including the proportion of people receiving remuneration equal to the minimum wage, comes from the surveys carried out by the Central Statistical Office.

57. On the basis of the surveys 1/ referred to we may say that remuneration near the level of the minimum wage was received in 1992 by around 3.4 per cent of the total number of employees (including 2.4 per cent of employees in the public sector and around 7.7 per cent of employees in the private sector) and in 1993 by 4 per cent of all the employed people (including 2 per cent of employees in the public sector and 9.4 per cent of employees in the private sector). In March 1994 the minimum wage was received by 2.5 per cent of people employed in the national economy (of which in the public sector - 0.9 per cent and in the private sector - 5.1 per cent) and in September 1994, 2.8 per cent of the total number of people employed (of which in the public sector - 0.9 per cent and in the private sector - 6.7 per cent).

58. Supervision of compliance with legal regulations in the field of the minimum wage is exercised by the State Labour Inspectorate, a monitoring organ of the public administration, whose competence covers inter alia investigation of remuneration and other workers' benefits. According to State Labour Inspectorate reports, in 1993-1994, inspectors registered some irregularities in payment of the minimum wage in 2.5 to 3 per cent of enterprises controlled.

Development of average and minimum wages

59. Table 5 presents the level of the minimum wage in comparison with average wage growth and the increase in the cost of living 10 years ago, 5 years ago and at present. 2/

Table 5. Minimum and average wages, nominal and real values (in connection with the increase in the cost of living)

	1983	1988	1993	1994
Net minimum wage in zlotys	5 400	15 000	1 384 400	1 847 170
Net average wage in zlotys	14 475	53 090	3 201 500	4 282 900
Relation of the minimum wage to an average wage in %	37.3	28.3	43.2	43.1
Minimum real wage (1983 = 100)	100.0	89.6	105.8	106.7
Average real wage (1983 = 100)	100.0	118.4	91.3	91.7

Based on GUS data

60. Wages in Poland during the 1980s and in the first half of the 1990s developed under the influence of fast and irregularly increasing prices. For this reason statistical data for certain years are deceptive: they are, for example, the result of considerable price growth in a given year not yet followed by wage growth or, on the contrary, high wage growth, in reaction to the restrained rate of increase in wages in previous years. Such a situation existed in 1988 and data for that year do not show an objective picture of the situation. On the contrary, the relation of the minimum wage to an average wage and the cost of living in 1993 and 1994 may be estimated as typical and indicating processes really taking place in the field of wages.

61. These processes consist in:

A slowing down of the rate of growth of the average wage to a level nearing the dynamics of living costs. Such a wage policy is carried out to prevent inflation;

Higher growth of the minimum wage than of the average wage. This change means a trend towards improvement in the relation between these categories. It was introduced by establishing a new method of fixing the minimum wage.

Monitoring of the minimum wage

62. The monitoring of the effective functioning of the minimum wage is exercised by labour inspectors who sometimes find cases of violation of this system in private establishments.

63. According to statistical studies carried out in September 1993, around 2.5 per cent of employed persons received remuneration below the statutory minimum wage. The minimum wage in Poland is so low that work of good quality is generally not remunerated below the minimum wage level.

Equality of remuneration for work of equal value

64. In Poland the principle of equality of remuneration for work of equal value is recognized. Wage discrimination of workers is not admitted in any form. However, in practice, this principle is difficult to implement and certain inequalities in wages between women and men workers exist.

65. The lower wages of women vis-à-vis men are a persistent phenomenon, due mainly to the employment of women in less remunerated sectors of the economy.

Table 6. Average monthly remuneration of women and men by employment groups over the years 1976-1994

	1976	1980	1985	1987	1989	1991	1992 a/	1993 a/	1994
	in zlotys					in thous. zlotys			
TOTAL	4 045	5 907	20 084	29 730	246 778	1 782	3 132	4 066	5 552
Men	4 710	6 885	22 997	33 761	216 699	2 001	3 447	4 546	6 235
Women	3 121	4 582	16 177	23 921	171 455	1 542	2 747	3 533	4 806
Women's wages as % of men's	66.3	66.6	70.3	70.9	79.1	77.1	79.7	77.7	77.1
Manual workers	3 947	6 002	20 357	30 037	244 999	1 670	2 866	3 704	4 973
Men	4 522	6 773	22 792	32 988	210 041	1 855	3 153	4 121	5 518
Women	2 829	4 416	15 257	22 290	155 429	1 308	2 231	2 855	3 868
Women's wages as % of men's	62.6	65.2	66.9	67.6	74.0	70.5	70.8	69.3	70.1
White collar workers	4 238	5 735	19 584	29 199	249 585	1 944	3 546	4 585	6 326
Men	5 290	7 215	23 662	36 713	244 449	2 439	4 385	5 826	8 212
Women	3 464	4 746	17 060	25 603	188 117	1 712	3 122	4 003	5 419
Women's wages as % of men's	65.5	65.8	72.1	69.7	77.0	70.2	71.2	68.7	66.0

Source: GUS "Employment in the national economy by amount of remuneration for September".

a/ For the years 1992 to 1994 - gross wage.

66. The disadvantaged wage situation of women vis-à-vis men is observed in both the private and the public sector. However, in the private sector, the wage situation of women is slightly worse.

67. In Poland there is no organized activity aimed at improving women's wages as compared with men's wages, because the situation in this area is not considered to be discriminatory. In GUS statistical studies no distinction is made between men's and women's wage structures in comparable posts. Thus, it is difficult to state explicitly that women's lower wages mean discrimination. It is considered that these disproportions are mainly the effect of unequal opportunities for advancement and of consistently lower wages in the non-manufacturing sphere, where women are mostly employed.

68. These disproportions are heightened by the persisting division of family roles into women's and men's functions. This division is transferred to the sphere of occupational activity and to cultural norms, according to which lower wages for women are considered to be justified. It is most often the result of unconfirmed convictions as to women's lower productivity and their commitment to family life at the cost of occupational work.

Job appraisal

69. The following are the main types of activity undertaken to promote objective job appraisal on the basis of work performed:

(i) Classification of jobs and specializations

Development of the classification was completed in 1995. The new classification replaced one issued in 1982. Classification of jobs and specializations is the basic instrument of employment, vocational guidance and placement policy. It allows for linkage of the employment system with the education system, for education planning and utilization of labour potential (skills). It is the basis for establishing a registry of personnel and personal records. It allows for making analyses and forecasts concerning the labour market and employment because it determines the basic labour market structure.

The new jobs classification was initiated because of a recognized need to determine the current occupational structure in Poland and that forecast for the near future. It is necessary inter alia in order to put into operation a computerized system of labour market services with the following main functions: placement, vocational guidance, training and retraining of workers, employment of the disabled, employment and labour market monitoring and statistics.

70. Ratification by Poland of Convention No. 160 and adoption of Recommendation No. 170 of the International Labour Organization was another important reason for initiating this classification, in addition to the

necessity of adjusting Polish classification to the "International Standard Classification of Occupations ISCO - 1988", adopted at the XIVth International Conference of Labour Statisticians in Geneva in 1987.

71. The choice of classification method in the Polish conditions was the result of a compromise between methodic and substantive accuracy on the one hand and cost and lack of time on the other. As the main method, a comparative analysis of the following documents was used:

International Standard Classification of Occupations, International Labour Office, Geneva 1987;

Klasyfikacja zawodów i specjalności (Classification of jobs and specializations), Institute of Labour and Social Affairs, Warsaw, 1983;

Klasyfikacja zawodów i specjalności szkolnictwa zawodowego (Classification of jobs and specializations of occupational education), Warsaw, 1982;

Klasyfikacja zawodów i specjalności szkolnictwa zawodowego (Classification of jobs and specializations of occupational education), Warsaw, 1986;

Terminology of directions and specializations in higher education;

Classification of jobs applied in countries with a developed market economy.

The main objective was to apply a principal classification structure based on the ILO international standard classification.

72. A set of occupational tasks performed with slight changes by different individuals in different establishments (workplaces) was used as the basic criterion for defining an occupation. For this reason, the classification is an important contribution towards ensuring more impartial job appraisal.

(ii) Development of a uniform, universal job evaluation method based on analysis and points

73. The aim was not only the development of new skills and position specifications, but also an appraisal of existing wage relations, especially between work posts and occupations. It was planned to draft a wage proportions model, which would be both a basis for appraisal of current wage relations and for activities in the framework of the central wage policy aimed at correct development of these relations. That task required the drafting and application of a uniform method of job evaluation, ensuring equality of measures used to evaluate both manual and white collar work in various fields of production and economic activity.

74. Particular importance was attached by the team developing job evaluation methods to appropriate weighting of the points attributed to different criteria. It also attached special importance to ensuring an impartial appraisal allowing for appropriate differentiation of different categories of

jobs. Taking into account the fact that the methods applied should have a general character, job evaluations criteria were chosen taking into account their universal character. The selected criteria should allow for evaluation of the majority of jobs existing in the national economy. For this purpose also another method was used. It is called "synthetic job evaluation". In enterprises, some other methods of job evaluation are also used to implement the principle of equal pay for work of equal value.

Wages in the public and private sector

75. The table below presents the income distribution of employees in both the public and private sector.

Table 7. Wages by form of ownership a/

	1992	1993	1994
Total in thous. zlotys	2 935	3 995	5 473
Public sector in thous. zlotys	2 968	4 096	5 664
Private sector in thous. zlotys	2 872	3 771	5 067
Private sector as % of public sector	96.8	92.1	89.5

Source: Employment and wages in the national economy in 1992, 1993 and 1994, GUS.

a/ Wages in enterprises with more than five employees.

The table shows that the wage gap between sectors is to the disadvantage of private sector employees. The difference is considerable and growing.

76. Average net wages of manual workers in the public sector amounted to 86.1 per cent of white collar workers' wages in 1993. This gap is larger in the private sector where manual workers' wages in 1993 amounted to only 69.6 per cent of white collar workers' wages. At the same time, manual workers' wages in the private sector are much lower than in the public sector. It should be emphasized that the phenomenon of lower wages in the private sector than in the public sector only concerns manual workers' wages, for non-manual workers being higher in the private sector.

Table 8. Wages for manual and non-manual workers in the public and private sector, 1991 to 1994

	1991	1992		1993		1994
	net	wages		wages		gross
	wages	net	gross	net	gross	wages
<u>Total</u>	1 782	3 132	2 578	4 066	3 325	552
Manual workers	1 670	2 866	2 364	3 704	3 035	4 973
Non-manual workers	1 944	3 542	2 905	4 585	3 740	6 326
<u>Public sector</u>						
Total	1 784	3 148	2 590	4 124	3 375	5 760
Manual workers	1 696	2 916	2 408	3 839	3 144	5 380
Non-manual workers	1 904	3 489	2 864	4 477	3 653	6 158
<u>Private sector</u>						
Total	1 774	3 066	2 525	3 903	3 193	5 231
Manual workers	1 565	2 682	2 220	3 399	2 797	4 336
Non-manual workers	2 151	3 822	3 132	5 022	4 017	6 843

Source: Employment in the national economy by wages in September 1991, 1992, 1993 and 1994, GUS.

77. The ratio of wages in the private to those in the public sector in the years 1991 to 1994 are as follows (in %):

	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>
Total	99.4	97.4	94.6	89.1
Manual workers	92.3	92.0	88.5	80.6
Non-manual workers	113.0	109.5	112.2	111.1

78. It is a characteristic feature of the private sector that the remuneration of managers is very high. Although wages in the public sector are generally higher, they differ according to branch and enterprise.

Table 9. Examples of differentiated wage development in industry in 1993 a/

Branch of industry	Average wages		Private sector wages as % of public sector wages
	Sector		
	Public	Private	
Industry total	4 548.8	3 831.4	84.2
Coke industry	6 110.1	3 753.3	61.4
Power and heating industry	6 834.6	4 536.0	66.4
Building machines and equipment industry	3 721.0	2 478.0	66.6
Electronic apparatus industry	3 390.1	7 070.6	208.6
Precision engineering repair shops and services	3 136.7	5 919.6	188.7
Information media	3 058.8	10 083.3	329.6
Auxiliary units of transport industry	3 419.7	10 954.3	320.3
Pulp and paper industry	3 647.6	5 684.8	155.9
Felt and technical clothing industry	3 737.5	5 688.6	152.2

a/ In enterprises with more than 50 employees.

79. Table 9 shows that in several branches of the private sector wages are lower than in the public sector, whereas in others, especially the information media, they are as much as three times higher. No such spectacular examples can be mentioned in the public sector. The general wage pattern in this sector is that of a large number of workers earning 10 to 20 per cent more than in enterprises of the same branch in the private sector.

Occupational health and safety

80. The constitutional right of workers to safe and healthy conditions of work is set out in detail and developed in the Act of 26 June 1974 - the Labour Code (Dziennik Ustaw No. 24, Text 141, with amendments), which contains the general legal basis for labour protection of a general character; as well as in provisions of the Labour Code. These provisions, together with legal provisions specifying the rights of trade unions and the Social Labour Inspectorate, as well as legal acts governing the activity of bodies responsible for the supervision and inspection of working conditions (the State Labour Inspectorate, the State Sanitary Inspectorate and others) determine the legal framework of the binding labour protection system.

81. The obligations of establishments and workers in the field of occupational safety and health are determined in Part X "Occupational safety and health" of the Labour Code, as well as in Part I "General provisions" and Part IV "Obligations of establishments and workers resulting from an employment relationship". Obligations in the field of occupational safety and health are an integral part of establishments' and workers' obligations (resulting from an employment relationship) and have been described in detail in previous reports under this article.

82. During the period of transformation of the social and economic system in Poland a phenomenon of lack of respect for that part of the labour law concerning occupational safety and health was observed, particularly among newly created private enterprises.

83. The Labour Code, adopted in 1974, was adjusted to another social and economic reality and did not specify all the obligations of establishment managers (employers). Under the management system based on orders which was in force earlier, precise formulation of all the obligations in the field of occupational safety and health did not seem necessary, especially since the private sector was only of marginal importance. Part X of the Labour Code, "Occupational safety and health", as it stands at present, also does not contain all the legal regulations set out in ILO Conventions Nos. 136, 139, 148, 155, 161, 162, 167 and 170, which have not been ratified by Poland, or in Economic Community directives, which could be taken into account in the Labour Code.

84. In 1992, the Ministry of Labour and Social Policy completed work on amending Part X of the Labour Code. The draft changes to this part were included in the draft act concerning the change of the Act-Labour Code and the change of certain Acts. In 1993 and then - owing to the dissolution of Parliament - in 1994, the Sejm of the Republic of Poland started anew the work on the draft act. Adoption of the Act concerning the change of the Act-Labour Code and the change of certain Acts is planned for the beginning of 1996.

85. In accordance with the new proposals contained in the draft amendment of Part X of the Labour Code, a worker will have the right to:

Refrain from performing work where conditions of work do not correspond to occupational safety and health provisions and create a direct threat to his/her life or health, or if the work performed by him/her causes such danger for other people. If such refraining from work does not eliminate the risk the worker will be entitled to leave the workplace. Refraining from performing work or leaving the workplace does not deprive the worker of his right to remuneration;

Refrain from performing work requiring particular psycho-physical efficiency if his/her efficiency in this field does not ensure safety in performing the work and is hazardous for other people. In this case, the worker does not retain the right to remuneration for a period of refraining from work;

Undergo a medical examination at the expense of the employer - even after termination of an employment relationship - if he/she has earlier performed work in conditions of exposure to carcinogenic substances and factors and dust causing fibrosis.

86. New legal regulations contained in the draft amendment to Part X of the Labour Code also impose upon a worker the obligation of collaborating with an employer in fulfilling obligations in the field of occupational safety and health. In this connection, the worker will also be obliged to ensure appropriate conditions are maintained at his post and in his workplace.

87. The draft amendment of Part X of the Labour Code also contains an important proposal concerning the appointment of occupational safety and health committees by employers employing more than 50 workers. These committees will act as advisory and opinion-pronouncing bodies for the employer and they will be composed inter alia of a social labour inspector, workers' representatives appointed by trade union organizations and - in their absence - by the workers.

88. New proposals - so far not existing in Polish law - contained in the draft amendment of Part X of the Labour Code, impose upon an employer the obligation of:

Informing (14 days before starting an activity) the appropriate State labour inspector and the appropriate State sanitary inspector of the place, kind and scope of activity and the planned number of employees. This obligation will also be imposed upon an employer in the case of change of place, kind and scope of activity, and particularly change of applied technology or production profile;

Equipping work posts with machines and other technical equipment as well as tools meeting the occupational safety and health requirements and equipped with a safety certificate;

Prohibiting the use of resources, materials and technological processes without earlier determination of the degree to which they are harmful and without taking appropriate preventive measures;

Prohibiting the use of chemical substances not marked in a way allowing for their identification;

Prohibiting the use of dangerous chemical substances in inappropriate packages, without adequate marking, not equipped with cards characterizing these substances;

Particular care for the state of health of workers if it is necessary to employ them in conditions of exposure to carcinogenic agents or probable carcinogenic agents, etc.

89. The draft amendment of Part X of the Labour Code also determines principles of cooperation in the field of occupational safety and health in the case where several employers carry out activities at the same site. These employers will be obliged to cooperate and to appoint a coordinator to

supervise activities aimed at ensuring occupational safety and health to all workers on this site. They will also be obliged to determine principles of collaboration taking into account the procedure to be followed in cases of hazard to workers' life or health.

90. The following are the main bodies supervising and monitoring working conditions:

The State Labour Inspectorate, which reports to the Sejm of the Republic of Poland;

The State Sanitary Inspectorate, which reports to the Minister of Health and Social Welfare.

The State Labour Inspectorate has very broad rights in the supervision of working conditions. It functions on the basis of the Act of 6 March 1981 concerning the State Labour Inspectorate (Dziennik Ustaw of 1985 No. 54, Text 276 and of 1989 No. 34, Text 178). The State Labour Inspectorate reports to the Sejm of the Republic of Poland. Supervision of its activity is exercised by the Labour Protection Council appointed by the Sejm Presidium. The State Labour Inspectorate performs its tasks through its district inspectorates.

91. The ratione materiae competence of labour inspectorates covers supervision of the observance of labour law provisions in general, including occupational safety and health provisions. As a basic power of the labour inspector we should mention the right to monitor an establishment, including the right to: visit an establishment, demand information in matters pertaining to the competence of the labour inspector and examine documents concerning these matters. If any infringement of occupational safety and health provisions is ascertained, the inspector may take a decision obliging the manager to eliminate such infringement. The following (inter alia) may be the subject of such a decision:

Elimination of infringements of occupational safety and health provisions;

Stopping of work (including the work of an establishment or its part) in the case of direct threat to the life and health of workers;

Transferring to other work people employed, in violation of the legal provisions in force, in harmful or dangerous conditions, etc.

92. As regards preventive supervision, the labour inspector participates in the handing over of newly constructed or modernized workplaces.

93. The labour inspector may impose fines upon individuals for actions subject to penalty referred to in articles 281, 282 and 283 of the Labour Code and the Code of Petty Offences.

94. The activity of the State Sanitary Inspectorate is carried out on the basis of the Act of 14 March 1985 concerning the State Sanitary Inspectorate (Dziennik Ustaw No. 12, Text 49, with amendments). The Inspectorate performs its tasks through voivodeship and local sanitary and epidemiological stations.

95. The mandate of the State Sanitary Inspectorate covers supervision of compliance with sanitary provisions, including occupational health provisions. The supervision is exercised by inspection of workplaces and the sanitary and hygienic premises of establishments, as well as measurement of harmful agents in the working environment. The occupational health section of the State Sanitary Inspectorate is the main unit conducting such measurements, with the assistance of authorized environmental studies laboratories working under its supervision.

96. In the framework of preventive supervision, State sanitary inspectors from the occupational health section:

Supervise the activity of experts, providing opinions on designs for the construction or transformation of establishments from the standpoint of the hygienic and sanitary requirements;

Monitor compliance with occupational health provisions in such construction work.

In the framework of ongoing sanitary supervision, the State sanitary inspectors from the occupational health section:

(a) Determine strategy for preventing occupational diseases and implement activities in this field;

(b) Monitor compliance by establishments with occupational health provisions;

(c) Issue decisions in the field of occupational health, concerning in particular:

The elimination of ascertained infringements which may cause occupational diseases;

Medical examinations for employees;

The transfer to other work of employees threatened by or contracting an occupational disease;

(d) Issue orders to a given establishment or part thereof to stop its activity if it is unable to eliminate infringements immediately;

(e) Have the right to take, free of charge, samples of products exerting an influence upon human health;

(f) Apply economic measures (impose fines upon both legal persons and individuals).

Employment-related accidents and occupational disease

97. The table below presents data concerning the number of victims of employment-related accidents and the effects of such accidents.

Table 10. Victims of employment-related accidents and number of days of incapacity for work caused by accidents

Year	Total No. of accidents	Fatal	Serious	Not serious	Women	Juveniles	No. of days of incapacity for work	
							In absolute figures	Per victim
1991	115 972	786	5 339	109 847	20 692	1 240	4 566 283	39.6
1992	102 941	647	3 603	98 691	18 161	1 070	4 081 928	39.6
1993	103 072	659	2 891	99 522	19 576	923	4 234 247	41.1
1994	102 441	645	2 400	99 396	21 073	916	4 235 509	41.3

Source: Statistical Yearbook of the Central Statistical Office, 1995.

The data concerning occupational accidents cover all employment-related accidents and accidents considered as such, except for accidents in individual agriculture.

98. The legislation considers as an employment-related accident a sudden occurrence resulting in injury caused by an external circumstance, which occurs in connection with work, while the worker is performing (or in connection with his/her performing): normal activities, activities upon orders of superiors, or activities performed in the interest of an establishment (even without an order) and during the time of being at the disposal of an establishment on the way from its headquarters to another place to performing duties resulting from an employment relationship.

99. The legislation also considers as an employment-related accident an accident sustained by a worker:

During an official trip;

In connection with his service in establishment and ministerial self-defence formations or in connection with his membership of a compulsory or voluntary fire brigade functioning in an establishment;

When performing tasks contracted by organizations functioning in an establishment, for example occupational organizations.

An accident suffered by any single worker is considered as one employment-related accident, irrespective of whether he/she was the victim of an individual or a collective accident.

100. The legislation considers as a serious employment-related accident an accident as a result of which serious bodily injury occurs, namely, hearing loss, loss of sight, speech, procreative ability, or other injury or health disorder disturbing basic body functions, as well as incurable or life-threatening illness, longstanding mental illness, permanent, complete or considerable incapacity for work in an occupation or permanent serious deformity or disfigurement.

101. An accident is considered as a fatal employment-related accident if, as a result of it, the victim's death occurs at the time of the accident or during the six following months.

102. Employment-related accidents are inter alia classified according to the incidents that give rise to them as well as by cause of the accidents (all shortcomings and irregularities connected with physical factors, with work organization, incorrect workers' behaviour). Every employment accident is the result of one incident, but most often it has several causes. For this reason the total number of causes is higher than the total number of accidents. The following table sets out the main causes of employment-related accidents.

Table 11. Injuries in employment-related accidents by cause of the accident

	1992	1993	1994
Total	102 941	103 073	102 441
Falls	25 459	27 168	26 408
Blow from/crushed by:			
Moving objects	13 334	12 832	12 693
Machinery, equipment, tools and falling objects	27 407	26 384	25 647
Fixed objects	4 066	4 019	4 264
Collision with sharp objects	8 402	8 418	8 885
Effects of harmful chemical and other substances	8 539	8 282	8 651
Fire, explosion, natural forces	2 076	2 178	1 892
Medical emergencies	866	922	943
Other	12 792	12 869	13 058

Source: GUS statistical data.

103. On account of the different definitions of employment-related accidents used in different countries and owing to changes in the system of data collection in this field, for comparative purposes it is possible to give only the number of fatal employment-related accidents:

<u>Year</u>	<u>No. of fatal accidents</u>
1985	1 258
1986	1 025
1987	987
1988	972
1989	913
1990	850
1991	786
1992	644
1993	659
1994	645

104. In Poland, in accordance with the provisions of the Order of the Council of Ministers of 18 November 1983 concerning occupational diseases (Dziennik Ustaw No. 65, Text 294; of 1989, No. 61, Text 364), there is a list of 20 occupational diseases.

<u>Year</u>	<u>No. of people suffering from occupational diseases</u>
1983	8 550
1984	8 747
1985	8 626
1986	9 105
1987	9 845
1988	9 604
1989	8 991
1990	9 326
1991	11 988
1992	10 639
1993	10 955
1994	11 156

Accidents in agricultural work on individual farms

105. In agriculture and the food industry, besides the nationwide legal regulations concerning occupational safety and health protection, there is also branch legislation in the field of occupational safety and health.

106. Individual agriculture is covered by a separate insurance system described in the information provided under article 9, paragraph 3 of the Covenant.

Table 12. Accidents in agricultural work on individual farms, 1988-1993

	Years		
	1988	1993	1994
Total number of employment accidents	76 672	42 075	41 340
of which, fatal	485	286	316
Total number of occupational diseases	24	20	61

107. An analysis of fatal accidents shows that the major cause of death is motor vehicle accidents. The next most frequent cause is falls, followed by collision with moving parts of agricultural machinery or being crushed by materials and transported objects.

The principle of equal opportunity for promotion

108. The principle of equal opportunity for promotion is universally accepted in Poland and is a legal norm. However, in practice, women occupy worse and less well remunerated posts than men.

109. At the end of 1993 the number of women employed in the national economy amounted to 6,907,500, 46.8 per cent of the total working population. Such a high level of women's employment is an effect not only of economic need but also, to a considerable degree (especially in the case of educated women), of a need to satisfy professional ambitions.

110. Women's share in managerial positions, in spite of considerable progress, is disproportionately low as compared with their skills and rate of employment. Women account for around 28.1 per cent of the total number of managerial staff. However their promotion usually stops at the lower and middle levels; the higher the management level the lower is women's participation.

111. Women's participation in Parliament is also low. In the present term of Parliament (data for 1994), women account for only 13 per cent of deputies to the Sejm (60 women out of 460 deputies); in the senate only 8 women are

present for a total of 100 senators. The low participation of women in the Parliament is the result of low interest in political activity. However, such low participation does not apply to their economic activity. High participation by women in the group of employers and people working on their own account should be emphasized. In 1993 women accounted for 45.6 per cent of members of this group (2,481,700 women out of a total of 5,444,500 people), which means that their proportion in this group was nearing their proportion in the labour force.

112. The high level of women's economic activity means that for the majority of Polish workers' families a double income (from men's and women's work) is typical and is the basis of the family's material existence. In the majority of Polish families where women are economically active, the growing part they play in meeting the economic needs of the family is generally accepted. In this field, their equality is not questioned and in practice is even required and expected.

Time off work

113. In accordance with article 69 of the Constitution, citizens of the Republic of Poland have the right to rest. Similarly, the Labour Code guarantees the right to rest in its article 14. This right is ensured by legal provisions governing hours of work, days off and vacation.

114. In accordance with article 128 of the Labour Code, the expression "hours of work" means the time during which a worker is at the disposal of an establishment, either in the establishment itself or in some other place designated for the performance of work. In accordance with this definition, hours of work mean not only the time of actual work performance but also time of readiness for work and breaks in work, which are calculated in the hours of work on the basis of the law. The Labour Code introduced norms for maximum hours of work, equivalent to 8 hours a day and 46 hours a week. At the same time, it provided for the possibility of a reduction in hours of work in accordance with principles and to the extent determined by the Council of Ministers (art. 129 of the Labour Code). On this basis, the Order of the Council of Ministers of 23 December 1988 concerning hours of work in establishments (Dziennik Ustaw of 1991 No. 117, Text 511, with amendments) was issued. Its provisions determine norms for hours of work and principles for introducing flexible work schedules that are binding in most establishments. The number of hours worked is determined differently for certain categories of workers:

Workers whose rights and obligations are regulated by the Act (for example, teachers) or on the basis of article 298 of the Labour Code (for example, health service workers, workers employed abroad in the framework of export construction or services connected with export, etc.);

Workers employed in particularly arduous jobs or in unhealthy conditions (on the basis of article 130 of the Labour Code);

Workers employed on guard duties (on the basis of article 145 of the Labour Code);

Young workers (art. 202 of the Labour Code);

Workers employed by individual employers (on the basis of article 299 of the Labour Code);

Workers included in disability group I or II (arts. 9-12 of the Act of 9 May 1991 concerning employment and rehabilitation of the disabled - Dziennik Ustaw No. 46, Text 201, with further amendments).

115. In accordance with paragraph 1 of the Order concerning hours of work, working time in establishments cannot exceed 8 hours a day and on average 42 hours a week, taking into consideration 38 additional days off in a calendar year. For State-owned establishments the norm is 8 hours a day and an average of 42 hours a week. Regarding non-State-owned establishments the provisions only indicate the maximum number of hours that can be worked, while for State-owned establishments the hours are fixed and cannot be reduced or extended (except in situations expressly laid down by the law). Besides, a principle is applied that in a monthly period (in all types of establishments) hours of work cannot exceed the number of hours resulting from multiplying eight hours by the number of calendar working days, excluding the additional days off in a given month specified by the Minister of Labour and Social Policy in consultation with the national inter-union organization. The dates of the additional days off specified by the Minister of Labour and Social Policy are not fully binding upon establishments, because at the proposal of workers or on his own initiative the manager of an establishment may - in consultation with the establishment trade union organization - introduce additional days off on other dates, while maintaining the above-mentioned monthly rate of hours of work.

116. It should be added that the expression "calendar working days", used in determining the number of hours to be worked monthly, means all calendar days, with the exception of Sundays and holidays, as specified in the Act of 28 January 1951 concerning days off from work (Dziennik Ustaw No. 4, Text 28 with amendments).

117. Work in excess of the normal hours fixed in accordance with the binding provisions is overtime. Such work is permitted only in the event of:

Rescue operations required to protect human life or health or to protect property or deal with a breakdown;

Special requirements of the establishment.

The Labour Code determines a maximum number of hours in a calendar year (120) which can be worked on overtime to meet special requirements of the establishment. A worker employed on overtime is entitled, in addition to his normal remuneration, to a supplement (art. 134 of the Labour Code).

118. A higher rate of remuneration is also payable for work done at night. As regards work on Sundays and public holidays, it is admitted only in some kinds of establishments and should be compensated with time off granted during the same week or a pay supplement at the rate of 100 per cent of normal remuneration.

119. In accordance with article 152 of the Labour Code a worker is entitled to an annual uninterrupted period of vacation leave with pay. No worker may renounce his right to leave. The right to vacation leave is a generally binding principle. Leave is granted at the rate of:

14 working days after 1 year's employment;

17 working days after 3 years' employment;

20 working days after 6 years' employment;

26 working days after 10 years' employment.

Provisions concerning certain categories of workers (for example teachers) establish a higher rate of vacation leave. In accordance with the Labour Code the rate of vacation leave is determined on the basis of the aggregate employment period, taking into account periods of education above the primary-school level.

120. An establishment is obliged to grant a worker his leave in the course of the calendar year in which he becomes entitled to it or before the end of the first quarter of the next calendar year. Leave should be granted in accordance with leave plans, drawn up at the beginning of the year and specifying leave dates discussed with the workers. Additionally the worker should be informed of the dates of his leave no later than one month before it starts. If the worker so requests, his leave may be granted in instalments; however, at least one instalment should consist of at least 10 consecutive calendar days.

121. While on leave a worker is entitled to the remuneration that he would have received had he been working during that time. If a worker does not take vacation leave because of the termination of his employment, he is entitled to the cash equivalent.

122. Proposed changes in the Labour Code concerning vacation leave provide for:

Granting to workers the right to the first vacation leave after six months of employment, at the rate of half the normal rate of leave granted after one year's employment;

Raising from 14 to 18 days the minimum rate of vacation leave;

Introduction of the principle that additional days off, the so-called "Saturdays off", are not included in the leave;

Determination of the right to leave and the amount, on the basis of the aggregate employment period, that is by totalling all employment periods irrespective of any breaks in employment and irrespective of the way the employment relationship is terminated;

Increasing the amount of leave for seasonal workers from one to one and a half days per month worked;

Excluding from the leave any period not worked on account of sickness (until now such a period had to be longer than three days);

Ceasing to apply sanctions for leaving work without a valid reason or for termination of an employment contract without notice - when determining the right to and the amount of leave.

123. As regards hours of work, the following are new proposals for the amended Labour Code:

Determination of a general protective norm of 8 hours a day and an average of 42 hours a week (working hours can be reduced by collective agreements) and a maximum three months period taken for purposes of calculation;

Guaranteeing 39 additional days off on dates specified by establishments;

Determination of the maximum hours of work in a five-day working week;

Determination of a daily limit of four hours' overtime, as well as the amount of additional pay for night work - 20 per cent of remuneration;

Elimination of the possibility of extending the hours of work of workers employed on guard duties (this provision will enter into force one year after the coming into force of the amended Labour Code as a whole).

Legislation

124. The following legislation is relevant to the implementation of article 7 of the Covenant:

Act of 26 June 1974 - the Labour Code (Dziennik Ustaw No. 24, Text 141, with amendments);

Act of 29 September 1994 concerning the change of the Labour Code and of certain Acts (Dziennik Ustaw No. 113, Text 547);

Act of 6 March 1981 concerning the State Labour Inspectorate (Dziennik Ustaw of 1985 No. 54, Text 276, with amendments);

Act of 24 March 1983 concerning social labour inspection (Dziennik Ustaw No. 35, Text 163, with amendments);

Act of 14 March 1985 concerning the State Sanitary Inspectorate (Dziennik Ustaw No. 12, Text 49, with amendments);

Order of the Council of Ministers of 18 November 1983 concerning occupational diseases (Dziennik Ustaw No. 65, Text 294, with amendments);

Order of the Council of Ministers of 23 December 1988 concerning hours of work in establishments (Dziennik Ustaw of 1991 No. 117, Text 511, with amendments).

Article 8. The right to form trade unions

International instruments ratified

125. Poland is a party to the following Conventions:

International Covenant on Civil and Political Rights;

ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87);

ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98);

ILO Labour Relations (Public Service) Convention, 1978 (No. 151);

ILO Rural Workers Organizations Convention, 1975 (No. 141).

126. A detailed description of problems connected with the exercise of the right to form trade unions and with trade union activity has been included in the reports of the Government of the Republic of Poland concerning application in national legislation and practice of provisions of the following ILO conventions that have been ratified by Poland:

ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87);

ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98);

ILO Labour Relations (Public Service) Convention, 1978 (No. 151).

Number and structure of trade unions

127. In accordance with article 18, paragraph 4 of the Act of 23 May 1991 concerning trade unions, the Order of the Minister of Justice of 2 August 1991 on procedure for trade union registration (Dziennik Ustaw of 1991 No. 77, Text 340) remains in force. On the basis of this Order, registries are kept:

For national inter-branch unions and national inter-branch associations, by the Voivodeship Court in Warsaw;

For other trade unions, by the appropriate voivodeship courts from the standpoint of the headquarters of a union.

128. At present the registry of national inter-branch unions lists 250 trade union organizations, including 140 federations grouped in the Polish Trade Union Alliance (OPZZ). The registry of national inter-branch associations

includes seven organizations (the largest organization grouping trade unions being OPZZ). There are about 3,000 trade unions at the local level (establishments, voivodeships).

129. The data provided above concerning the number of trade union organizations are only estimates because trade union organizations are not obliged to submit statistical reports for the needs of the Central Statistical Office. For this reason information is based only on data received by us on the telephone, without any confirmation in documents.

Table 13. Estimated data concerning the number of members of trade union organizations (in thousands)

Trade union organization	Membership
Coal industry	310.0
Power industry	20.0
Electrical and machine industry	69.0
Transport	101.0
Agriculture	400.0
Municipal administration	37.0
Science and education	19.0
Public administration and justice	91.0
Finance and insurance	4.3
Culture and arts	1.2
OPZZ	4 752.0
NSZZ "Solidarność"	1 790.0

130. In accordance with the Act of 8 October 1982 concerning farmers' socio-occupational organizations, the following are considered as such organizations:

Agricultural circles;

Circles of rural housewives;

Agricultural branch associations;

Unions of farmers, agricultural circles and organizations;

Unions of agricultural branch associations.

131. The following are the national unions representing these organizations:

National Union of Farmers, Agricultural Circles and Organizations (in total around 1.7 million);

Federation of Unions of Agricultural Producers.

132. The following are the trade unions of individual farmers, in accordance with the Act of 7 April 1989 concerning trade unions of individual farmers:

Independent Self-Governing Union of Individual Farmers "Solidarność";

Trade Union of Agriculture "Samoobrona" (Self-defence).

They have a total membership of around 400,000.

Legislation

133. The following legislation is relevant to the implementation of article 8 of the Covenant:

Act of 8 October 1982 concerning farmers' socio-occupational organizations (Dziennik Ustaw No. 32, Text 217);

Act of 7 April 1989 concerning trade unions of individual farmers (Dziennik Ustaw of 1989 No. 20, Text 106);

Act of 23 May 1991 concerning trade unions (Dziennik Ustaw of 1991 No. 55, Text 234);

Act of 23 May 1991 concerning settlement of industrial disputes (Dziennik Ustaw of 1991 No. 55, Text 236);

Order of the Minister of Justice of 2 August 1991 on procedure for trade union registration (Dziennik Ustaw of 1991 No. 77, Text 340).

Article 9. The right to social security

International instruments ratified

134. Poland is not a party to any of the conventions mentioned in the guidelines with respect to article 9.

Social security

135. In Poland social security covers in principle the whole population. The right to social security is guaranteed by the Constitution, and is regulated by an Act of Parliament.

136. Workers are the main group benefiting from all forms of social insurance. As used in the social insurance legislation, the term "workers" means individuals employed, in accordance with the provisions of the

Labour Code, on the basis of a contract of employment, appointment, election or nomination or a cooperative contract of employment (art. 2 of the Labour Code).

137. Social insurance covers workers' family members for all forms of insurance. Legal provisions governing the different types of insurance determine the groups of people considered as worker's family members with respect to entitlement to specific social insurance benefits (pensions, allowances and other). The following are considered as workers' family members entitled to such benefits: people related to the worker (spouses, foster parents and children, own children, children being brought up in the framework of substituting families). These persons' entitlements vary according to the different insurance systems (pension, accident or family insurance). Social insurance also covers persons in occupational groups not working on the basis of employment contracts and their families: individual farmers, the self-employed, creative artists, people working on the basis of agency or mandatory contracts, members of agricultural production cooperatives. In addition, social insurance covers priests, professional soldiers and members of their families, as well as police officials and their family members and other civil servants and their family members.

Branches of social security

138. The following branches of social security exist in Poland:

- Medical care;
- Cash sickness benefits;
- Maternity benefits;
- Old age benefits;
- Disability benefits;
- Survivor's benefits;
- Employment injury benefits;
- Family benefits.

Administration/organization of the Polish social insurance system

139. The Act of 25 November 1986 concerning organization and financing of social insurance (Dziennik Ustaw of 1989 No. 25, Text 137 with amendments) is the basic legal act governing these issues.

140. Issues connected with the organization of social insurance for farmers are governed by the Act of 20 December 1990 concerning the social insurance of farmers (Dziennik Ustaw of 1993 No. 71, Text 342).

141. In accordance with the legislation in force, the majority of tasks in the field of social insurance are performed by the Social Insurance Institute (ZUS), a public administration body supervised by the Minister of Labour and Social Policy and acting through regional branches and subordinate inspectorates. ZUS social supervision is exercised by supervisory boards. Certain tasks in the field of social insurance are also carried out by establishments which calculate and pay short-term benefits to workers and make settlements with the Social Insurance Institute in respect of contributions due, decreased by the amount of benefits paid.

142. The Social Insurance Institute deals both with workers' insurance and with that of other socio-occupational groups. The social insurance of railway workers has traditionally been separate from the organizational standpoint and is dealt with by railway administration bodies. Tasks in the field of the social insurance of farmers are performed by the Fund for Agricultural Social Insurance (KRUS). The President of this Fund is a public administration authority subordinate to the Minister of Agriculture and Food Economy. KRUS functions through a network of regional branches and local units. The Farmers' Social Insurance Board is the body which exercises control in this field. It represents the interests of farmers and people receiving benefits from this scheme.

143. Unemployment benefits are dealt with by voivodeship and local labour offices which are subordinate to the National Labour Office, the central public administration body. The Minister of Labour and Social Policy exercises overall supervision of National Labour Office activity.

144. Employment councils, the consultative and opinion pronouncing bodies in this field, function through the Labour Ministry and through the labour offices. They are composed in equal parts of representatives of workers, employers, public administration bodies and local self-government.

145. Institutions subordinate to the Minister of Health and Social Welfare perform tasks in the field of health benefits. Matters connected with benefits for professional soldiers and their family members, police officials and their family members and some other civil servants and their family members are within the scope of activity of the respective competent ministers.

Changes introduced or in preparation

146. On the basis of the Act of 16 October 1991 concerning employment and unemployment, a central Labour Office was established and has been functioning since 1 January 1993.

147. Work is being carried out to propose changes in the organization of the Social Insurance Institute, aimed at increasing the independence of social insurance management and allowing full records of contributory periods and periods of receiving benefits to be kept. Changes are also planned in the organization of the ZUS supervisory boards. Amendment of the Act concerning employment and unemployment is also planned.

Features of the present social security system

Sickness allowances

148. The majority of workers acquire the right to a sickness allowance starting from the first day of employment and retain this right for a certain time after the employment ends.

149. People performing work on the basis of agency or mandatory contracts acquire the right to the sickness allowance after the payment of six months of uninterrupted insurance contributions and only when their income was not lower than half the minimum wage. 3/ Another limitation concerning population groups other than workers (agents, people carrying out economic activity, farmers, priests) consists in granting the right to the sickness allowance if the sickness lasts at least 30 consecutive days. This limitation does not apply to incapacity for work as the result of an accident.

150. Sickness allowances are the main social insurance benefit granted to all groups of people insured. The principles for the calculation of these benefits are the same for workers and other occupational groups, with the exception of individual farmers. The Act of 17 December 1974 concerning cash social insurance benefits in respect of sickness and maternity (uniform text - Dziennik Ustaw of 1983 No. 30, Text 143, with amendments) is the basic legal act regulating sickness allowances. It is called the Allowance Law. Acts regulating the social insurance of population groups other than workers refer to the Allowance Law governing workers' insurance.

151. The rate of the sickness allowance depends on several factors. First, it depends on the period of employment of an entitled person. Employment of up to three years gives entitlement to an allowance at the rate of 75 per cent of the basis of calculation, employment of from three to eight years to an allowance at the rate of 80 per cent of the basis of calculation and employment of more than eight years to an allowance at the rate of 100 per cent of the basis of calculation. Second, the legislation concerning sickness benefits establishes the right to payment of the allowance at the rate of 100 per cent of the basis of calculation, irrespective of the employment period, if incapacity for work was a work-related accident, an accident on the way to or from work or an occupational disease. Third, the rate of the allowance depends on the period of sickness. The allowance is payable at the rate of 100 per cent of the basis of calculation irrespective of the employment period for a period of over 30 days' uninterrupted incapacity for work - starting from the thirty-first day. Fourth, incapacity for work during pregnancy gives the right to the allowance at the rate of 100 per cent of the basis of calculation irrespective of the duration of employment. Finally, the amount of the allowance depends on the cause of sickness. The sickness allowance for every three first days of incapacity for work amounts to 50 per cent of the basis of calculation if the sickness was caused by alcohol abuse, self-mutilation or auto-intoxication.

152. For individual farmers, the sickness allowance amounts to one thirtieth of the basic old age pension for every day of incapacity for work, unless the Minister of Agriculture and Food Economy, at the proposal of the KRUS Farmers' Social Insurance Board, determines another amount for this allowance. Since

1 July 1994 the amount of the sickness allowance is 30,000 old zlotys a day, on the basis of the Order of the Minister of Agriculture and Food Economy of 11 February 1994 changing the Order concerning determination of principles for the calculation of a lump sum compensation in respect of an accident at work in agriculture and occupational diseases, as well as the sickness allowance (Dziennik Ustaw No. 26, Text 94).

153. Besides the amount of sickness allowances, the regulations concerning other issues connected with these benefits are different for various groups of the population. The right to the sickness allowance from the first day of incapacity for work is granted to workers and certain agents (performing work for the "Ruch" company, the State enterprise "Totalizator Sportowy", Central Enterprise of Petroleum Products, the Polish Motor Association (refilling stations operation) and to members of agricultural production cooperatives (from the fourth day of incapacity for work if during the month preceding the incapacity the insured person worked for a period of less than 14 days). Self-employed people carrying out economic activity and agents not mentioned above, as well as farmers and priests, acquire the right to the sickness allowance for each day of incapacity for work in respect of sickness lasting without interruption for a period of at least 30 days. If incapacity for work was caused by an employment-related accident or an occupational disease, the allowance is granted for periods of incapacity for work of less than 30 days.

154. In the case of certain groups of insured persons a waiting period is required to acquire the right to the sickness allowance (for example agents acquire the right to the sickness allowance after six months of uninterrupted insurance).

155. In the Polish sickness insurance system, special provisions allow certain professional groups (academic teachers, judges, public prosecutors, employees of research units) to retain the right to remuneration for up to one year in the case of sickness. Expenditures for sickness allowances are covered by the socialized establishments for workers of these establishments, and by the Social Insurance Fund for workers in the private sector and other insured persons. However, for individual farmers, these expenditures are covered from the contributory Farmers' Social Insurance Fund.

156. The sickness insurance also includes a rehabilitation benefit, which is granted to all groups insured, except individual farmers. The rehabilitation benefit is payable after the expiry of the period during which the sickness allowance is paid when incapacity for work still exists and further medical treatment or rehabilitation promises recovery and regaining of the capacity for work. The period of payment cannot exceed 12 months. Medical boards for disability and employment decide on issues connected with granting this benefit. It is payable at the rate of 75 per cent of the basis of calculation of the sickness allowance and if incapacity for work results from a work-related accident or an occupational disease at the rate of 100 per cent of the basis of calculation.

157. The compensatory allowance is a special entitlement granted to workers with decreased capacity for work if their remuneration decreases on account of their undergoing vocational rehabilitation. The compensatory allowance is payable in the amount of the difference between earnings received before the

lowering of capacity for work and earnings received afterwards. In this case the allowance is payable for the period of rehabilitation, but not longer than for a period of 24 months.

158. As to the need for rehabilitation, an industrial health service institution at the voivodeship level as well as a medical board for disability and employment take the decision. Expenditures for rehabilitation benefits and compensatory allowances are covered from the Social Insurance Fund.

Introduced and planned changes

159. In 1995 changes were introduced to the system of sickness benefits. According to the new provisions:

Workers and other people insured for a period of sickness of up to 35 days a year would retain the right to 80 per cent of remuneration, payable by the employer (100 per cent in the case of sickness caused by an employment accident, occupational disease or sickness during pregnancy);

Starting from the thirty-sixth day of sickness during a year the sickness allowance would be financed wholly from social insurance and would be payable at the rate of 80 per cent of the basis of calculation;

The sickness allowance would not be payable at differentiated rates depending on the period of employment;

The basis of calculation of the sickness allowances would include those components of remuneration on which a social insurance contribution was paid.

Maternity benefits

160. Maternity benefits include first of all the maternity allowance and the confinement benefit. The Act of 17 December 1974 concerning cash social insurance benefits in respect of sickness and maternity (uniform text - Dziennik Ustaw of 1983 No. 30, Text 143, with further amendments) is the basic legal act governing these benefits. Short-term benefits in respect of childbirth are similar for all insured groups (except for individual farmers).

161. The maternity allowance is granted for a period of 16 weeks for the first confinement; 18 weeks for each subsequent confinement; 26 weeks where a woman is delivered of more than one child in any given confinement. It is payable at the rate of 100 per cent of remuneration for women workers, and for other groups of insured persons, at the rate of 100 per cent of the amount on which social insurance contribution was paid.

162. A lump sum confinement allowance is payable to insured persons in respect of a birth, at the rate of 12 per cent of average monthly remuneration.

163. In the case of individual farmers, insured persons are entitled to a maternity allowance - in an amount equal to the sickness allowance - for a

period of eight weeks. Individual farmers are also entitled to a lump sum allowance at a rate three times higher than the basic old age pension. The lump sum allowance is granted in respect of childbirth as well as in respect of accepting a child under one year of age to be brought up, if during this time an application for adoption was filed. Maternity benefits for individual farmers are governed by the Act of 20 December 1990 concerning social insurance of farmers (uniform text - Dziennik Ustaw of 1993 No. 71, Text 342).

Forecasted changes

164. It is planned to increase the confinement allowance to 15 per cent of the average wage.

Retirement benefits

165. Retirement benefits have a universal character. They cover all the socio-occupational groups. The basic legal acts in this field are the Act of 14 December 1982 concerning pension security for workers and their families (Dziennik Ustaw No. 40, Text 267, with further amendments) and the Act of 17 October 1991 concerning pensions indexation, principles of pensions calculation and the amendment of certain Acts (Dziennik Ustaw No. 104, Text 450, with further amendments).

166. The following Acts concerning social insurance of other socio-economic groups refer to the above-mentioned Acts:

Act of 27 September 1973 concerning the pension security of creative artists and their families (Dziennik Ustaw of 1983 No. 31, Text 145 with further amendments);

Act of 19 December 1975 concerning social insurance of people performing work for socialized economy units on the basis of agency or mandatory contracts (Dziennik Ustaw of 1983 No. 31, Text 146 with further amendments);

Decree of 4 March 1976 concerning social insurance of members of agricultural production cooperatives and cooperatives of agricultural circles and their families (Dziennik Ustaw of 1983 No. 27, Text 135 with further amendments);

Act of 18 December 1976 concerning social insurance of people carrying out economic activity and their families (Dziennik Ustaw of 1989 No. 46, Text 250 with further amendments);

Act of 17 May 1989 concerning social insurance of priests (Dziennik Ustaw No. 29, Text 156 and the amendment of 1990 No. 36, Text 206).

167. Pension benefits for farmers are regulated separately, in the Act of 20 December 1990 concerning social insurance of farmers (uniform text Dziennik Ustaw of 1993 No. 71, Text 342).

168. An old age pension is granted to an individual who fulfils the two following conditions:

Has reached pensionable age (generally, 60 years for women and 65 for men, although a considerable number of insured persons take advantage of exceptions to this rule),

Has completed (proved) a required employment (insurance) period, in principle at least 20 years for women and 25 years for men, with the possibility of including various non-active periods for which contributions were not paid.

169. Periods for the assessment of the right to the old age pension are divided into contributory periods and non-contributory periods. The latter are determined in the Act concerning pensions indexation. They include: periods spent looking after young children, periods of further education, periods in which contributions were not paid because social insurance allowances, etc., were being received. The general principle is applied that the number of non-contributory periods cannot exceed one third of the number of proved contributory periods.

170. The basis of calculation of the old age pension is income of an insured person on which contributions were paid. For example, in 1994 it was the income from five successive calendar years after 1979. The period on which the basis of calculation is determined is prolonged every year by 1 year to reach 10 successive years chosen from the previous 20 years in 1999. Income received in each of the selected years is compared to the average wage in those years and expressed as a percentage of this remuneration. Average income from the selected years is expressed as a coefficient of calculation which cannot exceed 250 per cent.

171. This coefficient allows for calculating the amount of the basis of calculation from the currently binding base amount. The base amount, that is an amount constituting the basis of recently conducted indexation, is equal to the average wage in the country during the quarter preceding the quarter in which the latest pensions indexation was carried out. The old age pension calculation rate (R) can be expressed by the following formula:

$$R = ba (cbc \times P_c \times 1.3\% + cbc \times P_n \times 0.7\% + 24\%)$$

where:

ba means basic amount;

cbc means calculation base coefficient;

P_c means number of contributory periods;

P_n means number of non-contributory periods.

Every old age pension includes a uniform component - the same for all persons insured - equal to 24 per cent of the base amount. It is the social part of the old age pension, aimed at protecting people with lower incomes and a shorter employment period.

172. People who have reached the age of 75 or have been included in disability group I are entitled to a nursing supplement to the old age pension at the rate of 10 per cent of the average wage in the quarter preceding the date of indexation.

173. The amount of each old age pension is expressed in proportion to a basic amount for purposes of periodic indexation. This proportion is called the coefficient of the amount of the benefit. Indexation may be carried out every quarter, but only when the average wage has increased by at least 10 per cent in relation to the previous basis of indexation. In this case the higher amount of the average wage becomes the new basic amount. Since June 1994 the basic amount equals 93 per cent of the average wage in the quarter preceding indexation.

Early retirement

174. The Polish legislation provides for the possibility of early retirement. Some of the solutions applied in this respect are presented below.

175. A worker who has not reached the age of 60 years (for a woman) or 65 years (for a man) may retire if the following conditions are fulfilled:

(a) A woman has reached the age of 55 years and has an adequate employment period, that is 30 years of contributory periods (possibly complemented by non-contributory periods at the rate provided by the law) or 20 years of contributory periods when she had been included in disability group I or II,

(b) A man, after reaching the age of 60 years if he has an adequate employment period, that is 25 years of contributory employment when he has been included in disability group I or II.

176. Workers whose employment is terminated on the basis of the Act of 29 December 1989 concerning special principles of termination of workers' employment relationship for reasons concerning establishments and concerning the change of certain Acts (Dziennik Ustaw of 1990 No. 4, Text 19 with amendments) may retire early irrespective of age, if they have been employed for not less than 35 years (for women) or 40 years (for men), in accordance with the Order of the Minister of Labour and Social Policy of 26 January 1990 concerning early retirement of workers laid off for reasons concerning establishments (Dziennik Ustaw No. 4 Text 27).

177. Other special entitlements regarding early retirement benefits are provided for in the Order of the Council of Ministers of 15 May 1989 concerning the right to early retirement of workers taking care of children requiring permanent care (Dziennik Ustaw No. 28, Text 149). In accordance

with these provisions, a worker who takes care of a child requiring permanent care may retire early irrespective of age if he has completed 25 years' employment (20 years in the case of women).

178. Other provisions concerning early retirement are contained in the Order of the Council of Ministers of 7 February 1983 concerning pensionable age and pensions increase for workers employed in particular conditions or in work of a particular nature (Dziennik Ustaw No. 8, Text 43 with amendments), which has remained in force in its part concerning pensionable age. A longer employment period (as a rule at least 15 years) in particular conditions 4/ or of a particular nature 5/ allows for earlier retirement on the basis of the provisions of this Order which have remained in force.

179. The provisions determining principles for the early retirement of employees are still in force for the following categories of persons:

Combatants and victims of war and of the repressions of the post-war period;

War and military invalids, if their invalidity is connected with their military service (the Act of 19 May 1974 concerning pension security of war and military invalids and their families (Dziennik Ustaw of 1983 No. 13, Text 68 with amendments));

Persons invalidated as the result of an employment-related accident, an accident on the way to or from work on an occupational disease (the Act of 12 June 1975 concerning benefits in respect of employment-related accidents and occupational diseases (Dziennik Ustaw of 1983 No. 30, Text 144 with amendments)).

180. It should be added that the Act of 15 February 1992 concerning changes in certain Acts concerning employment and pension security (Dziennik Ustaw No. 21, Text 84) authorized the Council of Ministers to determine principles for early retirement for workers. The Council of Ministers has never used this authorization and has not changed the provisions concerning early retirement.

181. Pension benefits are regulated in a different way in respect of individual farmers. The basic legal act in this field is the Act of 20 December 1990 concerning the social insurance of farmers (Dziennik Ustaw of 1993 No. 71, Text 342). The agricultural old age pension is granted to an insured person who has reached pensionable age (60 years for women and 65 for men) and has been covered by pension insurance for a period of at least 100 quarters. The agricultural pension is also granted to an insured farmer who has reached pensionable age (55 years for women and 60 for men) and who has been covered by pension insurance for a period of at least 120 quarters - if he or she ceases agricultural activity.

182. The pension benefits of workers and their families and other insured groups are financed from the Social Insurance Fund and in the case of farmers from the Agricultural Fund.

Introduced and planned changes

183. Since 1 January 1994 the minimum benefits have been increased. The minimum old age pension amounts to 39 per cent of the average wage in the calendar quarter preceding the date of indexation.

184. The Sejm adopted the Act of 10 December 1993 concerning pension security of professional soldiers, 6/ as well as the Act of 18 February 1994 concerning pension security of police officials and some other categories of civil servants. 7/

Disability benefits

185. The legal acts concerning pension benefits are relevant to disability benefits as well. The disability benefit is granted to workers and other insured people, provided that the person who applies for a pension is a disabled person and has the required period of employment (this period depends on the age of the employee insured and is between one and five years).

186. According to the law in force, a disabled person is a person partly or completely unable to work because of permanent or long-term injury. There are three disability groups (I, II, III) depending on the level of incapacity for work.

187. The following persons are included in disability group III:

Those who retain a limited capacity to work in the post they have occupied till now;

Those who are incapacitated for the post they have occupied till now, but have sufficient capacity to work in a less demanding post;

Those with severe injuries, if these injuries do not limit their capacity to work in the post they have occupied till now.

Disabled people who are completely unable to work are included in disability group II. Persons unable to work who, moreover, require permanent and long-term care because they cannot live independently are included in disability group I.

188. It is important to note that preservation of capacity to work in specially adapted working conditions or in special posts does not constitute an obstacle to inclusion in disability group I or II.

189. Medical disability and employment boards are in charge of assigning disabled persons to the groups. The boards, which exist in the Social Insurance Institute branches, function at two levels: local medical boards as the first instance and voivodeship medical boards as the second instance (for appeals).

190. A minimum period of employment is the second requirement for acquisition by an insured employee of entitlement to a disability pension. The length of this period depends on the age of the employee. A one-year contributory

period is long enough for acquisition of entitlement to a disability pension in the case of disability occurring before the employee turns 20. A two-year contributory period is required in the case of disability occurring between the ages of 20 and 22; a three-year period is required in the case of disability occurring between the ages of 22 and 25, and four years in the case of disability occurring between 25 and 30. In the case of disability occurring after the age of 30 the requirement is met subject to the employee having paid contributions for a minimum period of five years. Moreover, according to the law in force, this period should have been during the decade previous to the application for a disability pension if the applicant was not employed in the period prior to the date when the disability occurred.

191. According to the law in force, any contributory period is sufficient for the acquisition of entitlement to a disability pension in the following circumstances:

The disability occurred as a result of a work-related accident, of an accident on the way to or from the workplace or of an occupational disease;

The disability occurred with respect to an employee under the age of 18;

The disability occurred with respect to an employee who took up employment during the six months after graduation from secondary or higher school and was employed without interruption or with interruptions which altogether did not exceed six months up to the day when the disability occurred.

192. The amount of the disability pension is calculated similarly to the amount of the old age pension. However, there may be taken into account the length of the period needed to complete the full 25 years of contributory and non-contributory periods. (It cannot, however, be longer than the period between the date of application for a pension and the date at which the insured reached the age of 60.)

193. The formula used for calculating the amount of the disability pension for groups I and II, (D), including one more element - the place for the number of years needed to complete the full period (P_a), is the following:

$$D = ba (cbc \times P_c \times 1.3\% + cbc \times P_n \times 0.7\% + cbc \times P_a + 24\%)$$

(For a clearer explanation, see the formula for calculating the old age pension.) The disability pension for group III has been determined as 75 per cent of the disability pension for groups I and II.

194. Disabled persons in group I and pensioners who have turned 75 are entitled to nursing supplements.

195. Workers and other insured groups are entitled to disability benefits. However, some professional groups are not entitled to a pension by virtue of being included in disability group III (entrepreneurs, some agents, g/priests). Moreover, creative artists have a limited right to receive a

pension by virtue of inclusion in disability group III. Creative (performing) artists are entitled to a group III disability pension when the disability hinders or limits their creative (performing) activity to a high degree.

196. Disability benefits for farmers have been established in a different way. Binding legislation concerning social insurance for farmers provides for a permanent farmer to receive a disability pension when the insured person has attained an age five years lower than the age of retirement or is a disabled person in group I by virtue of the retirement regulations. 2/ In all remaining cases the authorized person is entitled to a temporary pension until he regains full capacity to work in an agricultural complex (or until he is affiliated to another type of social insurance). When the incapacity to work in an agricultural complex continues (if the person has not been affiliated to other kinds of social insurance) the period of entitlement to a temporary pension is extended or entitlement to a permanent pension is established.

197. Disability pensions are financed from the Social Insurance Fund and, in the case of farmers, from the Farmers' Fund.

Introduced and expected changes

198. Since 1 January 1994 the minimum disability pension for disability groups I and II is 39 per cent of the average wage in the calendar quarter preceding the date of indexation. The minimum disability pension for disabled persons in group III is 30 per cent of this wage.

199. In the context of the introduction of changes in social insurance, rationalization of the criteria of permanent and partial incapacity for work as a requisite for entitlement to a disability pension is being considered. A draft act has been prepared by the Ministry of Labour and Social Policy. It would apply to all groups of insured persons (except individual farmers).

Survivor's benefits

200. The main survivor's benefit is the survivor's pension, the terms for the acquisition of which are the same for all groups of insured persons (with some exceptions concerning farmers). In accordance with the law in force (the legal acts on pension benefits mentioned earlier), a survivor's pension is a derivative benefit, which is provided to the close relatives of the deceased, provided that the deceased:

Was entitled to a disability or old age pension; or

Could have been entitled to the acquisition of a disability or old age pension, even if at the moment of death he was not employed, if he complied with the requirements concerning acquisition of one of these benefits; or

If employed at the moment of decease, could have been entitled to the acquisition of a disability pension because his employment period was sufficiently long.

201. The following close relatives of a deceased employee are entitled to a survivor's pension:

Children up to the age of 16 and in the case of students, up to the age of 25;

Widow over 50 years of age, or if she is disabled or is looking after a child (children) under 16 or, in the case of a student, under 18; or if she is looking after a child in disability group I or II who is entitled to a survivor's pension;

Widower, over 65 years of age.

202. It should be mentioned that a divorced woman is entitled to the survivor's pension if, in addition to fulfilling the normal requirements, she was entitled at the moment of her former husband's death to receive alimony from him awarded by a court or settlement in court.

203. Moreover, a widow without sufficient means, who does not fulfil the requirements concerning age, disability or childcare, is entitled to a temporary survivor's pension. The temporary survivor's pension is drawn:

For one year after the husband's decease;

For a period of organized training aimed at the acquisition of vocational skills, but no later than two years from the time of the husband's decease.

A widower has the same rights a widow enjoys, subject to fulfilment of the same requirements. In this case, the age at which he is entitled to receive a benefit is 65.

204. The amount of the survivor's pension depends on the amount of the benefit to which the deceased would have been entitled with respect to the old age pension or the disability pension calculated as for a disabled person in group II. The survivor's pension for one person is 85 per cent of the amount of benefit which the deceased would have received. The survivor's pension for two persons is 90 per cent and for three or more persons 95 per cent of the amount of benefit which the deceased would have received.

205. In the case of farmers' pensions, there are differences in the regulations for calculating the benefits. Moreover if the eligible person works as a farmer, the entitlement to the survivor's pension will be suspended.

Changes introduced

206. Since 1 January 1994 the minimum survivor's pension is 39 per cent of the average wage in the calendar quarter preceding the date of indexation. This benefit has been increased.

207. Survivor's pensions for workers and other groups (except farmers) are paid out of the Social Insurance Fund. Farmers' pensions are paid out of the Farmers' Fund.

Benefits in respect of employment-related accidents and occupational diseases

208. The basic legal act is the Act of 12 June 1975 concerning benefits in respect of employment-related accidents and occupational diseases (Dziennik Ustaw of 1983, No. 30, Text 144 with further amendments). The majority of the regulations concerning non-workers professional groups refer to the above-mentioned Act on workers' benefits with respect to work-related accidents.

209. Benefits in respect of employment-related accidents and occupational diseases include:

Lump sum compensation for an (insured) worker who suffers permanent or long-term bodily injury;

Lump sum compensation for close relatives of an (insured) deceased employee or pensioner;

Compensatory benefits for a worker whose wages were lowered as a result of long-term bodily injury;

Disability pension for an (insured) worker who became disabled;

Survivor's pension for family members of an (insured) deceased worker or pensioner;

Indemnities for lost or damaged objects as a result of employment-related accidents in respect of the worker and his close relatives;

Free medical benefits (in a broad sense).

210. The lump sum compensation payable to the insured with respect of permanent or long-term bodily injury is a cash benefit. The amount is adjusted for each per cent of permanent or long-term bodily injury. In accordance with the law in force, the compensation is subject to indexation on a quarterly basis (more precisely, the amount for each per cent of health damage is adjusted in line with inflation). 10/ A minimum amount for the lump sum compensation has been established.

211. Similarly, the lump sum compensation with respect to an (insured) employee's or pensioner's decease is calculated and adjusted on a quarterly basis. The close relatives of a person who died as the result of a work-related accident or occupational disease, are entitled to this indemnity.

212. The lump sum compensation is a general benefit granted to almost all professional groups, except artists and entrepreneurs.

213. The compensatory benefit is paid only to employees and members of agricultural production cooperatives who have incurred at least 20 per cent permanent or long-term impairment to health as a result of a work-related accident or an occupational disease and whose wages have decreased as a result by at least 10 per cent. If the employee draws a disability pension with respect to long-term impairment of health, he will not be entitled to the compensatory benefit.

214. The amount of the benefit is the difference between the amount of remuneration before and after the date of permanent or long-term impairment of health. However, it cannot exceed 30 per cent of the wages received previously. The compensatory benefit can be received for a period of employment of no more than three years.

215. As was said earlier, accident insurance in Poland also includes such pension benefits as the disability pension for workers and other insured persons who, in consequence of an employment-related accident or occupational disease have been placed in one of the disability groups. The second kind of benefit is the survivor's pension, granted to the close relatives of an (insured) deceased person whose death resulted from an employment-related accident or an occupational disease. Disability pensions with respect to employment-related accidents or occupational diseases are granted to all groups of insured persons. (There are some limitations concerning entrepreneurs, who are entitled to a pension by virtue of being included in disability groups I and II.) Enjoyment of the right to accident pensions is not conditioned by the former employment period.

216. Disability pensions and survivor's pensions with respect to employment-related accidents or occupational diseases are calculated in the same way as pensions payable as a result of other events. The law guarantees that disability pensions with respect to employment-related accidents or occupational diseases will not be lower than 80 per cent of the basis of calculation of a pension for disabled persons in disability groups I and II, and 60 per cent of the basis of calculation of a pension for disabled persons in disability group III.

Changes introduced

217. During the period under discussion the minimum disability pensions with respect to employment-related accidents and occupational diseases have been increased. The minimum disability pension with respect to employment-related accidents or occupational diseases for disabled persons in groups I and II is 45.8 per cent of the average wage in the last quarter, and for disabled persons in group III 36 per cent of this wage.

218. There are two sources of financing of these benefits, namely, the Social Insurance Fund and establishments. The lump sum compensation with respect to permanent or long-term impairment of health is paid to employees of State enterprises and members of their families by the enterprise and to employees of privately owned enterprises and their family members by the Social Insurance Institute from the Social Insurance Fund. Disability pensions and survivor's pensions are paid from the Social Insurance Fund. On the other hand, compensatory benefits and indemnities for objects lost or damaged as a

result of employment-related accidents are paid by the enterprise. Farmers' benefits are financed from the farmers' social insurance contributory fund (the Agricultural Fund).

Unemployment benefits

219. The basic legal act governing unemployment benefits is the Act of 16 October 1991 concerning employment and unemployment (Dziennik Ustaw No. 106, Text 457 with amendments).

220. Unemployment benefits are granted to an individual considered as unemployed. The following people are considered as the unemployed: able to work, ready to take up employment in the framework of an employment relationship on a full-time basis, jobless and not attending a school (with the exception of evening and extramural schools) and registered with a labour office. In addition, persons are considered as unemployed who have not acquired the right to a pension, do not own or occupy an agricultural estate exceeding two hectares in area, have not engaged upon economic activity outside agriculture and are not receiving - on the basis of other provisions - compulsory social insurance or pension benefits, and are not temporarily detained nor imprisoned.

221. The lower age limit for being considered as unemployed is 18 (with exceptions), while the upper age limit is 60 for women and 65 for men.

222. The right to unemployment benefits may be acquired subject to a minimum period of employment (insurance) of 180 days during the 12 months preceding the date of registration with the appropriate labour office. The period during which the allowance is received is 12 months (with exceptions for various categories of people, *inter alia* people with a long employment record (in their case the allowance is paid for a period of 18 months) and people of pre-retirement age (who receive the allowance up to the time they acquire pension rights). The unemployment allowance is payable at the rate of 36 per cent of the average wage, irrespective of the level of remuneration recently received and the length of the period during which the allowance is received (with exceptions). The training allowance is payable at the rate of 115 per cent of the unemployment allowance. Unemployment benefits are paid from the Labour Fund which is the State target fund. Its main revenue is central budget subsidies (more than 60 per cent of total revenue) and contributions at the rate of 3 per cent of the basis of calculation.

Changes introduced

223. In the period under review, several significant changes were introduced in the Act of 16 October 1991 concerning employment and unemployment, including the right to receive the allowance up to the time of being offered appropriate work. Intervention or public works was granted to single unemployed people who have lost their right to the allowance on the expiry of the statutory allowance period (9 months for graduates, 12 or 18 months for other unemployed) and who are raising a child (children) or whose spouses are also unemployed and both have lost the right to the allowance on account of

the expiry of the allowance period and are raising a child (children). The above-mentioned unemployed people may receive the allowance under provisions of the Act for an unspecified period (as long as they fulfil conditions prescribed by the Act).

224. Among other essential changes we should also mention an increase in the amount of the so-called pre-pension benefits for unemployed people inhabiting administrative regions (gminas) threatened by particularly high structural unemployment. These allowances are payable at the rate of 52 per cent of the average wage. They are granted up to the time of taking up employment or acquiring pension rights. In addition, the period during which the unemployment allowance is received was extended for unemployed people in these gminas.

Changes initiated

225. The Act of 14 December 1994 concerning employment and counteracting unemployment entered into force on 1 January 1995. It develops and introduces new principles and forms of counteracting unemployment and mitigating its effects.

Family benefits

226. These benefits include the family allowance and the nursing allowance, as well as the child-care allowance and the care allowance.

227. The basic legal act governing family and nursing allowances is the Order of the Minister of Labour and Social Policy of 10 April 1989 concerning family and nursing allowances (uniform text - Dziennik Ustaw of 1993 No. 110, Text 492, with amendments).

228. The right to family allowances is enjoyed by almost all groups of people insured (with the exception of creative artists). The conditions for acquiring the right to this allowance are also the same for all such groups. 11/

229. The family allowance is granted for children and for a spouse. It is payable to eligible persons at the fixed amount of 167,000 zlotys a month. The allowance is granted for a child under 16 years of age, and for an older child attending school up to the age of 20 (with certain exceptions). Family allowances are also paid to the unemployed. For the spouse, the family allowance is payable if he/she fulfils one of the following conditions:

Is raising at least one child under 8 years of age or a disabled child;

Is disabled;

Has reached the age of 50 years (women) or 65 years (men).

230. Besides the family allowance, a nursing allowance may be payable for a child who requires permanent care owing to his/her health condition or is

considered as being in disability group I or II (children above 16 years of age). The nursing allowance is payable for a spouse who has reached the age of 75 or is considered as being in disability group I.

231. The nursing allowance has been fixed at the rate of 10 per cent of the average wage. In accordance with the above principles, family and nursing supplements are also payable to pensioners. All expenditures in respect of the described family benefits are covered by the Social Insurance Fund.

232. Another benefit in this field is the child-care allowance regulated by the Order of the Council of Ministers of 17 July 1981 concerning child-care leave (uniform text - Dziennik Ustaw of 1990 No. 76, Text 454, with amendments). The child-care allowance is granted to a worker taking advantage of child-care leave (of three years' duration) to take care of a child under four years of age. The child-care allowance is granted for a period of 24 months, or 36 months in the case of single mothers. It is payable at a fixed rate and is indexed, being increased by a percentage of the growth in the average monthly remuneration between quarters. Single mothers (fathers) are entitled to a higher child-care allowance. The allowance is payable if income per head in the family does not exceed 25 per cent of the average wage in the preceding year. A woman worker taking care of a disabled child is entitled to the child-care leave and allowance for a period of 72 months.

233. The child-care allowance is a worker's right. It is granted to workers and some other people employed on the basis of an agency contract and to members of agricultural production cooperatives. The other groups of the insured do not enjoy the right to this benefit.

234. Child-care allowances are paid from the Social Insurance Fund.

235. In Polish legislation, family benefits also include the care allowance. The main legal act governing care allowances is the Act of 17 December 1974 concerning cash social insurance benefits in respect of sickness and maternity (uniform text - Dziennik Ustaw of 1983 No. 30, Text 143, with amendments). The care allowance is granted to a worker released from the obligation to work to take care of:

A healthy child under 8 years of age, in determined cases;

A sick child under 14 years of age;

A sick family member.

236. The care allowance in respect of taking care of a child is granted for a period of up to 60 days in a year and in respect of taking care of a sick family member for a period of 14 days. However, the aggregate number of days cannot exceed 60 a year. The care allowance is payable at the rate of 100 per cent of remuneration received in the period preceding the care leave.

237. Care allowances are financed from the Social Insurance Fund.

Planned and introduced changes

238. The following important changes in the group of family benefits presented above came into force in 1995:

The family allowance is a universal benefit totally financed from the State budget;

The family allowance is payable for all families (not only those covered by social insurance), in which income per head does not exceed a specified limit (income criterion);

The family allowance is payable in a fixed amount.

From 1996 the allowances will be adjusted once a year by the ratio of increase in the cost of consumer goods and services.

239. As regards the child-care allowance, it is planned to finance it from the State budget. It is also planned to decrease the care allowance to 80 per cent of remuneration.

Financing

240. The social insurance benefits referred to earlier in this report (with the exception of sickness allowances for workers in socialized establishments) are financed from a separate Social Insurance Fund. The revenue of this Fund comes from social insurance contributions and complementary State budget subsidies. Social insurance contributions for workers are payable totally by employers; they amount to 45 per cent of the wages paid.

241. The social insurance contribution of people performing work on the basis of an agency or mandatory contract equals 40 per cent of the basis of calculation. This contribution is covered 50 per cent by the individual who concludes a contract and 50 per cent by the unit with which a contract has been concluded.

242. The social insurance contribution of members of agricultural production cooperatives and cooperatives of agricultural circles equals 45 per cent of the basis of calculation (35 per cent of the contribution is paid by the production unit and the rest is covered by the State budget). People carrying out economic activity pay social insurance contributions equal to 40 per cent of the basis of calculation. The pension contribution of creative and performing artists equals 29 per cent of the basis of calculation. The social insurance contribution of priests is differentiated; it ranges from 8 per cent to 30 per cent of the basis of calculation.

243. Social insurance benefits for farmers are paid from the contributory Farmers' Social Insurance Fund. The purpose of the fund is to finance accident, sickness and maternity insurance benefits. Farmers pay contributions to the above-mentioned three types of insurance. The contribution rates vary.

244. Unemployment benefits are financed from the Labour Fund, which is the State fund. The main revenues of this fund are State budget subsidies (more than 60 per cent of total revenue) and contributions - collected together with a contribution to the Social Insurance Fund - which are paid at the rate of 3 per cent of the basis of calculation.

Expenditures for social security

245. Expenditures for social security cover the following items:

- Pensions;
- Family and nursing allowance;
- Sickness allowances;
- The child-care allowance;
- The maternity allowance;
- The death grant;
- Unemployment allowances;
- Expenditures for the health service.

246. Calculations were made on the basis of data from the Statistical Yearbook for 1994, which refer to the year 1993. For comparison the year 1985 was taken. Expenditures for 1985 do not include unemployment allowances, because this category did not then apply in the Polish social security system.

Table 14. Expenditures for social security in 1985 and 1993

	1985		1993	
	in thousand million zlotys	%	in thousand million zlotys	%
Total	1 406	100	371 926	100
Pensions	728	52	231 941 a/	62
Allowances and other social insurance benefits	320	23	51 839 a/	14
Medical care	358	25	72 696	20
Unemployment allowances			18 078 a/	4

Source: Statistical Yearbook of Poland, GUS, 1986, 1994.

a/ Gross expenditures.

247. If the years 1985 and 1993 are compared, change can be noted in the structure of expenditures on social security. The dominance of expenditure for pensions already existing in 1985, had increased significantly, by 10 percentage points in 1993. The share of expenditures for allowances and medical care decreased. A new category of expenditure emerged - unemployment allowances - which, however, did not occupy a significant position in 1993 (4 per cent of total expenditures for social security).

Table 15. Expenditures for social security as a percentage of gross domestic product

	1985	1993
Total	14	24
Pensions	7	15
Social insurance allowances	3	3
Medical care	4	5
Unemployment allowances	-	1

Source: Calculations based on statistical yearbooks of GUS.

248. Between 1985 and 1993 a considerable growth in expenditures for social security was noted, expressed as a share of GDP. In 1985 these expenditures accounted for 14 per cent of GDP and in 1993 for 24 per cent. The increase was mainly favoured by the growth of expenditure for pension benefits, from 7 per cent of GDP in 1985 to 15 per cent in 1993, due to an increase in the number of benefits paid and in their level. The increase in the number of benefits paid is an effect of demographic processes (ageing of the society), as well as legal regulations facilitating earlier retirement. The increase in the level of benefits paid was caused by benefits indexation in 1991 and the introduction of a system of automatic indexation. The change in the level of pension benefits is well illustrated by the change in their relation to the average wage, which was 49 per cent and 62 per cent in 1985 and 1993 respectively.

249. Most social security expenditures are financed from the central budget and from special funds of this budget: the Social Insurance Fund, the Pension Fund ^{12/} and the Labour Fund. The first two funds finance most pension expenditures and social insurance allowances. Unemployment allowances are financed from the Labour Fund. Expenditures for the health service are mainly financed from the central budget and also from local budgets at the gmina level.

250. The main fund financing social security expenditures, the Social Insurance Fund, was planned to cover expenses from collected contributions. The State budget target subsidy was aimed at financing only benefits for occupational groups released from the obligation of paying contributions but covered by social security (the police and the army). ^{13/} Besides the target subsidy (still functioning in 1993), the Social Insurance Fund received from

the State budget a complementary subsidy aimed at balancing expenditures and revenue in the case of insufficient revenue from contributions. On account of a demographic trend causing an unfavourable ratio of the number of contribution payers to the number of beneficiaries, as well as unemployment growth, the decrease in the real pensionable age and growth in the level of benefits, for several years recently the revenue and expenditures of the Social Insurance Fund have not balanced and a large additional subsidy was necessary.

251. The farmers' pension fund was planned to be financed for the major part from the State budget and this is the main source of revenue for this fund: more than 90 per cent.

252. The Labour Fund, from which unemployment allowances are paid, is financed 60 per cent from the central budget.

253. Medical care is financed from the central budget and from gmina budgets.

254. In 1993 State budget expenditures for social security accounted for 32 per cent of total expenditures, whereas in 1985 they accounted for only 17.4 per cent.

255. In 1993 expenditures financed from the central or local budgets included subsidies to social insurance and the Labour Fund, as well as health service costs. Most of these expenditures were covered by the central budget. Part of the expenditures for medical care was covered by local budgets.

256. In 1985 social security expenditures were totally financed by the State budget. Part of this budget (for medical care) was administered at the local level. The changing share of social security expenditures in the State budget is mainly caused by the growth of pension expenditures. In 1993, subsidy of the pension systems accounted for 18 per cent of budgetary expenses and in 1985 for only 2 per cent.

257. Because social security financing from the State budget and from the special funds is undergoing certain changes, ^{14/} the share of expenditures in the budget has been presented in two variants: first as the share in State budget expenditures in a formal sense and second as aggregated expenditures of the budget, also covering expenditures of two basic pension funds.

Table 16. The share of social security expenditures in State budget expenditures

	1985	1993
State budget	17 %	32 %
Aggregated budget	23 %	57 %

Private social insurance schemes

258. No private social insurance schemes exist in Poland. However, every individual may insure his life with institutions dealing in insurance.

Limitation of the enjoyment of social security

259. There are no groups of the population in Poland which do not enjoy the right to social security or enjoy this right to a lesser degree than the majority of the population (see also social welfare). However, social insurance schemes differ, mainly with respect to workers' and non-workers' schemes, presented earlier.

Social welfare

260. To supplement the above information, it should be added that social welfare is an important element of the Polish social security system. It is one of the elements of the State social policy and as such constitutes part of the social security system. It is intended to support the most vulnerable individuals and families, who find themselves in difficult living situations.

261. The role and place of social welfare in the social security system in Poland is determined by the Act of 29 November 1990 concerning social welfare (Dziennik Ustaw of 1993 No. 13, Text 60), which assigns tasks to the social services at three levels: the macro, local and family levels. At the macro level, social welfare is aimed at ensuring social security to those who are not affiliated to other systems, such as pension insurance systems or unemployment allowances. At the local level, social welfare is aimed at the creation of adequate living conditions for the local community and the satisfaction of its social needs. At the family level, social assistance should be provided to families in need so as to ensure their independence in the short term, through financial assistance and social work in the broad sense of this term.

262. Government and self-government administrations are responsible for such social welfare tasks. These tasks are divided into those financed from the central budget and tasks financed from community budgets.

263. In accordance with the above-mentioned Social Welfare Act, social assistance is intended to satisfy the basic needs of individuals and families and enable them to live in conditions of human dignity. If possible, social assistance should enable individuals and families to lead an independent life and to be integrated in their environment, through the provision of support that is adapted to their individual situations. The Social Welfare Act assumes that the primary recipient of support is the family. One of the basic features of the social welfare system in Poland is its family orientation.

264. In accordance with the Social Welfare Act, social assistance is provided in particular to individuals and families in cases of:

- Orphanhood;
- Homelessness;
- Need for protection of motherhood;

Unemployment;
Physical and mental handicap;
Long-term illness;
Broken homes or large families;
Alcoholism and drug-taking;
Difficulties in adjustment to life after leaving a penitentiary;
Natural calamity.

265. The right to social welfare benefits is enjoyed by an individual or a family without any means of subsistence or if income per head in a family is below the level of the minimum old-age pension. At least one of these conditions should be fulfilled.

266. Social welfare benefits are granted at the application of the person concerned, his legal representative or other person subject to the consent of the person concerned or his legal representative.

267. A decision on granting a benefit should be preceded by an environment (family) interview at the permanent or temporary residence of the person concerned. The right to appeal a decision exists.

Social welfare benefits

268. In accordance with the Social Welfare Act, an individual totally incapacitated for work because of age or disability who does not have any source of income and where income per person in the family does not exceed the amount of the minimum old-age pension, is entitled to a permanent allowance. This allowance can also be granted for an individual who ceases work to bring up a disabled child and an individual incapable of working because of disability, which occurred before he reached the age of 18. The permanent allowance is payable at the rate of 28 per cent of the average wage; a supplement to the allowance at the rate of 9 per cent of the average wage is payable to individuals who have reached the age of 75, disabled persons in group I and pregnant women after the eighteenth week of pregnancy.

269. Individuals or families whose income per person does not exceed the amount of the minimum pension and whose incomes and own resources temporarily do not allow them to satisfy their basic needs, mainly because of long-term illness, disability or justifiable unemployment, are entitled to a temporary allowance. The amount of the temporary allowance is 28 per cent of the average wage.

270. The permanent and temporary allowances described above are financed from the central budget.

271. The Government provides special attention to pregnant women or single mothers in a difficult situation as regards their living conditions. They are entitled to cash benefits. The amount of social welfare benefits for pregnant women and single mothers depends on the amount of their disposable income. In the case of women without any source of income, this allowance amounts to 28 per cent of the average wage, whereas in the case of women with a specified income the allowance will be equal to the difference between the amount of the minimum pension and the amount of the income. A child receives a lump sum

allowance equal to 14 per cent of the average wage and a benefit in kind. These benefits for pregnant women and single mothers are payable from the eighth month of pregnancy to the moment when the child attains two months. They are financed from the central budget, whereas the medical allowances, medicines, treatment and costs of benefits in kind are covered by the gmina (local government).

272. In order to satisfy basic needs, for example, to partially or fully cover the costs of medicines and treatment, the repair of an apartment, fuel, the purchase of clothing and so on, a special allowance may be granted, at a rate depending on needs. This task is financed from gmina budgets.

273. The gmina can grant assistance to an individual who decides to start a small business, in the form of a loan on preferential terms or in the form of such facilities as machinery or equipment. In particularly justified cases, if an individual or family applying for social assistance complies with criteria established in the Social Welfare Act, financial assistance may be granted, subject to the partial or full reimbursement of expenses. However, if the reimbursement constitutes an excessive burden (which could cancel out the effects of the assistance) for an individual or family, the Social Welfare Centre can abandon its claim to such reimbursement.

274. Individuals who require assistance of other persons because of age or for other reasons are entitled to care services rendered by qualified guardians. Such services include assistance in the satisfaction of daily living needs, basic hygienic care recommended by a doctor and, if possible, assurance of contacts with the social environment.

275. Individuals who, even with the services of a professional guardian are not able to manage in their previous environment can be placed in the various kinds of specialized social welfare institutions.

276. Apart from the financial benefits paid by a social welfare centre, which are available after specified criteria are met, the Act provides for many non-financial forms of assistance, such as social work and the provision of various forms of legal, educational and psychological advice. The needs of the local community and the capacity of communal social welfare institutions determine the many and varied forms of activity of the social welfare centres.

277. During the period 1990-1994 the number of individuals and families receiving social welfare benefits on a regular basis increased. This was caused by the changes taking place since the early part of the 1990s (above all in the economic sphere) which affected the social situation of society.

278. In 1991 social assistance (regardless of the kind and scope of the assistance granted) was provided to 2,327,892 individuals, about 40 per cent more than in the previous year. On the other hand, the amount paid for the performance of social welfare tasks increased in comparison with 1990 by over 180 per cent.

279. The year 1992 was characterized by a decrease in real wages, an increase in the cost of living and unemployment, which led to an increase of the number of individuals benefiting from social welfare. The environmental social

welfare carried out the tasks set out in the Social Welfare Act, reducing to a minimum in the best possible way the negative consequences of the changes under way. In 1992, irrespective of kinds and forms of benefits, the assistance covered 3,039,518 individuals, an increase of 30 per cent in comparison with the previous year. The biggest increase in the number of individuals receiving social welfare benefits was in the group of the unemployed (120 per cent).

280. In 1993, 3,000,536 individuals were granted social assistance, a decrease of 1.3 per cent in comparison with the previous year. This did not mean that a lesser number of individuals were in need of social assistance. At the same time, an almost threefold increase in the number of individuals receiving unemployment benefits was noted. Lack of resources for social assistance caused the number of persons and families receiving social assistance to be limited to those in the most difficult situation. At the same time, 250,000 individuals did not take advantage of social welfare benefits in spite of the fact that they met the criteria set out in the Act.

281. For two months of 1993 new tasks were performed on the basis of the Order concerning assistance to pregnant women and women taking care of a child. In total 81,037 women and 43,384 children were granted benefits. However, about 30,000 women entitled to this form of assistance were not granted benefits because of lack of resources. In spite of an investigation into the scale of the problem having been carried out, the actual number of women applying for these benefits considerably exceeded the number estimated. In June 1993, the number of women entitled to this form of assistance was estimated at 10,000. However, in the first days of December, 80,494 women applied for assistance. The compulsory character of the benefit for pregnant women and women taking care of a child resulted in low-income families often not being granted benefits, because of the priority given to women.

282. In order to adjust the timing and forms of assistance to financing possibilities, the Labour Ministry drafted an amendment to the Order. The period of entitlement to the benefit was shortened and its amount was made dependant upon a woman's income. A part of the tasks carried out by the governmental administration was transferred to local governments. The amended text of the Order came into force in April 1994.

283. In 1994 the most numerous group of individuals benefiting from social welfare benefits were the unemployed and pregnant women and women taking care of a child.

284. In spite of increasing social welfare expenditure, the needs of entitled individuals are not satisfied and all activities carried out by the social services are aimed at providing various forms of non-financial support, which to some degree would compensate budget shortages.

285. In today's difficult financial situation for social welfare, we note with satisfaction that the share of community budgets in the implementation of social welfare tasks increased from 26.4 per cent in 1992 to 38.7 per cent in 1994.

Unconventional forms of non-material social assistance provided by social welfare centres

(i) "Occasional" activities

286. These activities are most often financed by social welfare centres with the financial participation of sponsors (institutions, firms, shops, religious associations, non-governmental organizations, etc.) and cover:

Organization of Easter and Christmas time for the lonely and the poorest under the charge of social welfare centres (Christmas Eve, the possibility to spend Christmas in a social welfare institution (house), packages, celebration of Santa Claus Day on 6 December for children, Child's Day, lotteries, etc.);

Organization of summer and winter holidays for children of the poorest families;

Collections of winter clothing, purchase of school accessories for children and food.

(ii) Material assistance

Organization by social welfare centres of shops with clothing, food and sanitary goods (coming from the collections of social welfare centres) which are delivered free of charge or cheaply sold to persons under the charge of social welfare centres;

Organization and maintenance of so-called cheap canteens at the social welfare centres or houses;

Periodical and permanent collection of household equipment (social welfare centres often manage to obtain this kind of equipment on the occasion of the liquidation of holiday centres or from private persons and shops);

Supplementary food campaigns for children (social welfare centres participate in the cost of meals at schools);

Additional payment of fares of children and youth to schools, payment for day-rooms, boarding schools and stays at education centres.

(iii) Activities undertaken to alleviate the effects of unemployment

Guidance in matters of economic independence, granting loans (assistance in kind) for economic independence;

Duties of social employees in local labour offices;

Employment by social welfare centres (as possibilities arise) of unemployed women in household tasks;

Organization of job clubs at the social welfare centres in which the unemployed have the possibility to use a telephone or talk with a psychologist or a lawyer;

Organization of specialized groups of social workers at the social welfare centres who take care of the unemployed;

Organization of training for the unemployed;

Organization of care for unemployed women's children when they seek employment;

Creation of mutual aid groups of unemployed people whose aim is to support psychologically the long-term unemployed;

Mediation in seeking employment (through direct contacts of social workers with employers, "catching" offers);

Organization at social welfare centres of small workshops providing services for people under the charge of the centres and employing the unemployed clients of social welfare;

Maintenance of the "bank" of information regarding institutions and organizations working on behalf of the unemployed;

Organization of family holidays for the unemployed;

Organization of meetings with unemployed people and people particularly threatened by long-term unemployment concerning problems connected with the labour market;

Close cooperation with non-governmental organizations dealing with problems connected with unemployment.

(iv) Undertakings on behalf of the disabled and elderly people

Cooperation with the state and local administration units, non-governmental organizations and other institutions dealing with problems of the disabled;

Provision of individual guidance;

Cooperation with other bodies with regard to the removal of architectonic barriers and integration of the disabled into their environment;

Organization of rehabilitation holidays of a fixed period of time;

Maintenance of centres hiring rehabilitation equipment;

Organization of entertainment and meetings for the disabled;

Issuing directories addressed to the disabled;

Organization of transport services for the disabled;

Organization of occupational therapy workshops;

Organization (often with the participation of secondary school pupils and scouts) of various services on behalf of the disabled and elderly people;

Participation in the organization of mutual aid groups (for example, mothers of mentally handicapped children);

Integration of entertainment for healthy and disabled children;

Organization of therapy for handicapped children (for example, hypotherapy);

Enabling rehabilitation through the organization of gymnasiums in which activities are guided by professional personnel;

Cooperation with social welfare houses which enables the disabled to make use of their rehabilitation rooms, canteens, special interest activities or cultural events and trips, etc.;

Home delivery of newspapers and magazines or books from libraries for the disabled;

Transportation of food to houses of the disabled and elderly people;

Organization of therapeutic holidays.

(v) Undertakings on behalf of the family

Preventive action, counteracting the break-up of families, through psychological and pedagogical counselling, creation and realization of local preventive and educational programmes and cooperation with specialized bodies for the solution of family problems;

Cooperation of social workers with school educators and court curators dealing with families assisted by the social welfare centres;

Organization of therapeutic assistance: individual therapy, therapy for couples in a critical situation, family mediation, stimulation of activities aimed at the organization of assistance groups for families;

Organization of houses with canteens for "homeless families";

Organization of houses for mothers and children, in which assistance is given to women and children suffering from violence in the family;

Specialist guidance and therapy for families with the problem of drinking or taking drugs (AIDS);

Organization of the so-called houses of independent life;

Organization of family centres for crisis intervention.

(vi) Counselling and guidance

Assistance in collecting together the documents necessary to acquire pensions;

Exceptional services within the framework of social insurance, disability pensions;

Assistance in obtaining maintenance payments (alimony);

Facilitating unpaid consultations with a lawyer or psychologist (depending on needs);

Acting on behalf of particularly disabled people;

Therapeutic assistance;

Organization and maintenance of community centres with educational, tutelary and therapeutic profiles,

Guarantee of medical services, particularly for persons in need of psychiatric assistance;

Guidance with regard to the possibility of changing jobs.

Changes introduced and foreseen

287. The Social Welfare Act of 29 November 1990 was amended in January 1993. The main changes concerned the transfer of the financing of certain social welfare activities (such as the allowance for economic independence and assistance services) to local government budgets. Basically, the rest of the changes did not influence the shape of the social welfare system in Poland, as regulated by the Act of 1990. At present, work is in progress to amend the Act further, which is indispensable in view of the economic and social changes taking place in Poland.

The projects of the World Bank and PHARE are in the process of realization and training of Polish personnel abroad is taking place as well.

Legal acts

288. The legal acts relevant to the implementation of article 9 are the following:

The Act of 17 December 1974 concerning cash social insurance benefits in respect of sickness and maternity (uniform text Dziennik Ustaw of 1983 No. 30, Text 143; amended in 1985 Dz.U. No. 4, Text 5, of 1986; Dz.U. No. 42 Text 202, of 1989, Dz.U. No. 4 Text 21; Dz.U. No. 35, Text 192, of 1991; Dz.U. No. 104, Text 450; Dz.U. No. 106, Text 457; Dz.U. No. 110, Text 474);

The Act of 25 November 1986 concerning organization and financing of social insurance (Dziennik Ustaw of 1989 No. 25, Text 137 and No. 74 Text 441, of 1990 No. 36 Text 206; of 1991 No. 7 Text 24, No. 104 Text 450 and No. 110 Text 474);

The Act of 14 December 1982 concerning pension security for workers and their families (Dziennik Ustaw No. 40, Text 267, with further amendments);

The Act of 17 October 1991 concerning pensions indexation, principles of pensions calculation and amendment of certain Acts (Dziennik Ustaw No. 104, Text 450, with further amendments);

The Act of 12 June 1975 concerning benefits in respect of employment accidents and occupational diseases (Dziennik Ustaw of 1983 No. 30, Text 144; of 1989 No. 35, Text 192; of 1990 No. 36, Text 206 and No. 92, Text 540; of 1991 No. 94, Text 422 and No. 104, Text 450);

The Act of 27 September 1973 concerning pension security of artisans and their families (Dziennik Ustaw of 1983 No. 31, Text 145; of 1986 No. 42, Text 202; of 1989 No. 35, Text 190 and of 1990 No. 36, Text 206);

The Act of 19 December 1975 concerning social insurance of people performing work for socialized economic units on the basis of agency or mandatory contracts (Dziennik Ustaw of 1983 No. 31, Text 146; of 1989 No. 32, Text 169 and No. 35, Text 190; of 1990 No. 36, Text 206; of 1991 No. 110, Text 474);

The Decree of 4 March 1976 concerning social insurance of members of agricultural production cooperatives and cooperatives of agricultural circles and their families (Dziennik Ustaw of 1983 No. 27, Text 135; of 1989 No. 35, Text 190 and of 1990 No. 36, Text 206);

The Act of 18 December 1976 concerning social insurance of people carrying out economic activity and their families (Dziennik Ustaw of 1989 No. 46, Text 250; of 1990 No. 36, Text 206 and of 1991 No. 110, Text 474);

The Act of 20 December 1990 concerning social insurance of farmers (Dziennik Ustaw of 1993 No. 71, Text 342);

The Act of 17 May 1989 concerning social insurance of priests (Dziennik Ustaw No. 29, Text 156; of 1990 No. 36, Text 206);

The Act of 29 November 1990 concerning social welfare (Dziennik Ustaw of 1993 No. 13, Text 60);

The Act of 16 October 1991 concerning employment and unemployment (Dziennik Ustaw of No. 106, Text 457 with further amendments);

The Order of the Council of Ministers of 29 January 1990 concerning the level and basis of calculation of social insurance contributions, notifying to social insurance and accounting of social insurance contributions and benefits (Dziennik Ustaw of 1993 No. 68, Text 330);

The Order of the Minister of Labour and Social Policy of 10 April 1989 concerning family and nursing allowances (Dziennik Ustaw of 1993 No. 110, Text 492);

The Order of the Council of Ministers of 6 June 1983 concerning principles of calculating social insurance allowances and covering expenditures on these allowances (Dziennik Ustaw No. 33, Text 157, amended in 1985 No. 35, Text 165; of 1986 No. 15, Text 84; of 1988 No. 3, Text 16; of 1989 No. 8, Text 49 and No. 41, Text 226).

Article 10. The right to protection and assistance for the family

Ratified international instruments

289. Poland is a party to the following Conventions:

International Covenant on Civil and Political Rights;

Convention on the Rights of the Child;

Convention on the Elimination of Discrimination against Women;

ILO Maternity Protection Convention (Revised) 1952 (No. 103);

ILO Minimum Age Convention, 1973 (No. 138).

The meaning given to the term "family"

290. When examining the meaning attributed to the term "family" in Polish society, we should take into account the historical context. During the period of partition and state "nonentity" (nineteenth century) the family was the most important element of the cultural and national survival of the Poles. It was one of the fundamental social values. This priority place in a hierarchy of recognized values has been maintained. It is confirmed by periodic sociological surveys. It found its reflection in the constitutional norms of the State. Article 5, paragraph 7 of the Constitution of the Republic of Poland provides that the Republic of Poland, concerned with national development, takes care of the family, maternity and the up-bringing of the young generation. This principle is developed by article 79, which provides that marriage, maternity and the family are under the protection and care of the Republic of Poland. Multi-children families are subject to the particular care of the State.

291. Another constitutional norm concerns the well-being of children and the equal rights of children irrespective of their origin: born in wedlock or out of wedlock.

292. Marriage is the basis of the majority of Polish families. In sociological definitions of the family it finds a significant expression: they emphasize that the family is a group composed of people linked by a marital relationship and a parent-child relationship (kinship or adoption). The main family functions consist in maintaining the biological and cultural continuity of the society. Other functions are providing children with a social position, as well as preventing disintegration and exercising social control, particularly with regard to the young generation. What is referred to is the small bi-generational family, which is a basic element of the social structure. In Poland, traditional strong bonds and relations are maintained between the small bi-generational family and the larger family, composed of several generations, with members united by kinship relations (National Population Census, 7 December 1988).

293. For technical purposes (for the requirements of statistical studies of the National Population Census) it was considered that "the family means a group of people separated in the framework of a household on the basis of a biological criterion. The following types of families have been distinguished: spouses without children, spouses with children, single mothers with children, single fathers with children".

294. The Polish Family and Guardianship Code is based upon the principle of equality of rights and obligations of spouses. These obligations emerge as the result of a marriage. Non-marital unions (concubinage) are deprived of the legal consequences which result for spouses from contracting a marriage. It should be stated that in the literature it is pointed out that the family - as a social group - is not a subject of law. Family members are subjects of rights and obligations (Family and Guardianship Code).

The age at which children are deemed to attain their majority for different purposes

295. Majority is attained by a Polish citizen who has reached the age of 18 years. He/she acquires political rights (first of all active electoral rights) and full capacity to undertake legal transactions, which means the capacity to bring about legal effects by one's own behaviour, that is to acquire rights and contract obligations (Civil Code). Full and limited capacity to undertake legal transactions is distinguished. The latter concerns people between 13 and 18 years of age. This means that for contracting obligations and disposing of rights the consent of a legal representative is necessary. Without such consent a young person may conclude agreements in minor, daily issues, for example may dispose of his/her earnings or of objects received from the legal representative for his/her free use.

296. Other age criteria have been determined as a condition for contracting a marriage: 21 years of age for a man and at least 18 years of age for a woman. This is an expression of the legislator's concern that the decision to create a family is taken by people aware of their responsibilities for the well-being and survival of the family. However, the guardianship court may, for important reasons, allow the marriage of a man who has reached the age

of 18 years or a woman who has reached the age of 16 years. Earlier marriage has its effects in the sphere of civil law. The persons concerned acquire full capacity to undertake legal transactions. They retain this right even in the event of the dissolution of the marriage.

297. Other age criteria are applied in the labour law. In accordance with the Labour Code (art. 190, para. 2) it is prohibited to employ a person who has not reached the age of 15 years. The expression "young person" is used, meaning a person who has reached the age of 15 years but is not above the age of 18 years. Recognition that only people above 18 years of age may be parties to an employment relationship is connected with the civil law principle concerning acquiring full capacity to undertake legal transactions. The lower limit of 15 years is connected with the present education system. It is the age at which pupils normally complete primary school. Legislation also provides for the possibility of employment of a person who is above 14 and under 15 years of age - under condition of having completed primary school. Such person can be employed for the purposes of vocational training at a request of his/her legal representative. 15/

Assistance to and protection of the family and maternity protection

298. The constitutional provision concerning maternity and family protection is developed in more detail in other provisions of the Constitution, legal systems and the society security system, particularly in regard to social benefits.

299. The Constitution emphasizes guarantees of the equal rights of men and women, inter alia in provisions concerning protection of the mother and child, protection of the pregnant woman, paid leave in the period before and after confinement, development of a network of maternity clinics, nurseries and kindergartens, development of a network of services and collective feeding. Living conditions of families are also affected by the exercise of other rights: to health protection, education, rest and the right to work.

300. Legal protection is based upon the provisions of family, civil and administrative law.

301. The Polish legislation maintains such principles as the enduring nature of the marital union and of the family, the principle of the equality of spouses, the principle of the well-being and equal rights of children irrespective of their origin: born in wedlock or out of wedlock. Family rights are subject in the first place to judicial protection through family and guardianship courts. The concept of such courts is derived from the idea of matters concerning the family being examined by one court. These courts are assisted in all family cases examined by them by specialized bodies: court curators, curators centres for work with young people, family diagnostic and consultative centres.

Maternity protection

302. The maternity protection system in Poland is composed of:

A system of special protection of pregnant women and women raising young children (employment and adequate remuneration guarantees), as well as of protection of this group of women at work (prohibition of employment at determined posts, at night, on overtime);

Cash social insurance and social welfare benefits for women fulfilling criteria prescribed by law (maternity, confinement and child care allowances, social welfare allowance for pregnant women of limited means);

Benefits in kind for pregnant women and women raising young children (for example, single mothers without sources of maintenance) in the form of layette;

Benefits in the form of services rendered by various institutions, including medical services (for example medical care of a pregnant woman, vaccination of infants), care services (nurseries, kindergartens) or in the form of care and maintenance in houses for single mothers.

303. Work protection in connection with maternity is provided for in the Labour Code and concerns women workers employed on the basis of an employment contract, appointment, election, nomination or cooperative work contract. In accordance with the Code this protection covers:

Employment guarantee - an establishment must not terminate, with or without notice, an employment contract in the period of pregnancy and maternity leave,

Protection guaranteed to all women: they must not be employed on particularly arduous and harmful jobs (list of jobs prohibited for women);

Particular protection at work - pregnant women must not be employed on overtime or night work or given an assignment outside their permanent place of work without their consent; an establishment is obliged to transfer a pregnant woman to other work if she is employed on work that is prohibited for pregnant women;

Wage guarantees - where a pregnant woman worker's transfer to other work results in a reduction in her rate of remuneration, she is entitled to a compensatory allowance at the rate of 100 per cent of remuneration;

The right of breastfeeding women workers to two half-hour breaks in the course of work, reckoned as working time.

304. In Poland cases of violation of women's labour protection provisions, confirmed by the State Labour Inspectorate, are not very frequent. For a total number of 63,300 offences against worker's rights (in small and large

establishments, in the public and private sector) less than 5 per cent concerned the protection of women workers or juveniles or the termination of employment contracts in serious violation of labour law provisions. 16/

305. Many types of benefits are provided for employed women in respect of maternity. The most important of them are the social insurance benefits for workers: maternity leave and allowance, confinement allowance, child-care leave and allowance, care leave and allowance.

306. Maternity leave is granted to a woman worker at the rate of:

16 weeks for her first confinement;

18 weeks for each subsequent confinement;

26 weeks where she is delivered of more than one child on any given confinement and eight weeks where her child is stillborn or dies during the first six weeks of life.

A woman worker who adopts a child is entitled to maternity leave at the rate of 18 weeks.

307. At least two weeks of maternity leave should be taken before the expected date of confinement and at least:

12 weeks after confinement if the leave amounts to 16 weeks;

14 weeks after confinement if the leave amounts to 18 weeks;

22 weeks after confinement if the leave amounts to 26 weeks.

Any maternity leave not taken by a woman before her confinement is granted afterwards.

308. The period of the leave (payment of the allowance) is the same for the first child in the case of individual farmers and amounts to 16 weeks. However, for every subsequent child it is two weeks shorter than for workers and other entitled groups and amounts respectively to: 16, 24 and 6 weeks (workers and other groups respectively: 18, 26 and 8 weeks).

309. The above provisions for the granting of maternity leave were introduced in 1972 (for farmers in 1982) and they have not undergone any changes.

310. During maternity leave, workers and other entitled groups (outside individual farming) are entitled to an allowance at the rate of 100 per cent of the average monthly remuneration they received during the three-month period prior to the leave (this provision was introduced in 1972).

311. For individual farmers the rate of the maternity allowance (from 1 January 1991) is equal to eight weeks' sickness allowance (the sickness allowance is payable at the rate of one thirtieth of the basic old-age pension for every day of incapacity for work).

312. Child care leave for a period not exceeding three years is granted to a woman worker (a member of an agricultural production cooperative) who has been employed for at least six months, in order to allow her to take personal care of a child under four years of age. The leave may be taken by the child's father, upon the mother's consent. In particular situations (sickness, death of a woman worker) her closest relatives are also entitled to the leave. The leave at its basic rate may be prolonged for the subsequent three-year period if the child requires the personal care of the mother on account of his/her health condition (chronic illness, handicap, mental retardation). The provisions regarding the taking of such leave were introduced in 1981 and have not undergone any changes.

313. Changes have been introduced in the conditions for eligibility for the child care allowance. Previously, an income requirement had to be fulfilled to receive this allowance: the allowance was granted to a woman if the monthly income per head in her family did not exceed a fixed amount. Changes were introduced in May 1989. The allowance can be granted if income per head in a worker's family does not exceed 22 per cent of the average wage in the national economy (in 1989, for the previous year; from March 1990, for the preceding quarter). In 1989 the rate of the allowance was determined at 25 per cent of the average wage in the national economy (in 1989, for the previous year; from March 1990, for the preceding quarter). On 1 June 1992 a fixed rate of benefit was introduced (512,000 zlotys) and indexation applied. The allowance is increased by a percentage of the growth in the average monthly wage between the quarters preceding the date of indexation.

314. Single mothers raising their children alone are entitled to preferential treatment. Their allowances are higher. Since 1989 the allowance for single mothers has been determined at the fixed amount of 818,000 zlotys, subject to quarterly indexation under the general provisions. The allowance is payable for a period of 24 months, or 36 months if a woman takes care of more than one child born at a single confinement or a child requiring care on account of his/her health condition, or if she is a single mother.

315. Care leave and the care allowance are granted to workers (and members of an agricultural production cooperative) in order to take care of a sick child under 14 years of age or a healthy child under 8 years of age (in the event of the unexpected closure of a nursery, kindergarten or school), in the event of the confinement or sickness of the spouse who takes permanent care of the child. In accordance with provisions in force since 1974, care leave and a care allowance at the rate of 100 per cent of the worker's remuneration could be granted for a period of 60 days in a calendar year, irrespective of the number of children requiring care. Since 1 March 1995, the monthly care allowance has been payable at the rate of 80 per cent of remuneration.

316. The lump sum confinement allowance is a benefit connected with childbirth. It was introduced in 1974. Earlier it was granted only to women workers or wives of workers (members of agricultural production cooperatives). From 1978, women individually running farms were covered by this allowance and, since 1982 farmers' wives. At present this allowance is granted to all mothers. Since 1992, its amount has been determined at the rate of 12 per cent of the average wage in the national economy (for workers and other

groups outside individual farming) and from 1 March 1995 it will amount to 15 per cent of this wage. For individual farmers the allowance is equal to three times the basic old age pension.

317. Maternity benefit coverage is limited. Only workers (women workers and workers' wives) and members of production cooperatives are entitled to all the maternity benefits described. Maternity and confinement allowances are granted to women farmers and farmers' wives, artisans and their wives, as well as agents.

Table 17. Entitlement of women in various socio-professional groups to social insurance benefits in respect of maternity (as at the end of December 1994)

Socio-professional group	Kinds of benefits			
	Maternity allowances	Confinement allowances	Child care allowances	Care allowances
Workers in socialized and non-socialized establishments, and establishments owned by individuals which employ workers	Yes	Yes	Yes	Yes
Members of agricultural production cooperatives	Yes	Yes	Yes	Yes
People working on the basis of agency and mandatory contracts	Yes	Yes	No	No
Artisans and self-employed people	Yes	Yes	No	No
Individual farmers	Yes	Yes	No	No
Attorneys	Yes	Yes	No	No
Creative artists <u>a/</u>	No	No	No	No

a/ This group has no right to maternity benefits; however, they are entitled to pension benefits, similar to all other insured groups.

318. On the basis of the Act of 1993 concerning family planning, protection of the human foetus and conditions of permissibility of abortion, since November 1993, within the framework of the social welfare system, obligatory social benefits have been introduced for pregnant women and women raising young children without any means of subsistence. Initially these allowances were granted to women starting from the fourth month of their pregnancy to the

sixth month of the child's life; since April 1994 they have been granted for a shorter period (four months), that is from the eighth month of pregnancy to the second month of the child's life.

319. These allowances were paid on a monthly basis (from November 1993 to March 1994) at the rate of: 28 per cent of the average wage; 15 per cent of the average wage for each child born at the latest confinement.

320. In addition, eligible mothers had the right to a lump sum allowance at the rate of 28 per cent of the average wage for the purchase of infant's clothes for every child born. Since April 1994 the allowance has been granted at the rate of 28 per cent of the average wage for women without any source of maintenance and at a lower rate for women having an income below the minimum old age pension. The lump sum allowance is payable at the rate of 14 per cent of the average monthly wage for every child born at the latest confinement. Additionally, a mother is entitled to an allowance in kind to cover the most necessary requirements of every child born.

321. On account of the insufficient financial resources of the State budget, implementation of the above-mentioned programme of assistance for non-working pregnant women and women with small children faced serious difficulties in 1994 and a considerable part of eligible women could not be provided with assistance. State arrears in respect of assistance for pregnant women have been made up in the subsequent year.

322. Beside the system of cash benefits described above, maternity protection in Poland includes benefits provided by health service institutions.

323. Eligibility for these benefits was related to the development of the social insurance system. Free medical care was provided to workers and their wives (workers of socialized establishments) in 1946. It was subsequently extended to women workers and wives of workers (members) of agricultural production cooperatives (1962), creative artists (1973), agents (1975), the self-employed (1976), farmers (1978) and individual farmers' wives (1982). This means that at present almost all socio-professional groups are entitled to health care benefits.

324. In connection with the phenomenon of unemployment in Poland, health benefits have been granted to recipients of unemployment allowances and training allowances (under the Act concerning employment of 1989) and to members of their families (under the Act concerning employment and unemployment of 1991). At present, on the basis of the Act of 14 December 1994 concerning employment and counteracting unemployment, the benefits provided by health service institutions are granted to all registered unemployed people, irrespective of their entitlement to the unemployment allowance. Thus, health service benefits are granted to all working mothers (pregnant women), also those who work on a farm, women with unemployed status and wives of the unemployed. On the basis of the Act of January 1993 concerning family planning medical care has been extended to a child conceived and his mother, also to other groups of women, that is jobless women without any sources of maintenance.

325. Over the whole post-war period all pregnant women and women with young children were provided with free medical care (consultations, compulsory vaccination of infants, etc.). They could also take advantage of legal advice both in public administration offices, in State social welfare centres and in non-governmental women and family organizations which dealt with family guidance, pre-marriage counselling, etc.

326. The system of maternity protection in Poland also includes a system of houses for single mothers (in the 1990s) run by the State social welfare institutions and by religious groups and other voluntary organizations. Temporary - usually up to one year - care and maintenance in these houses may be provided to single pregnant women and to single mothers with young children without any means of subsistence who are homeless.

Measures of protection and assistance for the family in child raising

Cash benefits

327. The range of social cash benefits was developed in previous years. In the period of transformation the basis for their allocation was modified.

Family allowances

328. The provisions concerning their allocation have undergone the biggest changes. The list of eligible persons was broadened (the unemployed and students were included); on the other hand, the list of children for whom family allowances were granted was limited by means of lowering the age limit for children continuing in education which constituted the criterion for obtaining the allowance. The method of calculating the amount of the allowance was changed, in favour of a fixed amount, which led to a decrease in the role of this benefit in creating income (table).

329. Starting from 1 March 1995, the system of family allowances has undergone basic changes (Act of 1 December 1994). It is to be a scheme outside the insurance system. The allowance will be allocated to families with an income per person of no more than 50 per cent of the average wage in the national economy. The amount of the allowance will be 210,000 zlotys per child (which constitutes 4.9 per cent of the average net wage in 1994). Once a year (starting in 1996) the family allowance will be subject to indexation on the basis of the increase in the price of consumer goods and services.

330. The allowances for families bringing up disabled children are linked to the family allowances. They are nursing allowances, given to children in disability groups I and II (regardless of age) and children up to 16 years of age if they need permanent care on account of their state of health. During the transition period the amount of the allowance was established as 10 per cent of the average monthly wage.

331. Benefits from the alimony fund are paid to families which do not receive the alimony that is awarded and whose income per person does not exceed a fixed level. During the transition period it was determined that assistance from the fund should amount to up to 30 per cent of the average monthly wage, thus preventing the lowering of the relative amount of this allowance.

332. Survivor's pensions are allocated in the case of the death of the family breadwinner. They are included in the system of old age and disability pensions. Their amount is fixed proportionally to the allowances which the deceased would have received (i.e. the old age or disability pension). Pensions are subject to indexation on the basis of rules applicable to the whole system of pensions.

333. School and university students are given material help in the form of: scholarships (social and for good academic results), extra allocations for accommodation costs and meals at a canteen, benefits and compassionate allowances.

334. In the case of pupils the amount of social scholarships depends on the pupil's material situation and is double the family allowance. Scholarships for students (of a social character and for results in studies) cannot exceed 90 per cent of the lowest basic income of an assistant. The extra allocation for accommodation amounts to 50 per cent of a boarding school or students' hostel. The extra allocation for meals consists of the difference between the full cost and payments covering the costs of raw materials, borne by the users of the canteen.

Taxation system

335. In countries with a market economy, taxation systems are an important instrument of family policy. In Poland, the restructuring of the taxation system took place during the transition period. New regulations, binding since 1 January 1992, have introduced a tax on personal income. In this system of this taxation there are no reduced rates based on the family situation of the taxpayer. The system only takes into consideration some aspects of the family situation of the taxpayer.

336. In general the incomes of a couple are subject to separate taxation. However, in the case of common ownership by a couple, there is a possibility to deduct tax at a rate corresponding to half of the total income of the couple (splitting system).

337. As the result of social pressure, this rule was broadened to cover persons raising children alone. In practice, this means that the income of a person who is bringing up children alone is divided into two and on the resulting amount, constituting half of the income, tax is calculated and multiplied by two. In the beginning this right was allocated to single people whose personal income was no bigger than a particular sum. Starting from 1 January 1994, as the result of a ruling by the Constitutional Tribunal, this income criterion has been annulled.

338. Personal taxable income may be decreased by the deductions described in the legal regulations. They include:

Rehabilitation expenses borne by a disabled person who is a tax payer and those due to the disability of family members supported by the taxpayer, as well as the cost of nursing services at home, social care services, and camps for disabled children and children of disabled persons;

Educational expenses of children and youth in non-public schools with public school rights up to an amount equal to one fifth of the average annual income. In 1995 there will be an obligatory limit on these expenses to 20 per cent of the sum constituting the upper limit of the first section of the taxation scale for that year (i.e. 12,400 zlotys).

339. The tax reduction for children's education in non-public schools is being introduced against a background of pressure from two contradictory viewpoints. On the one hand, this rule gives rise to social controversy, as it favours families which are in a relatively better material situation. On the other hand, there is strong pressure to maintain this tax reduction from the social circles which benefit from it.

Benefits in kind

340. During the transition period the most important changes are those connected with benefits in kind, mainly in the form of services considered as investments in the young generation (human capital). These changes resulted from a decrease in the budget for this area, which led to the abolition of some institutions (in the period in question the number of institutions providing social services for families decreased) and limitation of the range of activity of others. New sources of financing have been sought (foundations, self-employment) and there is a trend towards partial or full privatization. In practice this has meant that the increase in the cost of services is borne directly by families.

341. Changes of an organizational and legal character have also been introduced, consisting in decentralization and transfer of the part of the State's privileges to local government. The conditions were created to increase the participation of the private sector in the establishment and maintenance of institutions providing social services. Therefore, the situation with regard to the provision of assistance to the family in kind and in the form of services has also changed.

342. Infant nurseries provide daily care for children from their sixth week until their third year. Organizational changes (introduced in 1991) consisted in gminas taking over the organization, maintenance and financing of these institutions. On one hand, this led to the closure of some of these institutions (due to lack of financial resources), on the other hand, it meant freedom in the establishment of rules and charges for the services of nurseries, which resulted in increased costs for parents of children using them.

343. Kindergartens provide care, but also fulfil an educational function for children aged three to six. As in the case of nurseries, changes in their organizational and financial rules (with the gminas taking them over) influenced costs. Apart from the cost of meals, parents now bear the cost of additional services (for example, activities over and above the programme). Some gminas introduced fixed payments for services.

344. Organizational and financial changes have also begun to be introduced in the field of education. Primary schools are gradually being taken over by the gminas. Public schools are mainly financed from the budget. There is also a

possibility to obtain income from additional sources (for example, foundations, sponsors). With the constitutional provision concerning free education, schools are increasing the amount of existing payments for parents' committees and they also increase or introduce payments for activities additional to the obligatory teaching programme (which has suffered significant restriction).

345. The number of non-public schools is increasing. Independently from their own financial sources, these schools receive budgetary subsidies (50 per cent of expenses per pupil in a public school). Parents are obliged to bear the basic cost of tuition.

346. In order to give assistance to "the family as the natural and basic unit of society", a system of guidance has been organized in the Polish educational system consisting of: educators and schools psychologists; psychological and pedagogical clinics; institutions providing assistance and education of a preventive nature (educational centres, therapeutic club rooms, etc.).

347. With regard to children and youth, school, through teachers and tutors, assists the family in its educational functions.

348. The duties of the tutor and school psychologist (Regulation No. 15 of the Minister of National Education of 25 May 1993 concerning principles for providing pupils with psychological and pedagogical assistance) include activities in the sphere of family guidance. Moreover, tutors are obliged to pay particular attention to a school's or institution's compliance with the provisions of the Convention on the Rights of the Child. In psychological and pedagogical clinics at present functioning in the Polish educational system, (6,600 tutors and psychologists are employed in 594 clinics) separate posts or teams have been established for family education. There are 78 such teams in the country. Within the framework of assistance to families they provide mediatory services. Most often they provide therapy to families in crisis (in 1993/1994 such assistance was given to 7,600 people). Employees of the psychological and pedagogical clinics inform parents at school meetings and interested persons through the mass media of the range of assistance which families may obtain in these institutions. At the central level, the Workshop for Family Guidance was created in the Methodical Centre for Psychological and Pedagogical Assistance at the Ministry of National Education.

349. Significant assistance is also provided by the welfare and adoption centres (62 such centres exist in the country) established in order to initiate and assist supplementary forms of social welfare and family education. They assist in solving problems resulting from taking care of a child by the parents - substitutes, foster parents, family houses for children and also, educationally inefficient natural families. These institutions offer various forms of guidance and pedagogical assistance to natural parents or persons who are candidates to become substitute parents. They assist both the family and the child, through pedagogical activities, supporting children in compensating for deficiencies and dealing with outstanding school work, and developing interests.

350. The range and effectiveness of the material assistance provided are conditioned by the amount of financial resources assigned for this purpose

from the State budget and the local budgets of gminas maintaining schools and educational institutions. The amount of financial means at present assigned for scholarship assistance does not fulfil social needs in this field. Although the legal regulation is positive, this situation limits the provision of the above-mentioned services for children and youngsters who are studying. The table below illustrates the range of assistance in the form of scholarships and compassionate allowances rendered to children and youth in different types of schools in 1993.

Table 18. Pupils receiving scholarships and compassionate allowances in 1993
(% of total)

Type of school	Scholarships	Compassionate allowances
Primary	0.02	0.1
General secondary	0.44	0.32
Vocational	0.7	0.47

Source: Ministry of National Education.

351. With regard to children's nutrition, the data for children aged 11 to 15 present the following picture:

15 per cent of children come to school without having had breakfast;

24 per cent of children do not eat any meal during the school day;

7 per cent of children say that they sometimes suffer hunger because of the lack of financial means in their family environments.

352. To address the problem of undernutrition in children and youth attending school a system of so-called "second breakfasts" has been organized in schools by the Ministry of National Education in cooperation with the Ministry of Health and Social Welfare, and with the participation of the State Institute of Food and Nourishment. The table below presents in percentages the participation of pupils from public and non-public primary schools (in towns and in the country) in the school meal programme in the school year 1992/1993.

Table 19. Pupils from public and non-public primary schools eating meals at school in the school year 1992/1993 (% of total)

Type of meal	Pupils of public primary schools (town)	Pupils of public primary schools (country)	Pupils of non-public primary schools
Hot beverages	11	30	38
Lunch prepared at school	15	6	23

Source: Ministry of National Education.

353. On the basis of the information available, it can be noted that the possibilities for providing beverages or meals at school are greater than is apparent from the number of pupils using this form of assistance. Therefore, work is being undertaken to intensify activities aimed at counteracting the unfavourable phenomenon of undernutrition in children and youth.

354. In the Polish education system, there functions a legal system of protection and material assistance for children (and youth) studying at public schools who are in a difficult financial situation, as well as a system of promotion of particularly gifted children. Their aims are as follows:

To ensure, as far as possible, equal educational opportunities for all children and youth;

To diminish the inadequacies in the material conditions of schoolchildren and youth;

To create the possibility to continue learning and enter a chosen profession.

355. In the light of the increasing costs that parents of children attending school are having to bear, assistance in the form of scholarships constitutes significant support for a Polish family. It is mainly directed towards young persons at boarding schools and dormitories, eating meals in the canteens of these institutions, or eating in school canteens.

356. Particularly advantageous solutions were approved for young persons at boarding schools and dormitories and continuing their studies away from their place of permanent residence. The cost to students of meals in the school canteen or the boarding school or dormitory canteen is that of the raw materials; the cost of meals for children and foster children (at boarding schools and dormitories) are covered by the school budget (institution). The granting of material assistance to students is regulated by the Order of the Council of Ministers of 4 August 1993 concerning conditions, forms and procedures for granting material assistance to pupils and the amount of this assistance. It establishes and defines seven forms of services. They are as follows:

Social scholarships;

Scholarships based on academic results;

Scholarships of the Minister of National Education for outstandingly gifted students;

Scholarships of the Minister of Culture and Art for artistic attainments;

Accommodation at boarding schools and dormitories;

Possibility of having meals in the canteen of a school, boarding school or dormitory, or reimbursement of payments for services provided;

Compassionate allowances.

357. The following tables provide statistical data concerning benefits and services aimed at providing assistance to the family.

Table 20. Average social insurance cash benefits, 1989-1994

	1989	1990	1991	1992	1993	1994
Preceding year = 100						
Maternity allowances	270.3	720.0	207.8	156.3	139.6	133.2 a/
Child care allowances	131.8	1 341.9	220.7	137.0	143.2	133.8
Family and nursing allowances	508.2	349.7	180.9	135.1	107.8	104.2
Survivor's pensions	370.7	568.9	194.3	146.0	133.4	140.3 a/
Alimony fund benefits	154.3	409.4	729.3	215.6	136.5	128.8
% of average wage						
Child care allowances	6.5	17.4	22.6	22.3	24.3	24.4
Family and nursing allowances (average for a family)	16.8	12.8	13.2	13.2	10.8	8.5
Survivor's pensions	43.8	50.0	57.0	58.8	60.9	64.3
Alimony fund benefits	2.5	2.0	8.7	13.4	13.4	10.9

Source: Statistical Yearbook 1993, GUS; Statistical Yearbook 1994, GUS, pp. 212, 230. "Ważniejsze informacje z zakresu ubezpieczeń społecznych" (More important information in the field of social insurance), 1994 ZUS (Social Insurance Institute), March 1995.

a/ Gross benefits.

Table 21. Number of beneficiaries of selected cash social insurance benefits, 1989-1994

No. of families entitled to family allowances (i) Number in thousands (ii) Preceding year = 100.0	1989	1990	1991	1992	1993	1994
Family allowances <u>a/</u> (without pensioners)		5 322.0 <u>c/</u>	5 309.0 <u>c/</u>			
(i)	5 243.0	5 365.0	5 372.0	5 260.0	5 017.0	4 893.0
(ii)	100.0	102.3	100.1	97.9	95.4	97.5
Child care allowances <u>b/</u>						
(i)	197.0	216.3	391.2	362.1	303.2	254.0
(ii)	102.1	109.8	-	106.4	83.7	83.8
Survivor's pensions					1 091.0	
(i)	1 001.0	1 015.0	1 032.0	1 064.0	102.5	1 121.0 <u>c/</u>
(ii)	-	101.4	101.7	103.1		102.7
Alimony fund benefits						
(i)	115.0	115.7	141.3	201.4	263.1	308.6
(ii)	100.3	100.6	122.1	142.5	130.6	117.3

Source: Statistical Yearbook 1993, GUS; Statistical Yearbook 1994, GUS (own calculations), Small Statistical Yearbook 1995, "Ważniejsze informacje z zakresu ubezpieczeń społecznych" (More important information in the field of social insurance), 1994 ZUS (Social Insurance Institute), March 1995.

a/ Data until 1991 including individual farmers, from 1992 without individual farmers.

b/ For the years 1989-1991 - as on 31 December; for the years 1991-1993 - average annual figure (ZUS information).

c/ Data without individual farmers.

Table 22. Number of nurseries and kindergartens, 1989-1994

	1989	1990	1991	1992	1993	1994
Nurseries	1 553	1 412	1 033	818	694	643
incl. at establishments	315	236	53	14	8	a/
Kindergartens	12 676	12 308	10 972	10 102	9 671	9 516
incl. at establishments	1 663	1 403	668	a/	a/	a/

Source: Statistical Yearbooks 1993, 1994, GUS, Small Statistical Yearbook 1995.

a/ No information available.

Table 23. Number of children in nurseries and kindergartens, 1989-1994
(in thousands)

	1989	1990	1991	1992	1993	1994
Children aged 0-2 years	1 725.9	1 669.7	1 629.2	1 581.3	1 530.6	1 503.2 a/
Children in nurseries (aged over 1 year)	150.6	137.5	111.2	87.0	73.8	70.2
Children in nurseries for 1,000 children under 3 years of age	44	42	31	26	23	22
Children aged 3-6 years	2 669.3	2 560.2	2 452.2	2 342.9	2 257.9	2 235.5 a/
Children in kindergartens	921.0	856.6	750.2	789.6	768.2	780.2
Children in kindergartens for 1,000 children aged 3-6 years	340	328	299	332	334	348 a/

Source: Statistical Yearbooks 1993, 1994, p. 515. Small Statistical Yearbook 1995.

a/ Estimated figure.

Table 24. Changes concerning a number of institutions rendering social services (selected ratios)

Specification (i) Number (ii) Preceding year = 100.0	1988/89	1989/90	1990/91	1992/93	1993/94	1994/95
Primary schools						
(i)	18 241	18 283	17 653	16 841	16 621	13 999
(ii)	100.6	100.2	96.5	95.4	98.7	84.2
Non-state owned schools ^{a/}						
(i)	-	-	1 115	2 571	3 290	6 075
(ii)	-	-	-	230.6	128.0	184.6
Boarding schools						
(i)	1 693	1 681	1 630	1 525	1 486	1 444
(ii)	98.6	99.3	97.0	93.5	97.4	97.2
Dormitories						
(i)	388	389	393	397	405	405
(ii)	99.0	100.2	101.0	101.0	102.0	100.0

Source: Statistical Yearbooks (1990, 1991, 1992, 1994). Small Statistical Yearbook 1995.

^{a/} Including schools run by local governments.

Table 25. Changes concerning forms of material assistance for pupils and students

Specification	1989/90	1990/91	1992/93	1993/94	1994/95
Pupils receiving scholarships:					
General secondary schools					
In thousands	22.1	31.0	2.9	2.7	2.7
In % of pupils	5.4	7.0	0.3	0.9	0.5
Secondary schools					
In thousands	120.4	147.0	16.0	11.4	10.4
In % of pupils	10.6	9.8	1.1	0.7	0.7
Students receiving scholarships:					
In thousands	181.2	162.1	150.9	162.6	157.7
In % of students	63.2	54.3	42.9	42.6	38.1
Pupils in boarding schools					
In thousands	272.6	186.6	167.9	157.1	150.0
In % of pupils	-	-	-	-	-
Students in dormitories					
In thousands	114.3	122.5	126.0	131.1	134.9
In % of students	39.3	41.0	36.5	35.9	32.0
Students using canteens in thousands	72.3	65.4	53.1	54.4	58.6

Source: Statistical Yearbooks 1993, GUS, Small Statistical Yearbook 1995.

358. In evaluating the present system of family benefits (in cash and in kind), the following factors have to be taken into consideration.

359. In the transition period, certain demographic, social and professional phenomena had an influence on the range of family benefits provided: the birth rate decreased, including among working mothers, and the number of children is decreasing, particularly in the youngest age group (0-2 years of age and 3 years old) (see table 23).

Table 26. Live births, 1989-1994

	1989	1990	1991	1992	1993	1994
Live births in thousands	562.5	545.8	545.9	513.6	492.9	481.3
Preceding year = 100	95.7	97.0	100.0	94.1	96.0	97.6
Births to working mothers as a total percentage of all births	67.4	65.1	67.7	61.7	57.9	-

Source: "Demography": 1990, p. 160-161, 1992, p. 133; Statistical Yearbook of Demography, 1993, p. 184 and 1994, p. 156, GUS, Small Statistical Yearbook 1995.

360. A decrease in the number of women working, particularly employed women, is noted as the effect of significant unemployment among women. Most social services, particularly those connected with the protection of maternity, are linked with women's professional activity.

Table 27. Female employment, 1989-1994

Year	Employed women	Working women
1989	100.0	100.0
1990	90.3	92.6
1991	82.4	88.4
1992	79.5	86.3
1993	79.5	86.9
1994	-	84.0

Source: Statistical Yearbook 1994, GUS, p. 117. Small Statistical Yearbook 1995.

361. The rules concerning cash benefits introduce priority for families with lower incomes, at the same time excluding richer families from the circle of beneficiaries. Such an approach has its justification in the present variation in family incomes and the large number of families with low incomes, in a situation of limited State financial resources. Certain solutions evoke doubts. For instance, the non-authorizing of allowances for families with children at school over the age of 20, irrespective of their material situation.

362. Processes taking place at the organizational and financing levels of social welfare and educational institutions are causing differentiation in families' access to the services of these institutions. Some of these families, particularly low-income ones are completely giving up sending their children to the welfare and educational institutions (particularly nursery schools).

363. Differences are developing also in the standard of services provided by these institutions, depending on their financial possibilities. Moreover, poorer families are not making use of the complete range of services (for example, they limit their children's additional activities and even meals).

Protection of and assistance to children and adolescents

364. In accordance with the Act of 26 June 1974, the Labour Code, an adolescent (young person) is a person who is over 15 and no more than 18 years of age. It is not lawful to employ a person who has not reached 15 years of age. It is permissible to employ only these adolescents who have at least completed primary school and who present a medical certificate confirming that work of a particular kind is not dangerous to their health.

365. Young persons without vocational skills can be employed only for the purposes of vocational training.

366. Before admission to work, an adolescent is given an initial medical examination, as well as periodic examinations and medical clearance tests during the employment period. Where a medical practitioner states that a particular job constitutes a danger to an adolescent's health, the establishment is obliged to change the type of work or, if there is no such possibility, immediately terminate his contract and pay him compensation at the rate of his remuneration in lieu of notice. The hours of work of an adolescent under the age of 16 years must not exceed six a day. The hours of work of an adolescent over 16 years of age must not exceed eight a day. Any period of training is included in the working time of an adolescent (regardless of whether it takes place during working hours), subject to a maximum of 18 hours a week.

367. An adolescent must not be employed on overtime or night work. The rest break in an adolescent's work, including the night, should be no less than 14 hours.

368. In accordance with the Labour Code, it is forbidden to employ adolescents in prohibited types of work. It is permissible only to employ adolescents over 16 years of age on certain types of prohibited jobs, if such employment is necessary for their vocational training.

369. As authorized by law, the Council of Ministers has determined by order the types of prohibited jobs (Order of the Council of Ministers of 1 December 1990 concerning the list of jobs prohibited to adolescents (Dziennik Ustaw No. 85, Text 500 and of 1992 No. 1, Text 1)). On the basis of this list, establishments should describe the posts and kinds of jobs prohibited to adolescents, as well as the jobs permitted to be done by adolescents for the purposes of their vocational training. These lists should be drafted with the participation of a resident physician and in agreement with the works trade union or, if there is none, with other representatives of the employees.

370. The employment of adolescents in jobs forbidden to them cannot be on a permanent basis but should be limited to acquainting them with the basic activities necessary to do the job. In accordance with the Order of the Council of Ministers of 1 December 1990, establishments employing adolescents in jobs prohibited to them are obliged to ensure particular protection of their health, and particularly:

To organize the work and activities of adolescents in such a way that in their place of work they are always under the care of a designated person;

To organize leisure breaks at work for adolescents in rooms isolated from the arduous factors/conditions existing in some workplaces;

To ensure that (a) proper protective clothes and personal protection equipment are used; (b) rules of safety and hygiene at work are applied and (c) training is conducted, in which the rules and the efficient use of individual protection equipment are explained.

371. The employment of adolescents for the purposes of vocational training should take place under the supervision of vocational teachers, practical instructors or other persons authorized to conduct training in the profession.

372. Supervision and monitoring of respect for the regulations on the protection of adolescents at work is exercised by the State Labour Inspectorate. In accordance with article 281 of the Labour Code, labour inspectors have at their disposal repressive means in the form of fines for people infringing the regulations on the protection of adolescents at work. It should be underlined that the violation of any of the provisions on such protection included in the Labour Code and the regulations is treated as an offence.

373. If the number of economically active people in the age group 15-17 is compared with the total population in this age group in Poland, it can be seen that during the period 1978-1994 the numbers of economically active youth increased (see table 29). Boys work more often than girls. First of all it is the children in the country who work. The number of adolescents working in individual farming constitutes 86 per cent of youth working as a source of income. Most often the young people perform their jobs on a part-time basis (see table 30).

Table 28. Number of economically active people aged 15-17 years, 1992-1994

(thousands)

	1992 a/	1993 a/	1994 a/
Total	226	172	94
Boys	134	101	62
Girls	92	71	32

Source: Survey of Economic Activity of the Population of Poland, GUS, 1992, p. 13, p. 25, 1994, p. 25.

a/ August.

Table 29. Economic activity of people aged 15-17 years

	1978			1988			1994		
	Total	Town	Country	Total	Town	Country	Total	Town	Country
	Economically active for 100 people of a given sex and age group								
Total	6.4	3.3	10.6	3.1	1.7	5.6	5.9	1.7	12.8
Boys	7.5	4.1	12.1	3.9	2.2	6.9	7.6	2.2	16.1
Girls	5.2	2.4	8.9	2.3	1.2	4.2	4.1	1.0	9.3

Source: Statistical Yearbook of 1994, GUS, table 1 (85) and economic activity and unemployment in Poland, report prepared on the basis of the Survey of Economic Activity of the Population conducted in August 1994, GUS, December 1994, p. 17.

Note: Data for the years 1978 and 1988 come from the population census and for 1994 from the representative Survey of Economic Activity of the Population in August 1994.

Table 30. Economically active people aged 15-17 years according to economic status and hours of work (in August)

	1992		1993		1994	
	Total	Country	Total	Country	Total	Country
In thousands						
Total working, including	200	158	164	144	87	75
Full-time	49	37	61	52	28	23
Part-time	151	12	103	92	59	51
Unemployed	26	11	8	4	7	2
Economically active in total	226	169	172	148	94	77
In %						
Active aged 15-17 years in relation to all people in the same age group	13.0	29.7	10.8	24.6	5.9	12.8

Source: Survey of Economic Activity of the Population of Poland, August 1992, pp. 13-14, August 1993, p. 25, August 1994, p.25.

374. It is problematical to discuss unemployment in relation to juveniles. From representative surveys and labour office registers it appears that the number of youth in the age group 15-17 seeking work as a source of income is decreasing. At the same time young people do not register at labour offices. The number of juveniles registered as unemployed at the labour offices is smaller than the number of people declaring themselves as unemployed in the representative survey of the Central Statistical Office (GUS) in August 1993 and 1994, respectively 1,728 and 5,048 people.

375. Apart from adolescents helping their parents in running farms, for which they usually do not receive any payment, quite a big group of working youth are receiving vocational training in schools attached to establishments or are pupils in small handicraft units. In the period before the transition the number of pupils was significant. Schools attached to establishments mainly existed at big State-owned enterprises and formed the source of new workers. In the 1990s many such schools were closed, among other reasons because of the downfall of some State establishments and the lack of financing from the State budget.

376. Pupils undertaking practical training in schools attached to establishments and pupils learning a craft are young workers (in the understanding of the Labour Code), employed on the basis of an individual employment contract. They receive wages equal to 9, 12 or 15 per cent of the average wage in the State economy, depending on the year of performing their work. On the other hand, pupils of day schools who carry out their vocational training in school workshops or establishments (on the basis of a collective agreement between the school and the establishment) receive the so-called equivalent, which, depending on the year of learning amounts to 9, 12 or 15 per cent of the average payment for an hour in six basic branches of the State economy.

377. In the period 1989-1992, the number of juvenile employees aged 15 to 18 in establishments employing more than five people significantly decreased and amounted to:

1989	463,500
1990	360,500
1991	276,100
1992	225,800 (Statistical report of GUS, 1993)
1993	Comparative data lacking.

378. The juveniles undertaking practical work to learn their professions work in all branches of the State economy, apart from individual farming. In 1992, of the total number of around 226,000 such juveniles, 48 per cent worked in industry, 20.8 per cent in trade and 12.5 per cent in construction.

379. From polls and representative surveys of various research centres, as well as from observation, it appears that apart from children traditionally working on farms helping members of their families, and youth acquiring professional training in State establishments or learning a craft, in the 1990s children worked on the black market. They were often children under 15 years of age. This group of children is not covered by statistics. Children do such jobs temporarily, mainly during their summer holidays.

380. It appears from the Central Statistical Office (GUS) surveys that among families suffering unemployment, in every eighth incomplete family and in every twelfth full family children work as a source of income ("Social and economic position of the unemployed", GUS, 1993). Children's earnings supplement family income or serve to satisfy the children's own needs.

Protection of orphans

381. Children suffering completely or partially from a lack of real parental care and children being cared for in a drastically inappropriate way are legally and institutionally protected by the State.

382. The Family and Guardianship Code specifies cases when another person authorized to exercise parental authority, inter alia in the following situations:

One of the parents is dead, in which case parental authority is vested in the other parent;

One of the parents has been deprived of parental authority or that authority was suspended, in which case it is granted to the other parent.

383. The situation is particular when parental authority is not vested in either of the parents. This happens in the case of:

- (i) Death of the parents (natural orphanhood);
- (ii) It is not established who the child's mother and father are;
- (iii) Both parents lack full capacity to carry out legal transactions;
- (iv) Both parents have been deprived of their parental authority or it has been suspended. (The cases given in points (ii), (iii) and (iv) lead to social orphanhood.)

384. In the particular cases enumerated above, the court places the child under the protection of the law. The numbers of biological and social orphans under court protection in the period 1985-1993 are presented in the following tables.

Table 31. Biological orphans under court protection

Year	1985	1988	1989	1990	1991	1992	1993
No. of children	6 280	5 840	5 802	5 808	5 769	5 944	6 221

Source: Statistical Yearbook, for 1990 GUS, table 16 (30), 1993, table 15 (141), 1994, table 18 (147).

Table 32. Orphans and incomplete orphans in children's homes

Year	1985	1988	1989	1990	1991	1992	1993	1994
No. of children	5 353	4 777	4 521	4 063	4 341	4 389	4 420	4 784

Source: Statistical Yearbook, for 1990 GUS, table 28 (723), 1993, table 32 (625). Small Statistical Yearbook 1995, table 10 (129).

385. The death of both parents (biological orphanhood) and suspension or deprivation of parental authority (social orphanhood) constitute the situations in which the child loses parental care. In order to substitute for the loss of the family home, there are established welfare institutions and the institution of adoption. The welfare institutions take care of children in need, temporarily (emergency departments taking care of children from the ages of 3 to 18) or permanently (institutions bringing up children and welfare institutions, substitute families, child's family houses, "family villages" in Biłgoraj and Kraśnik).

386. The institutions bringing up children and welfare institutions are the following:

Homes for little children of no more than three years of age (transformed into children's homes on 1 January 1993);

Children's homes, for children 3 to 18;

Shelters for adolescents;

Juvenile educational centres;

Special houses for handicapped children.

387. The number of children living in homes for little children and in children's homes is decreasing. In 1993 it was around 20,000. However, the number of children being looked after (as the result of a court judgement) in substitute family is increasing.

Table 33. Number of social orphans (under 18 years of age) under court supervision

Year	1985	1988	1990	1991	1992	1993
No. of children	164 252	177 510	168 711	160 663	157 046	154 529

Source: Statistical Yearbook, GUS: 1990, table 16 (130), 1993, table 15 (141), table 32 (632), 1994, table 18 (147).

Table 34. Juveniles under court supervision referred to welfare and educational institutions

	1985	1988	1990	1991	1992	1993
Children in:						
Substitute families	33 530	37 782	37 215	37 591	38 650	40 788
Other welfare and educational institutions	32 679	32 476	31 915	31 007	29 538	29 259

Source: As above.

388. Owing to the death of both (natural orphans) or one of the parents (half orphans), or deprivation, limitation or suspension of parental authority (social orphans), a significant number of children and youth up to the age of 18 remain under the supervision of the juvenile court while living in social welfare and educational institutions.

389. Certain groups of children deprived of their natural family environment are adopted by couples on the decision of family courts. On average, 1,000 children per annum gain new families in this way.

390. In Poland there are over 150,000 disabled children. A group of them remain in the social welfare and educational institutions for handicapped children. The number of these children slightly increased, but permanently, in recent years.

Table 35. Disabled children in social welfare and educational institutions for children and youth

	1985	1990	1991	1992	1993	1994
No. of children, including:	35 165	35 637	36 832	37 881	38 002	37 709
Blind and partially sighted	1 242	1 205	1 387	1 465	1 496	1 260
Deaf and partially deaf	3 691	3 681	3 683	3 783	3 763	3 468
Chronically ill	714	1 168	1 978	2 418	2 212	1 362
Handicapped	486	555	485	561	534	380
Mentally handicapped	25 141	24 390	24 441	24 367	24 663	23 708
Socially maladjusted	3 891	4 638	4 858	5 287	5 334	4 885

Source: Statistical Yearbook, GUS, 1993, table 33 (633) and Small Statistical Yearbook, GUS, 1994, table 10 (124); Small Statistical Yearbook, GUS, 1995, table 10 (129).

391. The basic principle governing the above-mentioned legal and institutionalized forms of State protection of abused children and children deprived of parental care is the welfare of the child and also the universality of social welfare and State supervision of the welfare through the juvenile courts.

Legislation

392. The following legislation is relevant to the implementation of article 10 of the Covenant:

Act of 25 February 1964, the Family and Guardianship Code (Dziennik Ustaw No. 9, Text 59, with further amendments);

Act of 23 April 1964, the Civil Code (Dziennik Ustaw No. 16, Text 93, with further amendments);

Act of 26 June 1974, the Labour Code (Dziennik Ustaw No. 24, Text 141, with further amendments);

Act of 17 December 1974 concerning cash social insurance benefits in respect of sickness and maternity (uniform text Dziennik Ustaw of 1983 No. 30, Text 143 with further amendments);

Act of 29 November 1990 concerning social assistance (Dziennik Ustaw of 1993 No. 13, Text 60);

Act of 14 December 1994 concerning employment and counteracting unemployment (Dziennik Ustaw of 1995 No. 1, Text 1);

Act of 26 July 1991 concerning income tax from individuals (Dziennik Ustaw No. 80, Text 350 with further amendments);

Act of 1 December 1994 concerning family and nursing allowances (Dziennik Ustaw of 1995 No. 4, Text 7);

Act of 7 January 1993 concerning family planning, protection of the human foetus and conditions of admissibility of abortion (Dziennik Ustaw No. 17, Text 78);

Act of 18 July 1974 concerning the alimony fund (uniform text in Dziennik Ustaw of 1991 No. 45, Text 200, with further amendments);

Order of the Council of Ministers of 5 October 1993 concerning determination of the scope and forms as well as procedure of granting to pregnant women and women taking care of a child assistance in the field of social and legal protection (Dziennik Ustaw No. 97, Text 441, amended in 1994; Dziennik Ustaw No. 44, Text 172);

Order of the Council of Ministers of 4 August 1993 concerning conditions, forms and procedures of granting and paying material assistance to pupils and the amount of this assistance (Dziennik Ustaw No. 74, Text 350);

Order of the Council of Ministers of 22 January 1991 concerning conditions, forms and procedures of granting and paying material assistance to students following day studies and the amount of this assistance (Dziennik Ustaw No. 9, Text 32; Dziennik Ustaw No. 112, Text 486);

Order of the Council of Ministers of 17 July 1981 concerning child-care leave (uniform text in Dziennik Ustaw of 1990 No. 76, Text 454, with further amendments);

Order of the Minister of Labour and Social Policy of 21 October 1974 concerning employment of people who have not reached the age of 15 years and releasing juveniles from the obligation of further training (Dziennik Ustaw No. 43, Text 260, changed by Dziennik Ustaw of 1989 No. 20, Text 107);

Order of the Council of Ministers of 1 December 1990 concerning the list of jobs prohibited to adolescents (Dziennik Ustaw No. 85, Text 500 and of 1992 No. 1, Text 1);

Order of the Minister of Labour and Social Policy of 30 December 1974 concerning vocational training and training for performing specific jobs by adolescents in handicraft establishments (Dziennik Ustaw No. 51, Text 335 with further amendments);

Order of the Council of Ministers of 12 October 1989 concerning vocational preparation of adolescents in socialized establishments and their remuneration (Dziennik Ustaw No. 56, Text 332, with further amendments).

Article 11. The right to an adequate standard of living

Standard of living

393. The source of information about the standard of living is a survey carried out by the Central Statistical Office (Główny Urząd Statystyczny - GUS). 17/ Among 3,787 households taking part in the survey, 45.7 per cent were workers' households and 31.7 per cent pensioners' households. The remaining households examined were: farmers' households (7.9 per cent), farmworkers' households (6.5 per cent), households of self-employed or professional persons (4.7 per cent) and households maintained on unearned income, other than pensions (3.5 per cent).

394. Of the households examined 47.8 per cent had one (22.1 per cent), two (17.6 per cent), or more (9.1 per cent) children under the age of 15. There were no working members in 29.6 per cent of households and in every sixth household (15.8 per cent) there were unemployed members, most often one (13.8 per cent of all households). Old-age and other pensioners were members of more than half the households (50.8 per cent). Every third household had one pensioner (32.5 per cent) and in 17.4 per cent of households there were two pensioners. Households with unemployed members and without any working members made up 4.9 per cent of the households examined. Households with unemployed members and without any working members or pensioners made up 2.5 per cent of the households examined.

Evaluation of the general financial situation

395. Most of the households examined evaluated their economic situation as medium (56.5 per cent). A significant part of them evaluated it as bad (28.7 per cent) or very bad (5.4 per cent). The others said it was good (8.9 per cent) or very good (0.6 per cent). The households who evaluated their economic situation as bad were most often those with unemployed family members and without any pensioners (51.6 per cent), households maintained on unearned income other than pensions (47.8 per cent) and mothers raising children (45.3 per cent). The households which evaluated their economic situation as very bad were mainly those with unemployed members of the family and with no working members or members receiving a pension (30.5 per cent), and households maintained on unearned income other than pensions (28.4 per cent).

Ways of managing income

396. A large share of the households economized on living expenses in favour of major purchases (35.5 per cent). In 21.5 per cent of households income was enough to buy only the cheapest food and clothing; 18.0 per cent of households could only afford the cheapest food and did not have enough money for clothing; 17.7 per cent could afford everything.

397. Most commonly it was in households with unemployed members and without any working or pension-receiving members that there was only money for the cheapest food and not enough for clothes (44.2 per cent), as well as in those maintained on unearned income other than pensions (39.6 per cent). In those households very often there is not even enough money for the cheapest food (16.8 per cent and 17.2 per cent respectively).

Financial problems of households

398. A significant number of households reported encountering financial problems. Net income covered all expenses with some difficulty in 40.7 per cent of cases; in every fourth household with difficulty (26.2 per cent), in every fifth with great difficulty and in every ninth income was sufficient.

399. Great financial difficulties were most of all reported by households with unemployed members and without any working or pension-receiving members (65.3 per cent), as well as households maintained on unearned income other than pensions (60.4 per cent).

Characteristics of the economic situation of households

400. The largest share of households characterized their economic situation in 1993 as average (43.1 per cent); every third household as below average (34.6 per cent) and every eighth as almost poor (12.6 per cent). The households which estimated their economic situation as almost poor were those with unemployed members and without any working or pension-receiving members (29.5 per cent), households maintained on unearned income other than pensions (26.9 per cent) and mothers raising children (25.9 per cent). The households which estimated their economic situation as poor were those with unemployed members and without any working or pension-receiving members (30.5 per cent), and households maintained on unearned income other than pensions (28.4 per cent).

Changes in the standard of living as compared with the preceding year

401. The biggest number of households claimed that compared to the preceding year their standard of living had dropped somewhat (38.0 per cent); 28.5 per cent of all households said that it had dropped significantly, and 29.7 per cent that it had remained at the same level. The households which maintained that their standard of living had dropped significantly were mainly those with unemployed members and without any working or pension-receiving members (63.2 per cent) and households maintained on unearned income other than pensions (60.4 per cent).

Difficulties with making payments

402. Almost half of the households examined never had any difficulties with making payments for housing, gas, electricity and water (47.3 per cent); 37.3 per cent sometimes had difficulties and 15.4 per cent often. Such difficulties occurred most often among households maintained on unearned income other than pensions (47.0 per cent) and mothers raising children (33.8 per cent).

B. The right to adequate food

Evaluation of the level of satisfaction of food requirements

403. The largest share of households estimated the level of satisfaction of their food requirements as "neither good nor bad". Every fifth household stated that their food requirements were quite well satisfied (21.7 per cent) and almost as many that they were not well satisfied. The households which evaluated the level of satisfaction of their food requirements as good were those maintained on income from self-employment or professional households (35.6 per cent). Among those that evaluated the level of satisfaction of their food requirements as poor the highest number were households with unemployed members and without any working or pension-receiving members (57.9 per cent) and households maintained on unearned income other than pensions (28.4 per cent).

The level of satisfaction of food requirements compared to the preceding year

404. The largest number of households stated that compared to the preceding year the level of satisfaction of their food requirements had remained the same (40.7 per cent). Most often this was the opinion expressed by members of self-employed or professional families (56.5 per cent). Every third household considered that it had dropped slightly and 21.4 per cent of the households surveyed that it had dropped significantly. Particularly often this was the case with households having unemployed members and without any working or pension-receiving members (57.9 per cent), households maintained on unearned income other than pensions (53.0 per cent) and mothers raising children (36.0 per cent).

The level of satisfaction of food requirements in comparison with other households

405. Most often the households surveyed maintained that the level of satisfaction of their food requirements was the same as in any average household. However, among the households maintained on unearned income other than pensions only every fifth was of that opinion; the same applied to households with unemployed members and without any working or pension-receiving members. Every eleventh household evaluated the level of satisfaction of their food requirements as worse than in an average household, and 4.1 per cent households - as better. The households which evaluated the level of satisfaction of their food requirements as worse than in an average household were mainly households with unemployed members and without any working or pension-receiving members (24.2 per cent), households maintained on

unearned income other than pensions (22.4 per cent), and mothers raising children (19.4 per cent). The same groups of households also most often evaluated the level of satisfaction of their food requirements as much worse than in an average household (21.1 per cent, 19.4 per cent and 11.5 per cent respectively).

Satisfaction of the requirement for necessities

406. The absolute majority of the surveyed households evaluated as well-satisfied their requirements for bread (95.1 per cent) and other grain products (81.0 per cent), potatoes (94.7 per cent), sugar (86.0 per cent), milk and milk drinks (83.2 per cent), eggs (80.5 per cent) and vegetable fats (76.5 per cent). Most households considered as partially satisfied their requirements for meat products (55.6 per cent), meat and poultry (54.2 per cent), giblets (40.4 per cent), fish and fish products (53.3 per cent) and fruit and fruit products (50.8 per cent). Households maintained on unearned income other than pensions most often expressed the opinion that their requirements were completely unsatisfied for mineral water and other non-alcoholic drinks (27.6 per cent), confectionery products (24.6 per cent), fruit and fruit products (22.4 per cent), fish and fish products (22.4 per cent), meat products (21.6 per cent), meat and poultry (20.9 per cent) and butter (19.4 per cent).

407. Compared to 1992 there was a decrease in consumption of meat products (51.8 per cent), meat and poultry (49.6 per cent), fish and fish products (46.1 per cent), confectionery products (44.4 per cent), fruit and fruit products (39.9 per cent) and butter (33.5 per cent). Most of all it was the households maintained on unearned income other than pensions that consumed less food than in the preceding year, and in particular less meat products (72.4 per cent), meat and poultry (68.7 per cent), fish and fish products (61.9 per cent), confectionery products (61.2 per cent), fruit and fruit products (60.4 per cent), hard cheese and cottage cheese (56.7 per cent), butter (48.5 per cent), mineral water and other non-alcoholic drinks (47.8 per cent) and vegetables and fruit (47.0 per cent).

Shortage of food

408. More than half of the households surveyed had experienced little shortage of food (53.6 per cent), 27.8 per cent of households had definitely not experienced shortage of food, and 11.8 per cent had experienced shortage of food.

409. The households reporting some experience of shortage of food were those with unemployed members and without any working or pension-receiving members (37.9 per cent), households maintained on unearned income other than pensions (36.6 per cent), married couples raising four or more children (23.3 per cent), and mothers raising children (19.4 per cent). Those that reported having definitely experienced shortage of food were mainly households with unemployed members and without any working or pension-receiving members (13.7 per cent), and households maintained on unearned income other than pensions (11.9 per cent).

410. Seasonal shortage of food is most of all felt in respect to fruit and fruit products (51.3 per cent), vegetables and vegetable products (38.0 per cent) and, in every fourth household, meat and poultry, meat products and fish and fish products. Here also, most often seasonal shortage of food was experienced in households maintained on unearned income other than pensions.

411. Owing to the great importance of the consumption of milk, cottage cheese and milk drinks, the survey asked whether households had consumed the same quantities, less or more of those products than in the preceding year. More than half of all households stated that consumption had remained the same (58.3 per cent), every fourth said they had consumed less, and 14.3 per cent more. Those reporting less consumption were households with unemployed members and without any working or pension-receiving members (50.5 per cent), households maintained on unearned income other than pensions (47.0 per cent) and mothers raising children (33.8 per cent).

Evaluation of nourishment level

412. Most households evaluated that their nourishment was at the average level (59.2 per cent), and 22.4 per cent that it was below the average level. The households evaluating their nourishment as below the average level were those maintained on unearned income other than pensions (33.6 per cent), households with unemployed members (32.9 per cent), mothers raising children (30.9 per cent) and married couples raising four or more children (26.2 per cent). Every fourth household maintained on unearned income other than pensions and as many households with unemployed members and without any working or pension-receiving members were nourished on an almost poor level. Furthermore, 12.9 per cent of households with unemployed members and without any working or pension-receiving members, and every eighth household maintained on unearned income other than pensions were poorly nourished.

413. In most households raising children the parents ate the same as their children (62.4 per cent), but in every third they ate worse than their children. Parents ate worse than their children mainly in households with unemployed members and without any working or pension-receiving members (50.7 per cent), and in households maintained on unearned income other than pensions (50.0 per cent). This also happens very often with mothers raising children (45.2 per cent) and for over 35 per cent of parents raising three or more children.

Reasons for not having hot meals with meat (or the equivalent)

414. At least once in two days almost half of all households did not eat hot meals with meat (poultry) or fish (47.3 per cent). This happened much more often in households maintained on unearned income other than pensions (70.1 per cent), in households with unemployed members and without any working or pension-receiving members (69.5 per cent) and in families of mothers raising children (62.6 per cent). More than half the households not eating hot meals with meat or meat equivalents at least once in two days said that the reason for such a situation was that vegetarian meals were cheaper (56.6 per cent). Every fourth household did not consider it necessary

to have hot meals with meat and 18.8 per cent did not have them for other reasons. The opinion that vegetarian meals are cheaper was most often expressed by married couples raising four or more children, and households with unemployed members.

Eating habits

415. Every fourth household had a hot meal with meat/poultry or fish three times a week, every sixth household twice in a week and 13.5 per cent of households every day. In most households adults ate three meals a day (76.1 per cent), and in every fifth, four or more meals. Two meals a day were most often the routine in households with unemployed members and without any working or pension-receiving members (22.1 per cent), and in households maintained on unearned income other than pensions (20.1 per cent). Children under 15 in most households had four or more meals a day (81.9 per cent); in 17.7 per cent of households they had three meals a day.

Taking packed sandwiches to school

416. In 57.0 per cent of households with children under 15, the children always took sandwiches to school; in 16.7 per cent of households, often and in 7.7 per cent of households, sometimes, whereas in 18.5 per cent of households children do not take sandwiches to school. Out of that number, in 4.8 per cent of households they did not take sandwiches because they had a hot meal at school - this most often happened in families of mothers raising children (13.9 per cent), and in households maintained on unearned income other than pensions (13.9 per cent). Children who did not take sandwiches to school most often came from households maintained on unearned income other than pensions (32.8 per cent) and from households with unemployed members and without any working or pension-receiving members (27.9 per cent). In a large majority of households children had sandwiches with meat, cheese, fish or egg - products containing protein (90.0 per cent). Such sandwiches are least often taken by children from households with unemployed members and without any working or pension-receiving members (71.4 per cent), from households of pensioners (75.2 per cent) and from households maintained on unearned income other than pensions (75.6 per cent).

Changes in eating habits

417. Half of the households surveyed stated that they had not changed their eating habits compared to the preceding year; 40.2 per cent of households maintained they had changed them partially and only 3.4 per cent said they had changed completely. The largest share of households that had changed their eating habits compared to preceding years was among households maintained on unearned income other than pensions (16.4 per cent): it can be expected that the change was for the worse.

Table 36. Households by socio-economic group and possibility of acquiring food

	Total	Households					
		Workers	Farmers	Farm-workers	Pensioners	Self-employed or professional	Maintained on unearned income other than pensions
In total figures							
Total	3 787	1 731	300	246	1 199	177	134
% of total							
We buy food and other articles freely	6.0	6.3	4.0	1.2	5.4	20.9	0.7
Food simply has to be bought, but we consider other expenses more important	10.0	12.0	10.3	7.7	7.5	14.7	3.7
We buy necessary non-food articles limiting our expenses on food	7.5	7.3	8.0	7.7	7.9	7.9	3.7
We buy necessary food and limit expenses on other articles	43.4	49.5	15.0	26.4	46.5	45.2	27.6
In order to buy food we cannot afford anything else	18.6	19.5	3.7	6.9	24.1	5.6	29.9
We borrow money in order to buy necessary food	3.2	3.2	1.0	0.4	3.0	1.1	18.7
In order to buy food we do not make monthly payments (for example, rent)	1.4	1.0	0.3	-	1.5	0.6	12.7
We have basic food from our own farm, and we mainly buy other articles	7.2	0.5	45.3	39.8	2.4	1.1	-
We have basic food from our own farm, but we cannot afford other articles	2.0	0.1	12.0	9.8	0.9	0.6	0.7
Other possibilities	0.7	0.5	0.3	-	0.7	2.3	2.2

Table 37. Households by presence of unemployed, employed and pension-receiving members, and possibility of acquiring food

	Total			Without unemployed family members				With unemployed family members						
	Total	Without working members		With working members		Total	Without working members		With working members					
		Incl. with pensioners	Total	Without pensioners	With pensioners		Without pensioners	With pensioners	Without pensioners	With pensioners				
TOTAL	3 787	3 189	934	909	2 255	1 447	808	598	186	95	91	412	297	115
In absolute figures														
% of total														
We buy food and other articles freely	6.0	6.8	5.9	5.8	7.1	8.3	5.1	1.8	0.5	-	1.1	2.4	2.7	1.7
Food simply has to be bought, but we consider other expenses more important	10.0	11.0	7.3	7.3	12.5	12.7	12.3	4.5	3.2	3.2	3.3	5.1	5.7	3.5
We buy necessary non-food articles limiting our expenses on food	7.5	7.7	8.5	8.9	7.3	7.3	7.3	6.5	4.3	4.2	4.4	7.5	7.1	8.7
We buy necessary food and limit expenses on other articles	43.4	43.9	47.8	48.2	42.4	44.8	35.0	40.3	28.5	21.1	36.3	45.6	48.1	39.1
In order to buy food we cannot afford anything else	18.6	17.2	24.2	24.2	14.4	14.3	14.5	25.9	33.9	32.6	35.2	22.3	21.5	24.3
We borrow money in order to buy necessary food	3.2	2.4	2.9	2.4	2.2	2.9	0.9	7.9	15.6	20.0	11.0	4.4	5.1	2.6
In order to buy food we do not make monthly payments (for example, rent)	1.4	0.8	1.3	1.2	0.6	0.7	0.4	4.8	10.8	15.8	5.5	2.2	3.0	-
We have basic food from our own farm and we mainly buy other articles	7.2	7.5	1.1	1.1	10.1	5.9	17.7	6.0	1.1	-	2.2	8.3	5.1	16.5
We have basic food from our own farm, but we cannot afford other articles	2.0	2.0	0.4	0.4	2.7	2.3	3.3	1.7	1.1	1.1	1.1	1.9	1.7	2.6
Other possibilities	0.7	0.7	0.6	0.6	0.7	0.8	0.6	0.5	1.1	2.1	-	0.2	-	0.9

Table 38. Households by a class of place of residence and possibility of acquiring food

	Total	Towns						Villages
		Total	Thousands of inhabitants					
			200 and more	100-200	20-100	less than 20		
In absolute figures								
Total	3 787	2 507	928	356	748	475	1 280	
% of total								
We buy food and other articles freely	6.0	7.5	8.9	6.2	7.0	6.7	3.0	
Food simply has to be bought, but we consider other expenses more important	10.0	10.5	10.8	13.5	9.9	8.8	8.9	
We buy necessary non-food articles limiting our expenses on food	7.5	7.5	8.1	8.4	7.0	6.5	7.5	
We buy necessary food and limit expenses on other articles	43.4	47.7	46.4	43.5	50.1	49.3	34.9	
In order to buy food we cannot afford anything else	18.6	20.4	20.0	21.3	21.0	19.4	15.2	
We borrow money in order to buy necessary food	3.2	3.2	2.6	3.9	2.5	4.8	3.4	
In order to buy food we do not make monthly payments (for example, rent)	1.4	1.9	2.5	2.5	1.7	0.6	0.5	
We have basic food from our own farm and we mainly buy other articles	7.2	0.7	0.3	0.3	0.1	2.5	20.1	
We have basic food from our own farm, but we cannot afford other articles	2.0	0.1	-	0.3	-	0.4	5.6	
Other possibilities	0.7	0.5	0.3	-	0.7	0.8	1.0	

Table 39. Households by socio-economic groups and level of satisfaction of food requirements

Level of satisfaction of food requirements	Total	Households					
		Workers'	Farmers'	Farm workers'	Pensioners'	Self-employed or professional	Maintained on unearned income other than pensions
In absolute figures							
Total	3 787	1 731	300	246	1 199	177	134
% of total							
Good	13.1	15.0	15.0	9.8	8.2	35.6	4.5
Quite good	21.7	21.7	27.0	26.4	19.8	32.8	3.7
Not good not bad	38.5	38.8	38.3	44.7	40.1	24.3	28.4
Not too good	19.4	19.2	16.7	17.1	20.9	5.6	35.1
Bad	7.4	5.4	3.0	2.0	10.9	1.7	28.4

Table 40. Households by a type of family and level of satisfaction of food requirements

Level of satisfaction of food requirements	Total	Married couples					A mother with dependent children	Other families
		Without children	With 1 dependant child	With 2 dependant children	With 3 dependant children	With 4 or more dependant children		
In absolute figures								
Total	3 787	671	449	658	237	103	139	1 519
% of total								
Good	13.1	14.9	18.0	15.3	12.7	10.7	6.5	10.7
Quite good	21.7	26.1	27.8	23.9	20.7	14.6	10.1	18.8
Not good not bad	38.5	41.6	33.0	38.0	34.6	39.8	40.3	39.3
Not too good	19.4	12.8	16.5	18.5	22.8	30.1	31.7	21.1
Bad	7.4	4.6	4.7	4.2	9.3	4.9	11.6	10.1

Table 41. Households by unemployed and employed members and those receiving pensions, and by level of satisfaction of food requirements

Level of satisfaction of food requirements	Without unemployed family members				With unemployed family members									
	Total		Without working members		With working members		Total							
	Total	Incl. with pensioners	Total	Without pensioners	With pensioners	Without pensioners	With pensioners							
Total	3 787	3 189	934	909	2 255	1 447	808	598	186	95	91	412	297	115
In absolute figures														
% of total														
Good	13.1	14.4	8.0	7.9	17.0	18.8	13.8	6.2	2.2	3.2	1.1	8.0	8.4	7.0
Quite good	21.7	23.4	20.0	20.2	24.8	25.4	23.8	12.5	6.5	2.1	11.0	15.3	16.5	12.2
Not good not bad	38.5	38.7	40.8	41.3	37.8	35.9	41.3	37.5	28.5	28.4	28.6	41.5	41.1	42.6
Not too good	19.4	17.6	20.0	19.9	16.6	16.0	17.7	28.6	34.4	35.8	33.0	26.0	25.3	27.8
Bad	7.4	5.9	11.1	10.6	3.7	3.9	3.4	15.2	28.5	30.5	26.4	9.2	8.8	10.4

Table 42. Households by place of residence and level of satisfaction of food requirements

Level of satisfaction of food requirements	Total	Towns					Villages
		Total	Number of inhabitants				
			200 000 and more	100 000 - 200 000	20 000 - 100 000	Under 20 000	
In absolute figures							
Total	3 787	2 507	928	356	748	475	1 280
% of total							
Good	13.1	15.0	16.7	13.2	14.4	13.7	9.5
Quite good	21.7	21.4	23.8	17.7	21.9	18.7	22.2
Not good not bad	38.5	36.7	34.4	38.2	35.7	41.7	42.0
Not too good	19.4	19.1	16.9	21.6	21.4	18.1	19.8
Bad	7.4	7.8	8.2	9.2	6.5	7.8	6.6

Table 43. Households by socio-economic group and level of satisfaction of food requirements as compared with previous year

Level of satisfaction of food requirements	Total	Households					Maintained on unearned income other than pensions
		Workers'	Farmers'	Farm-workers'	Pensioners'	Self-employed or professional	
Total	3 787	1 731	300	246	1 199	177	134
In absolute figures							
% of total							
Considerably decreased	21.4	21.4	16.0	16.3	21.7	11.9	53.0
Somewhat decreased	34.5	35.8	28.7	35.0	36.8	20.9	27.6
The same	40.7	39.5	51.3	43.5	39.5	56.5	17.2
Somewhat improved	3.4	3.4	3.7	5.3	1.9	10.7	2.2
Considerably improved	0.1	0.1	0.3	-	0.1	-	-

Table 44. Households by unemployed and employed members and those receiving pensions, and level of satisfaction of food requirements as compared with previous year

Level of satisfaction of food requirements	Total			Without unemployed family members						With unemployed family members					
	Total	Without working members		With working members			Total	Without working members			With working members				
		Total	Incl. with pensioners	Total	Without pensioners	With pensioners		Total	Without pensioners	With pensioners	Total	Without pensioners	With pensioners		
														3 189	934
3 787	3 189	934	909	2 255	1 447	808	598	186	95	91	412	297	115		
In absolute figures															
% of total															
Considerably decreased	21.4	18.6	21.4	20.9	17.5	16.9	18.4	36.1	49.5	57.9	40.7	30.1	29.6	31.3	
Somewhat decreased	34.5	34.1	35.7	36.2	33.4	33.2	33.8	36.6	31.2	25.3	37.4	39.1	39.7	37.4	
The same	40.7	43.6	40.6	40.9	44.8	45.4	43.8	25.3	18.8	15.8	22.0	28.2	28.3	27.8	
Somewhat improved	3.4	3.6	2.2	1.9	4.2	4.4	3.7	2.0	0.5	1.1	-	2.7	2.4	3.5	
Considerably improved	0.1	0.1	0.1	0.1	0.1	-	0.2	-	-	-	-	-	0.7	-	

Table 45. Households by place of residence and level of satisfaction of food requirements as compared with previous year

Level of satisfaction of food requirements	Total	Towns						Villages
		Total	Number of inhabitants					
			200 000 and more	100 000 - 200 000	20 000 - 100 000	Under 20 000		
In absolute figures								
Total	3 787	2 507	928	356	748	475	1 280	
% of total								
Considerably decreased	21.4	22.5	23.3	19.7	22.5	22.9	19.3	
Somewhat decreased	34.5	34.0	31.1	41.3	35.0	32.4	35.5	
The same	40.7	40.1	41.9	35.1	38.9	42.3	41.8	
Somewhat improved	3.4	3.4	3.7	3.9	3.5	2.3	3.3	
Considerably improved	0.1	0.0	-	-	0.1	-	0.2	

Table 46. Households by socio-economic group and level of satisfaction of food requirements as compared with other households

Level of satisfaction of food requirements	Total	Households					
		Workers'	Farmers'	Farm-workers'	pensioners'	Self-employed or professional	Maintained on unearned income other than pensions
In absolute figures							
Total	3 787	1 731	300	246	1 199	177	134
% of total							
Much below the average	3.7	2.5	1.3	1.6	5.1	0.6	19.4
Worse	9.1	7.7	7.0	4.5	12.0	1.7	22.4
Slightly worse	15.4	13.7	10.3	16.3	19.6	4.0	23.9
The same as in the average household	44.8	47.8	53.7	56.1	39.3	42.4	19.4
Slightly above the average	9.8	10.2	10.0	10.2	8.2	22.6	3.0
Better	4.1	4.3	5.3	1.2	3.0	14.1	0.7
Much above the average	0.9	1.1	-	0.4	0.8	2.3	-
Difficult to say	12.1	12.6	12.3	9.8	12.0	12.4	11.2

Table 47. Households by socio-economic group and degree of satisfaction of requirements for necessities

Satisfaction of requirements for necessities: a full b in part c not satisfied d difficult to say e does not apply	Total	Households						
		Workers'	Farmers'	Farm-workers'	Pensioners'	Self-employed or professional	Maintained on unearned income other than pensions	
In absolute figures								
Total	3 787	1 731	300	246	1 199	177	134	
% of total								
Bread	a	95.1	96.4	96.7	96.7	93.6	98.3	81.3
	b	4.6	3.5	3.3	2.8	5.8	1.1	18.7
	c	0.1	-	-	-	0.3	0.6	-
	d	0.2	0.1	-	0.4	0.3	-	-
	e	-	-	-	-	-	-	-
Other grain products	a	81.0	81.2	87.7	88.2	78.5	91.5	95.7
	b	17.6	17.7	12.3	11.4	19.5	6.8	37.3
	c	0.6	0.3	-	-	1.0	0.6	2.2
	d	0.7	0.8	-	0.4	0.8	0.6	-
	e	0.1	-	-	-	0.2	0.6	0.7
Potatoes	a	94.7	95.0	98.0	98.0	93.7	97.7	82.8
	b	4.9	4.6	1.7	2.0	5.8	2.3	17.2
	c	0.1	0.1	-	-	0.2	-	-
	d	0.2	0.2	0.3	-	0.3	-	-
	e	0.0	0.1	-	-	-	-	-
Vegetables and vegetable products	a	65.2	65.3	79.0	76.0	95.5	83.6	41.8
	b	31.2	32.0	19.7	22.8	35.4	15.8	44.8
	c	2.5	1.8	-	0.4	4.0	0.6	9.7
	d	1.0	0.8	1.3	0.8	1.1	-	3.7
	e	0.1	0.1	-	-	0.1	-	-

Table 48/49. Households by socio-economic needs and degree of satisfaction of requirements for necessities

Satisfaction of requirements for necessities: a full b in part c not satisfied d difficult to say e does not apply		Total	Households					
			Workers'	Farmers'	Farm-workers'	Pensioners'	Self-employed or professional	Maintained on unearned income other than pensions
% of total								
Vegetable fats	a	76.5	80.9	69.7	70.3	73.1	93.2	53.7
	b	21.3	17.6	28.3	27.2	23.9	5.6	41.8
	c	1.0	0.8	0.3	1.2	1.4	-	3.7
	d	0.9	0.6	0.7	1.2	1.3	1.1	0.7
	e	0.3	0.1	1.0	-	0.4	-	-
Butter	a	58.7	61.8	63.3	67.9	52.0	77.4	27.6
	b	26.6	25.4	30.0	24.8	28.6	13.6	37.3
	c	4.9	4.2	2.0	2.4	6.3	-	19.4
	d	1.3	1.0	2.0	1.2	1.7	0.6	2.2
	e	8.4	7.6	2.7	3.7	11.3	8.5	13.4
Fish and products	a	30.2	32.2	23.7	26.0	28.3	54.2	11.2
	b	53.3	53.5	56.7	56.5	53.3	36.7	59.0
	c	11.4	9.0	14.0	14.2	13.5	4.5	22.4
	d	3.5	3.8	4.0	2.8	3.0	3.4	3.7
	e	1.7	1.6	1.7	0.4	1.9	1.1	3.7
Milk and milk drinks	a	83.2	82.6	95.3	93.9	79.2	93.8	67.2
	b	14.4	15.3	3.7	6.1	17.4	5.6	27.6
	c	0.9	0.6	-	-	1.5	-	3.7
	d	0.6	0.7	0.3	-	0.8	-	0.7
	e	0.8	0.8	0.7	-	1.1	0.6	0.7
Hard cheese and cottage cheese	a	59.5	61.3	64.0	65.0	55.9	76.8	26.1
	b	35.5	34.7	32.0	33.3	37.5	21.5	59.0
	c	3.2	2.7	1.0	0.8	4.6	-	12.7
	d	1.2	0.8	2.0	0.8	1.7	1.7	0.7
	e	0.5	0.6	1.0	-	0.3	-	1.5

Table 48/49. Households by socio-economic needs and degree of satisfaction of requirements for necessities (cont.)

Satisfaction of requirements for necessities: a full b in part c not satisfied d difficult to say e does not apply	Total	Households						
		Workers'	Farmers'	Farm-workers'	Pensioners'	Self-employed or professional	Maintained on unearned income other than pensions	
% of total (cont.)								
Fruits and fruit products	a	39.4	40.0	46.3	41.9	35.9	62.1	13.4
	b	50.8	52.3	49.0	51.6	50.1	34.5	61.2
	c	8.5	6.7	2.7	5.3	12.5	2.3	22.4
	d	1.2	0.9	2.0	1.2	1.3	1.1	2.2
	e	0.1	0.1	-	-	0.2	-	0.7
Meat and poultry	a	36.9	36.4	52.3	39.8	31.7	65.0	14.2
	b	54.2	56.2	43.0	56.1	56.0	32.2	61.9
	c	6.9	5.7	2.3	3.3	9.8	1.7	20.9
	d	1.7	1.5	2.3	0.8	2.2	0.6	2.2
	e	0.2	0.2	-	-	0.3	0.6	0.7
Meat products	a	34.8	36.7	40.0	33.7	29.8	61.0	11.9
	b	55.6	55.6	55.7	57.7	57.1	35.6	63.4
	c	7.6	6.2	2.3	6.9	10.5	1.7	21.6
	d	1.7	1.3	2.0	1.6	2.3	1.1	3.0
	e	0.2	0.2	-	-	0.3	0.6	-
Giblets	a	42.5	44.8	41.0	38.6	39.4	62.1	23.1
	b	40.4	39.0	45.7	45.9	41.3	25.4	48.5
	c	4.4	3.2	2.7	5.7	5.8	1.7	11.9
	d	6.0	6.0	9.3	6.5	5.0	5.1	7.5
	e	6.8	7.0	1.3	3.3	8.5	5.6	9.0
Animal fats	a	62.9	65.4	77.0	74.8	54.0	71.2	45.5
	b	23.2	22.1	19.3	22.8	25.4	13.6	39.6
	c	1.4	1.3	0.3	-	2.0	-	3.7
	d	2.9	2.8	1.3	0.8	3.6	2.3	4.5
	e	9.7	8.3	2.0	1.6	15.0	13.0	6.7

Table 50. Households experiencing shortage of food, by socio-economic group

Experiencing shortage of food	Total	Households					
		Workers'	Farmers'	Farm-workers'	Pensioners'	Self-employed or professional	Maintained on unearned income other than pensions
In absolute figures							
Total	3 787	1 731	300	246	1 199	177	134
% of total							
Definitely yes	2.4	1.6	-	0.4	3.6	0.6	11.9
Yes, somewhat	11.8	11.4	7.3	7.7	12.8	3.4	36.6
No, somewhat	53.6	53.4	54.0	65.0	55.0	40.1	39.6
Definitely no	27.8	28.8	34.7	23.6	24.3	53.7	6.0
Difficult to say	4.4	4.9	4.0	3.3	4.3	2.3	6.0

Table 51. Households experiencing shortage of food by unemployed and employed members and those receiving pensions

Experiencing shortage of food	Total			Without unemployed family members				With unemployed family members						
	Total	Without working members		With working members		Total	Without working members		With working members					
		Total	Incl. with pensioners	Total	Without pensioners		With pensioners	Total	Without pensioners	With pensioners				
TOTAL	3 787	3 189	934	909	2 255	1 447	808	598	186	95	91	412	297	115
	In absolute figures													
	% of total													
Definitely yes	2.4	1.7	3.4	3.4	0.9	1.1	0.6	6.0	11.8	3.7	9.9	3.4	3.4	3.5
Yes, somewhat	11.8	9.9	12.1	11.3	9.0	8.9	9.3	21.7	33.9	7.9	29.7	16.3	16.5	15.7
No, somewhat	53.6	54.1	55.9	56.4	53.3	51.5	56.7	50.8	38.2	4.7	41.8	56.6	55.9	58.3
Definitely no	27.8	30.1	24.2	24.3	32.5	34.2	29.6	15.7	8.6	5.3	12.1	18.9	19.9	16.5
Difficult to say	4.4	4.2	4.4	4.5	4.1	4.3	3.8	5.7	7.5	8.4	6.6	4.9	4.4	6.1

Table 52. Households experiencing shortage of food, by category of place of residence

Experiencing shortage of food	Total	Towns					
		Total	Number of inhabitants				Villages
			200 000 and more	100 000-200 000	20 000-100 000	Under 20 000	
In absolute figures							
TOTAL	3 787	2 507	928	356	748	475	1 280
% of total							
Definitely yes	2.4	2.8	2.7	2.8	2.1	3.8	1.6
Yes, somewhat	11.8	12.0	12.0	12.6	11.2	12.8	11.4
No, somewhat	53.6	52.1	46.8	55.9	53.7	57.1	56.5
Definitely no	27.8	28.6	33.6	25.3	28.5	21.3	26.4
Difficult to say	4.4	4.6	5.0	3.4	4.4	5.1	4.1

Table 53. Households by unemployed and employed members and those receiving pensions, and by nourishment level

Nourishment level of household	Total			Without unemployed family members				With unemployed family members						
	Total	Without working members		With working members		Total	Without working members		With working members					
		Total	Incl. with pensioners	Total	Without pensioners		With pensioners	Total	Without pensioners	With pensioners				
TOTAL	3 787	3 189	934	909	2 255	1 447	808	598	186	95	91	412	297	115
In absolute figures														
	% of total													
Very good	4.2	4.6	3.2	3.2	5.1	5.9	3.8	2.3	0.5	-	1.1	3.2	3.0	3.5
Above average	5.5	6.1	3.3	3.2	7.3	8.0	5.9	2.5	1.6	2.1	1.1	2.9	2.7	3.5
Average	59.2	61.8	53.9	54.5	65.1	64.7	65.7	45.3	31.7	26.3	37.4	51.5	52.2	49.6
Below average	22.4	20.5	26.7	27.0	17.9	16.7	20.2	32.9	32.8	32.6	33.0	33.0	32.0	35.7
Rather poor	6.4	5.5	9.1	8.6	4.0	4.2	3.6	11.4	20.4	26.3	14.3	7.3	8.1	5.2
Poor	2.2	1.6	3.9	3.6	0.6	0.6	0.7	5.5	12.9	12.6	13.2	2.2	2.0	2.6

Table 54. Households by category of place of residence and nourishment level

Nourishment level of household	Total	Towns						Villages
		Total	Number of inhabitants				Under 20 000	
			200 000 and more	100 000-200 000	20 000-100 000	Under 20 000		
In absolute figures								
TOTAL	3 787	2 507	928	356	748	475	1 280	
% of total								
Very good	4.2	4.6	5.0	3.7	4.0	5.7	3.4	
Above average	5.5	6.1	6.1	7.3	6.8	4.0	4.5	
Average	59.2	58.4	59.5	54.8	58.0	59.4	60.8	
Below average	22.4	22.1	20.4	25.3	22.7	22.1	23.1	
Rather poor	6.4	6.3	6.5	5.9	6.0	6.5	6.7	
Poor	2.2	2.6	2.6	3.1	2.4	2.3	1.5	

Reform of the legal basis of housing policy

418. Transformation of the building sector, including housebuilding necessitates first of all a radical restructuring of building and housing policy as a whole. In this connection a package of basic laws was passed in 1994, introducing new legal regulations concerning ownership of real estate, rights and duties of owners and tenants, as well as a new system of calculating rent charges, based on the value of the real estate. With the passing of the new building law and an act on space management, the foundations of housing policy reform have been laid down.

419. The Act on Apartment Ownership passed on 24 June 1994 (Dziennik Ustaw No. 85, Text 388) is the basic act regulating ownership in the apartment sector. With this Act, the principles of separate ownership and co-ownership of apartments have been restored. The Act defines uniformly rules and procedures for separation of ownership of apartments and service areas with no regard to whether the concerned apartments are parts of buildings that belong to the State Treasury, the locality (gmina), other corporate bodies or physical persons.

420. The new Act provides that owners shall cover the full maintenance costs of real estate, proportionate to their share in the co-ownership. In the same proportion, they shall participate in the proceeds from commonly owned real estate. In accordance with the Act, owners of individual apartments form, by legal force, "an apartment community" responsible for the maintenance of the whole property.

421. A necessary condition for the rational management of existing housing resources is a fundamental reform of the house-renting system and a reform of rental charges. This was the main objective of the Act of 2 July 1994 on the renting of dwelling apartments and on housing benefits (Dziennik Ustaw No. 105, Text 509). The Act establishes the conditions for:

Implementation of an active housing policy by the localities (gminas);

Annulment of the special rental procedure (by virtue of an administrative decision) and its transformation into a civil/legal contract;

Protection of tenants against an unreasonable termination of the lease by the owner;

Tightening sanctions against tenants who do not fulfil their basic duties;

Calculating rent charges at a level that ensures coverage of the full maintenance costs of buildings and apartments with a restriction on raising the rent beyond a certain limit in a given time; in respect to rent charges the decision-making authority has been given to localities (gminas);

Introduction of housing benefits as systematic social assistance for poor families not capable of meeting full housing costs. The right applies to families regardless of the form of ownership and management of the buildings in which they live.

422. Social and economic conditions related to the process of transition to a market economy put the State under an obligation to create the possibility of prompt exclusion of institutional housing resources from the State budget, by virtue of a single and definitive act. The method of conducting such operation is defined in the Act on rules of exclusion of institutional dwelling houses from the estates of State-owned establishments. The Act establishes regulations concerning rules and procedures for transferring real estate (dwelling houses) in the possession of State establishments, one-man companies of the State Treasury come into being as a result of transformation of State establishments and are given by the State Treasury to workmen's companies for paid use - on the grounds of regulations on privatization of State establishments. It also provides the possibility for an establishment to make, at a given time, a decision about transferring a building to a locality or other corporate body.

423. In its section relating to housing cooperatives, the Cooperative Law, as amended in 1994, established new conditions for satisfying housing requirements through:

Recognition of a cooperative possession as a private possession;

Providing cooperatives with the right to build and rent apartments;

Allowing corporate bodies the possibility of renting apartments in cooperative buildings which allows for the effective utilization of dwelling apartments that are not readily rented by private individuals;

Allowing individuals to possess two or more private apartments; the previous restriction has been narrowed down to so-called tenement apartments, which were financed to a large extent from public resources.

424. The Act on Town Planning and the Building Law, passed in 1994, has created the basis for rationalizing decision-making procedures in allocating land for building, and also for establishing principles of conduct for running building concerns and managing buildings.

425. The legal and institutional basis for counteracting lawlessness in the building industry has been created, as well as for implementing up-to-date technical building standards.

426. The Act on Certain Forms of Support for Apartment Building, passed on 26 October 1995 by the Parliament of the Republic of Poland has created the legal and organizational basis for an effective system of financing housing through:

Organizing a network of housing savings banks, accumulating the savings of people for housing purposes, and providing credit - the amounts and conditions will strictly depend on the conditions of saving;

Establishing the National Housing Fund as a financial and credit institution, managing resources from the State budget and other income defined in the Act, and giving, for example, preferential credit for the construction of social housing;

Defining legal and organizational conditions for investors in the construction of social housing.

427. The Act on real estate and dispossession of real estate, amended frequently during the period 1990-1994, will be replaced with a new act on real estate which will be presented by the Government to Parliament in 1996. The act will define uniform legal solutions ensuring adaptation of the new rules of real estate economy with the changed situation after four years of reforms.

428. A draft act on renovation and modernization of buildings is now in preparation. The act should regulate the organization and financing of the restructuring of urban areas.

429. Development of the housing sector requires appropriate synchronized development of communal infrastructure. Government projects, now in preparation, for modification of town planning regulations will specify the duties and competence of the gminas, which will enable them to manage effectively the communal economy and will create a system for financing the development of technical infrastructure.

430. The restitution of local self-government and decentralization, as well as the application of market rules in taking economic decisions, establish the right conditions for local communities to create effective individual development policies. This involves opening up development opportunities for small towns. Their development will be closely related to the processes of restructurization in villages and will restore the natural function of small towns, which is to serve the villages - delivering economic, cultural and social services and taking over migrations of people. Communal credit, municipal obligations or cadastral tax are new implements without which this function, as well as the harmonious development of towns, would be impossible.

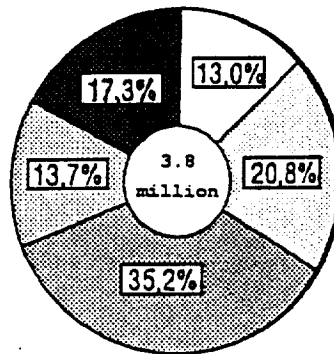
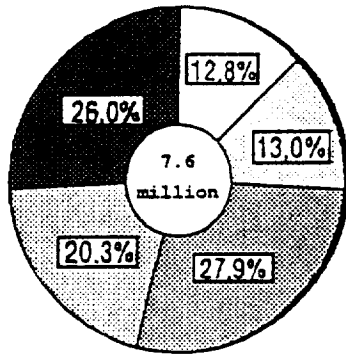
Table 55. Housing resources occupied in 1994 (estimated data)
(as on 31 December)

	Total	Towns	Villages	Increase up to		
				1980	1990	1993
Apartments (thousands)	11 430.6	7 606.5	3 824.1	1 636.9	408.5	64.7
Rooms (thousands)	39 347.1	25 441.2	13 905.9	8 087.4	1 765.0	309.3
Usable floor area in thousands of sq.m.	689 301	418 740	270 561	155 289	32 716	6 185
Average no. of rooms in apartment	3.44	3.34	3.64	0.25	0.03	0.01
Usable floor area in sq.m.						
Per apartment	60.3	55.1	70.8	5.8	0.7	0.2
Per person	18.2	18.0	18.5	2.8	0.7	0.1
No. of persons per:						
Apartment	3.31	3.05	3.81	*	*	*
Room	0.96	0.91	1.05	*	*	*

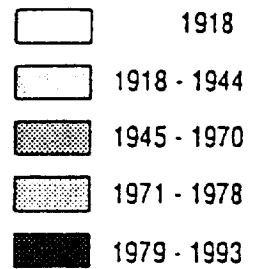
Apartments inhabited in 1993 by period of construction
(As of 31 December)

Towns

Villages



Apartments in buildings
constructed during
the years



Source: Small Statistical Yearbook, 1995, GUS.

Table 56. Apartments equipped with installations

	1980		1990		1993		1994 a/	
	Towns	Villages	Towns	Villages	Towns	Villages	Towns	Villages
	% of total number of apartments							
Apartments with b/								
Water-supply	87.8	37.4	95.3	67.6	96.2	72.7	96.6	73.8
Toilet	74.5	22.3	86.0	49.4	87.4	54.0	87.8	55.5
Bathroom	71.0	27.1	83.5	54.2	85.1	58.6	85.6	59.7
Gas network	61.2	2.0	71.8	6.3	73.4	7.6	73.9	8.2
Central heating	59.7	18.5	74.4	42.9	76.6	47.0	77.2	48.3

a/ Estimate data.

b/ Data from 1990 also include apartments equipped with installations which are in individual ownership after modernization.

Table 57. Housing resources: cooperative, communal and belonging to establishments

	1988 <u>a/</u>			1993 <u>b/</u>		
	Housing resources in buildings belonging to					
	Housing cooperatives	Community <u>c/</u>	Establishments	Housing cooperatives	Community	Establishments
Total						
Apartments (thousands)	2 605.9	2 077.7	1 355.5	3 078.7	2 032.5	1 412.8
Rooms (thousands)	8 666.8	5 762.7	4 217.1	10 303.9	5 583.8	4 369.1
Usable floor area in m ²	126 997	96 055	68 351	154 121	94 095	72 483
Incl. apartments occupied on the basis of ownership <u>d/</u>						
Apartments (thousands)	410.5	111.1		1 462.3	217.0	92.3
% of total	15.8	3.2		47.5	10.7	6.5
Rooms (thousands)	1 418.4	344.3		4 805.9	664.1	286.8
% of total	16.4	3.4		46.6	11.9	6.6
Usable floor area in th. m ²	21 102	5 943		73 408	11 028	5 006
% of total	16.6	3.6		47.6	11.7	6.9

- a/ Occupied housing resources: data of the National Population Census.
- b/ Occupied and non-occupied housing resources: as on 31 December.
- c/ Before 1989 - of regional State administrative bodies.
- d/ In housing cooperatives, on the basis of cooperative ownership.

Table 58. Apartments ready for use

	1981-1990 a/	1990	1991	1992	1993	1994
Apartments (thousands)						
Total	180.5	134.2	136.8	133.0	94.4	71.6
Towns	134.6	98.8	107.8	106.7	71.9	48.9
Villages	45.9	35.4	29.0	26.3	22.5	22.7
In buildings of:						
Housing cooperatives	89.6	68.4	83.5	84.3	50.0	28.5
Establishments	31.4	15.4	10.7	8.2	6.4	4.5
Community b/	4.0	3.0	2.6	3.6	4.6	2.5
Individuals	55.5	47.4	40.0	36.9	33.4	36.1
Rooms (thousands)						
Total	719.5	567.3	570.5	551.4	406.8	326.1
Towns	511.1	396.3	429.0	422.5	290.6	207.2
Villages	208.4					
In buildings of:		171.0	141.5	128.9	116.2	118.9
Housing cooperatives	318.4	254.6	312.6	315.7	186.4	104.6
Establishments	109.1	54.7	38.0	29.1	23.0	16.6
Community b/	13.1	10.0	7.9	11.4	14.0	6.5
Individuals	278.9	248.0	212.0	195.2	183.4	198.4
Usable floor area (thousand sq. m.)						
Total	12 704	10 365	10 253	9 967	7 658	6 478
Towns	8 534	6 884	7 373	7 329	5 230	3 969
Villages	4 170	3 481	2 880	2 638	2 428	2 509
In buildings of:						
Housing cooperatives	4 959	4 059	5 013	5 137	3 087	1 780
Establishments	1 799	924	642	496	402	298
Community b/	214	169	139	204	237	116
Individuals	5 732	5 213	4 459	4 130	3 932	4 284
Average usable floor area of an apartment (sq. m.)						
Total	70.4	77.2	75.0	75.0	81.1	90.5
Towns	63.4	69.6	68.4	68.7	72.8	81.2
Villages	90.9	98.4	99.2	100.3	107.6	110.4
In buildings of:						
Housing cooperatives	55.4	59.4	60.0	61.0	61.7	62.3
Establishments	57.3	59.9	59.9	60.6	62.8	66.4
Community b/	53.4	56.8	54.1	55.7	51.7	46.9
Individuals	103.2	109.9	111.6	112.0	117.5	118.8

a/ Annual average.

b/ Before 1989 - of regional State administrative bodies.

431. In 1993 apartments for which rent not paid for a period of at least three months amounted to: in housing cooperatives resources - 8.5 per cent (261,800 apartments), in establishment resources - 7.0 per cent (98,800 apartments), in communal resources - 14.3 per cent (290,400 apartments).

Table 59. Occupation of apartments

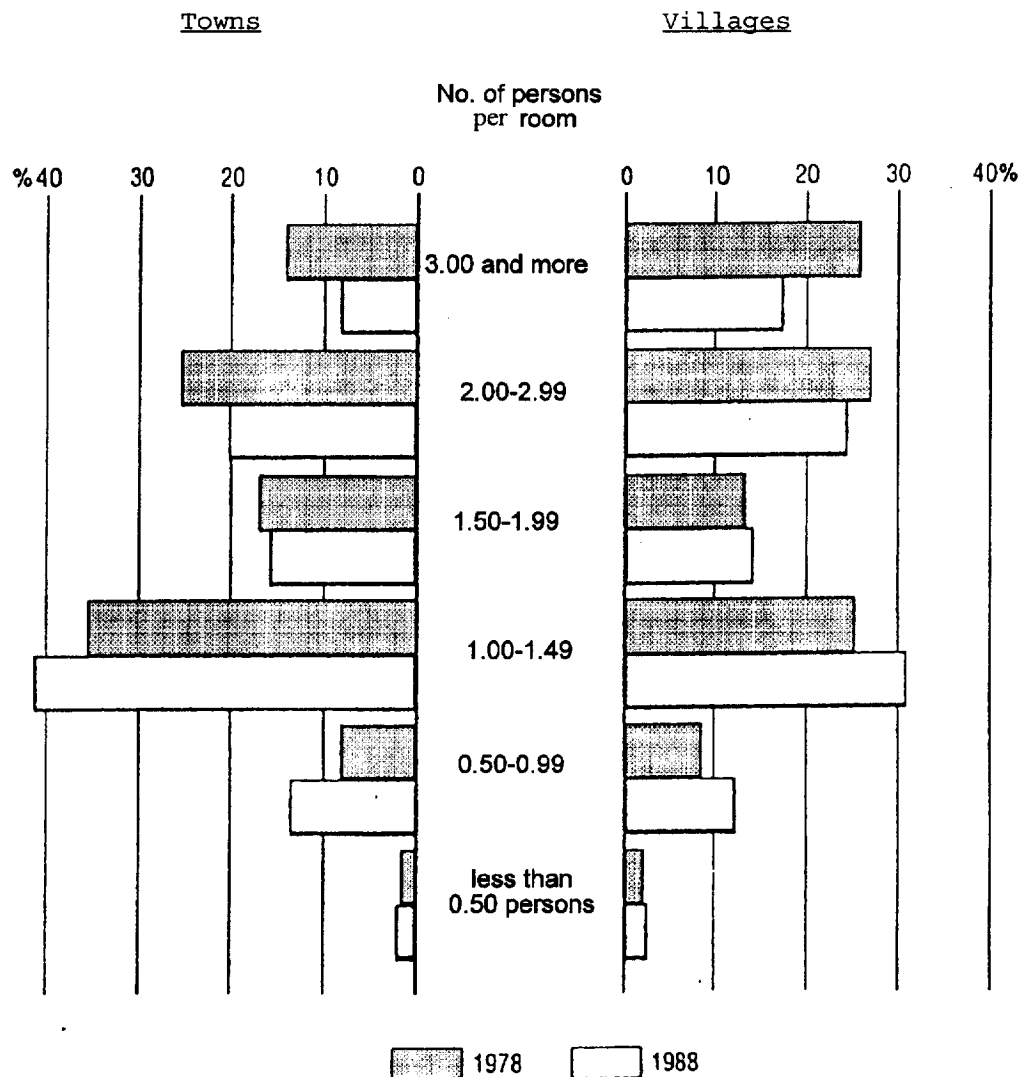
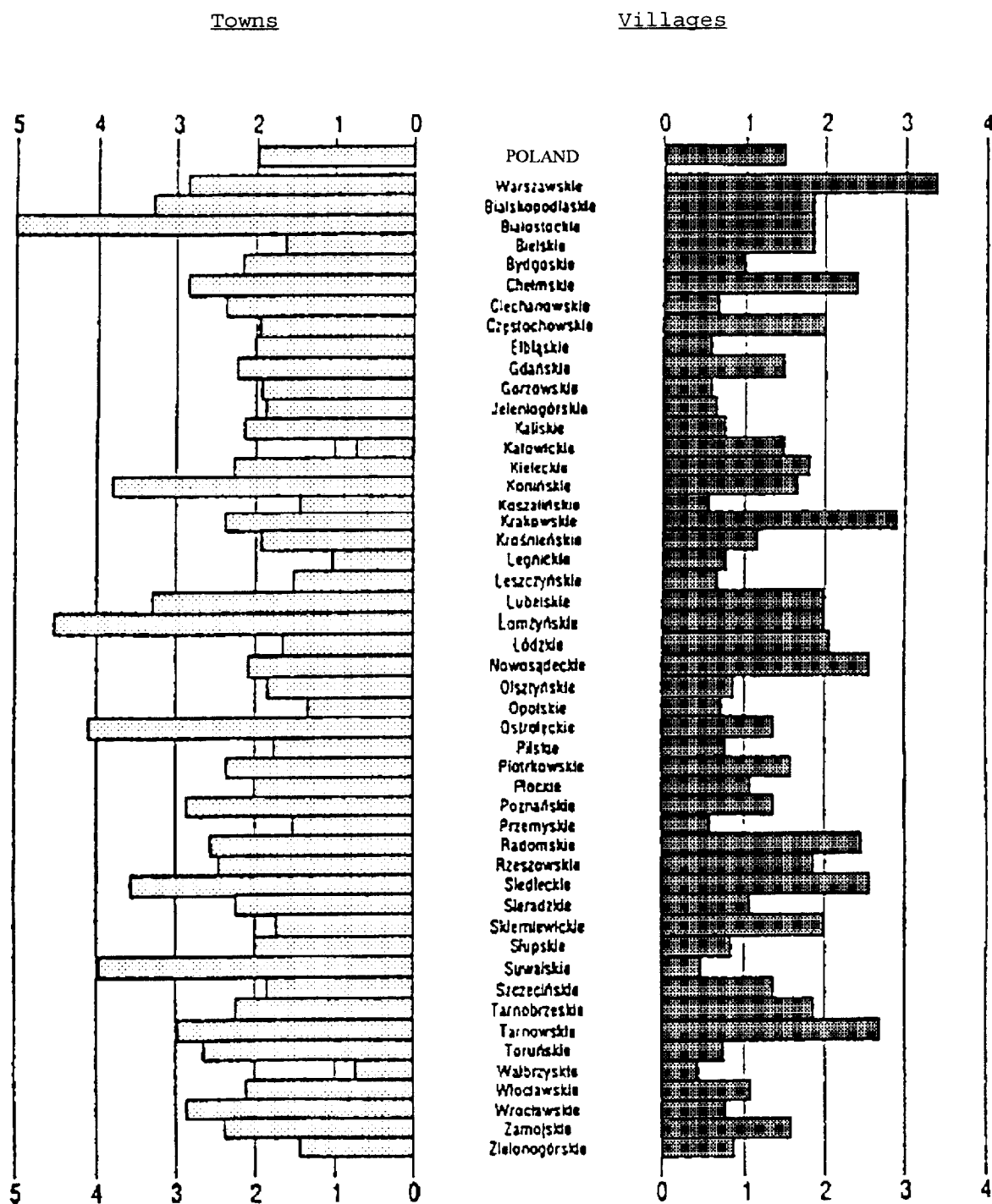


Table 60. Apartments ready for use per 1,000 of the population in 1994



432. In 1994 the average number of apartments ready for use per 1,000 of the population was 1.9. Most of them have been constructed in Białostockie and Łomżyńskie voivodeships (3.9 and 3.0 apartments per 1,000 of the population). The lowest number was in Wałbrzyskie, Katowickie, Legnickie, Leszczyńskie and Przemyskie voivodeships (from 0.6 to 1.0 apartments per 1,000 of the population).

Article 12. The right to health protection

The state of health of the population

433. The state of health of the population can be evaluated by means of indicators commonly used for that purpose, such as: the death rate (including infants) and morbidity. Their level has been affected lately in Poland by the following negative factors:

Deterioration of the situation with respect to disease associated with civilization, particularly circulatory system disease, tumours, poisoning and injuries;

The high rate of untimely deaths (in the age group 45-65), particularly among men;

High mortality of men in all age groups and significant infant mortality;

Unfavourable life expectancy indicators, particularly among men in their working years;

Increase in area-differentiation of morbidity rates.

The most relevant health problems in Poland are described below.

Circulatory system diseases

434. For many years they have been the dominating cause of morbidity and mortality, and are the main cause of death (52.1 per cent of all deaths in 1993, of which, 47.8 per cent among men and 57.0 per cent among women). Over the past 30 years the share of deaths occurring as a result of circulatory diseases has doubled.

435. Every fifth patient suffering from a circulatory disease is hospitalized. In Poland hospital morbidity in this respect is now as follows: 1,995 cases per 100,000 men, 1,797 cases per 100,000 women. The risk of morbidity and of death from circulatory diseases is constantly growing and in the coming years we should expect this tendency to remain unchanged, as a result of ageing of the society, as well as other, extra-demographic, factors (such as stress, unemployment, lack of stability, hard living conditions, improper eating habits, lack of prevention). Circulatory system diseases are the main cause for seeking ambulatory treatment and also a leading cause of sick-leave. In 1993, diseases of the heart, circulatory system and blood vessels were the main cause of disability (29.5 per cent of all cases among non-agricultural workers and 39.5 per cent among farmers). Of the circulatory

diseases the dominant one is heart ischemia (including heart attacks), diseases of the brain vessels and arterial hypertension. A high level of untimely deaths caused by severe heart attacks has been observed among the male population.

436. In Poland almost 3.6 million people are at high risk of dying from circulatory diseases, particularly in ecologically unhealthy areas: six voivodeships (of Wałbrzych, Łódź, Bydgoszcz, Legnica, Skierniewice and Piotrków Trybunalski). Between 92 and 98 per cent of the whole population of those areas is highly at risk from such diseases.

Tumoral diseases

437. Tumoral diseases are the second major cause of mortality and morbidity of men and women. Morbidity rates are growing constantly, for both men and women. Over the past 20 years the morbidity rate for malignant tumours has increased by 60 per cent. The increase was 1.5 times higher among men than among women. In 1989 the morbidity rate among men was 204.6 (per 100,000 people), and in 1992 it had already reached 269.7. For women respectively the figures are: 196.6 and 225.9. Malignant tumours most commonly occurring among men are tumours of the lungs, stomach and prostate gland; among women they are tumours of the urinary-sexual organs, breast and cervix. Out of the total number of new cases only 40 to 50 per cent have the chance of a complete cure after treatment. Mortality rates are at the level of 227.3 per 100,000 inhabitants for men, and 159.5 for women. Mortality is higher in the western part of Poland than in the eastern part. In the western province of Wielkopolska there is a higher risk of death caused by malignant tumours of the breast and cervix among women, and of the prostate gland and testicles among men.

Contagious diseases

438. In 1993, as compared to 1992, the following phenomena have been observed: a high increase in influenza morbidity (over 10 times as high), epidemic inflammation of parotid glands (an increase of 173 per cent), trichinosis (171 per cent), mononucleosis (11 per cent). A relatively high level of morbidity with hepatitis B persists, as well as poisoning with chemical compounds. Over the same period, morbidity with food poisoning and infections, salmonella poisoning and venereal diseases has dropped (from 5,800 cases in 1992 to 4,900 in 1993 - the figures concern initial cases only). The highest morbidity rate with venereal diseases is observed in the following voivodeships: Szczecin, Olsztyn, Warsaw and Gdańsk. In 1993 the decreasing trend in morbidity with tuberculosis has stopped and in 1993 a slight increase has been observed (700 cases more than previously). The rate is slightly higher in villages (44.8 cases per 100,000 people) than in towns (42.5 per 100,000 people). A significant proportion of the cases is among the 20 to 44 age group, as well as of severe and advanced cases of tuberculosis. Owing to a substantial influx of citizens of Romania and the former Soviet Union over the past few years, there is a probability that the rate will increase. Deaths from tuberculosis account for 47 per cent of all deaths from contagious diseases; and compared with other countries the mortality rate is relatively high: 3.4 deaths per 100,000 people.

Mental illness

439. Mental illness, because of its high incidence and disabling nature, is a major health problem in Poland. In the years 1990-1993 there was a decrease of 11 per cent in the initial hospitalization rate among patients with mental problems, and of 31 per cent among patients with psychosis. There was also a decrease in the morbidity rate with mental handicap I (by 13 per cent in outpatient treatment and by 7 per cent in inpatient treatment). With regard to alcoholism, over the same period there has been an increase in the number of initial treatment cases (by 8 per cent). In the years 1992 and 1993 the suicide rate reached the highest level so far recorded: 14.9 and 14.6 per 100,000 people respectively. Most often the suicides are heavy industry employees, farmers and pensioners.

Health problems of children and youth, military recruits and inhabitants of ecologically endangered areas

440. Health problems affect roughly 40 per cent of school students. However, most of these problems can be eliminated by various forms of corrective treatment. The main health problems of children and youth in Poland are caries (25 to 33 per cent of school students suffer from advanced caries), and sight and posture defects. According to the surveys carried out in the years 1992-1993 among children all over the country, the health of children in all regions - except for the seaside belt - is endangered by iodine deficiency, and in 31 voivodeships (out of 49) children develop goitres to a moderate degree. The physical activity of the young population is not sufficient. It is estimated that only 3 to 5 per cent are highly active, about 25 per cent can be considered to engage in a satisfactory level of physical activity, 60 per cent a low level and 10 to 12 per cent a very low level.

441. Men's health is estimated by the percentage of military recruits (at the age of 19), qualified as fit for military service. Over the period 1989-1993 the percentage has been systematically dropping (85.7 per cent in 1989, 80.5 per cent in 1992, 79.9 per cent in 1993).

442. It is estimated that in Poland about 13.2 million people, 34.6 per cent of the total population, live in ecologically endangered areas, and a significant part of those in an environment of highly toxic pollution, which results in a number of specific diseases and a high mortality level. Selective and partial surveys carried out in ecologically endangered areas in many parts of the country have shown a strong correlation between the state of the environment and the mortality level, particularly with respect to tumoral and circulatory system diseases. About 55 per cent of people living in ecologically endangered areas are at high mortality risk.

443. To sum up, it should be stressed that for a number of years mortality and morbidity from circulatory system diseases, tumours, injuries, poisoning, mental problems and neurosis have been increasing. Morbidity and mortality rates with respect to many diseases are substantially higher in Poland than in other European countries.

National health policy

444. The National Health Programme (Narodowy Program Zdrowia - NPZ), adopted in November 1990, is a document defining the national health policy. In 1993 the programme was amended and, following the example of other modern programmes, it is now based on interdepartmental activities for maintenance and improvement of the health of the society. The main objectives set out in the programme are:

To impede the growing trend in mortality caused by circulatory system diseases, malignant tumours, injuries and poisoning;

To reduce factors threatening to life and health in the prenatal period and to reduce infant mortality;

To reduce intensity and frequency of caries among children and youth;

To reduce the incidence of mental illness and to improve the quality of mental health;

To reduce the incidence of contagious diseases and other diseases which are the result of an improper lifestyle and harmful factors in the living and working environment.

445. In order to implement these objectives, detailed health programmes have been developed. They include: protection against heart disease, combat against tumoral diseases, health care of mother and child, combat against tuberculosis and diabetes, dental care for children and youth of school age, improvement and development of dialysis-therapy, kidney and bone marrow transplantation. In the process of transforming the system in Poland, we have encountered a need for modification of the model of primary health service in place hitherto, which proved too expensive and irrational with respect to management of personnel and equipment and, what is more, inadapted to the assumed state of health of the society. The model stemmed from a concept of environmental medical care and was based on separate medical structures for the living and working environments. The direction of the reforms undertaken in the sphere of primary health care (defined in the "Strategies for Health" programme, which is a development of the governmental programme "Strategy for Poland" of 1993), corresponds with the modern approach to health care adopted by the World Health Organization, particularly in its programme "Health for All by the Year 2000". The reforms also comply with the National Health Programme and the recommendations concerning changes in the health-care system made in January 1994.

446. Primary health care, providing both sick and healthy citizens with health services in the place of their residence, is supposed to be the main link of the health-care system. With a view to implementing primary health-care services, a number of activities have been undertaken in the sphere of organization and the training of medical personnel. The Act of 30 August 1991 on health-care institutions states that the organizational units of primary health care available to the population as a whole are health-care institutions (local clinics), as well as family doctors, paediatricians and other persons practising outside these institutions.

Public health-care institutions can be established by voivodeship governors, the localities (gminas) and communes, and non-public health-care institutions by insurance companies, employing companies, churches, religious unions, companies, associations, foundations and other corporate bodies and physical persons. Organizational units of primary health care are independent units or they can be part of a bigger institution or aggregate, or they exist as private practices (individual, individual practice cooperatives or group practices). Non-public health-care institutions and medical practices can - with the aim of providing insured and other entitled persons with free health services within State guarantees - use public means, on the basis of a contract drawn up with the disposers of public means (there is already a legal regulation of such contracts and many have been signed - Dziennik Ustaw of 1993, No. 76, Text 363). Works are still being carried out on similar contracts and public institutions with independent status, which should lead to an actual equality of rights of all subjects within primary health-care services. Reorganization of primary health care will mean a gradual replacement of local health clinics with more individualized family doctors' surgeries.

447. A system for training such doctors has already been introduced. The foundation of preparing qualified personnel for the tasks and needs of primary health care is the postgraduate training, carried out as a new one-grade specialization in family therapy (equivalent to a two-grade specialization in other fields of medicine). The specialization can be obtained, as in other specializations, through creating separate training posts for residents in appropriate institutions. There is also a possibility to acquire the title of a family doctor through individualized, shortened training for physicians already practising in primary health care. Such training can be undertaken in the so-called regional training centres, which include 11 medical academies and the Medical Centre for Postgraduate Training. The standard State examination rules apply in both instances: residential training, as well as the shortened procedure. In December 1994, the first 118 specialists in family therapy qualified, and will be employed in the national health service. The furnishing of their surgeries with basic diagnostic equipment is being carried out with considerable financial help from the World Bank and the PHARE fund.

448. It is assumed that following decentralization of the health services, management of primary health care will be transferred to the gmina level. By the end of 1994, 1,752 institutions (20 per cent of all clinics) had been transferred under territorial self-governments, as charged or pilot projects.

Health-care expenditure

449. The share of expenditure on health services as a percentage of GDP has been as follows in recent years: 1985 - 3.86; 1986 - 3.94; 1987 - 3.82; 1988 - 3.69; 1989 - 3.39; 1990 - 4.52; 1991 - 4.71; 1992 - 4.94; 1993 - 4.58; 1994 - 4.48. The percentage share of health-care expenditure in the total national budget was: 1980 - 8.2; 1984 - 13.05; 1990 - 13.8; 1991 - 16.1; 1992 - 14.9; 1993 - 14.2; 1994 - 13.8. In addition to taking over health-care tasks, the gminas, since 1991, have been participating in bearing the costs of

health services, particularly hospitals. The share of the gminas in financing health care amounted to: 8.4 per cent of current national expenditures in that field in 1991, 8.8 per cent in 1992 and 8.9 per cent in 1993.

450. Primary health care is not specified in the classification of budget expenditures. The amount of money to be assigned for health care as such is established by the Council of Ministers. The Minister of Health divides the assigned amount between the central level and the budgets of the voivodeship governors. Primary health-care expenditure is specified in the individual budgets of the voivodeship governors.

Infant mortality

451. According to the criteria of the World Health Organization (WHO), infant mortality rate was 17.5 per 1,000 live births in 1992, and 16.2 in 1993. (According to the definition of a live birth which applied in Poland until 1993, the infant mortality rate was 14.3 per 1,000 in 1992 and 13.3 per 1,000 in 1993.) In 1993, for 100,000 live births of each sex (according to the definition of a live birth by the Minister of Health and Social Welfare, applied by the Central Statistical Office) there were 1,485 deaths of boys and 1,174 deaths of girls. In reporting by the Central Statistical Office an infant is considered alive if it shows signs of life and at birth its weight is at least 1,001 grammes, or is at least 601 grammes and lives for 24 hours.

452. If the WHO definition is applied, the mortality rate ranged from 21.5 per 1,000 in the Wałbrzych voivodeship to 12.1 per 1,000 in the Sieradz voivodeship. The most unfavourable situation (apart from in the Wałbrzych voivodeship) was observed in the following voivodeships: Łódź, Wrocław, Szczecin, Bydgoszcz and Toruń. The lowest infant mortality rates were registered in the following voivodeships: Sieradz, Piotrków Trybunalski, Skierniewice, Leszno and Przemyśl.

453. In towns (a criterion of the differentiation of towns from villages is acquirement of city rights), the highest infant mortality in 1993 was registered in the following voivodeships: Włocławek (23.8 per 1,000), Łódź (21.1), Wałbrzych (20.8) and Gorzów (20.3). The lowest was Skierniewice (9.4), Sieradz (11.0), Chełm (11.3) and Tarnów (11.6). In villages, the highest mortality was noted in the voivodeships of: Wałbrzych (23.2), Chełm (22.9), Szczecin (21.5), Elbląg (20.4), Legnica (20.1), and the lowest in: Gdańsk (10.6), Przemyśl (11.3), Piotrków Trybunalski (11.5), Poznań (13.4). There is no relevant data about mortality rates broken down by socio-economic group. A higher rate has been noted among infants born to mothers with a primary education than to those with a university education.

454. Since 1 July 1994 a new definition of the birth and death of an infant 18/ has been applied in Poland, the one recommended by the World Health Organization. In accordance with the definition which was used in Poland until 30 June 1994, in medical practice four categories of birth were distinguished: live, still, unfit for life but showing signs of life, and without signs of life. In the definition that complies with the WHO recommendations there are only two categories: live and still births.

Thereby, what would previously have been considered the birth of an infant unfit for life but showing signs of life, is now considered to be a live birth, and therefore the death of the infant is registered. What would previously have been considered the birth of an infant unfit for life and without signs of life is now registered as a still birth. The change also concerns the weight of infants at birth: the previously used definition allowed only infants with a birth weight of at least 601 g to be included in the statistics; the current definition provides for a weight of about 500 g.

Access to good water

455. Analyses of river water cleanliness in 1993 showed that 18.1 per cent of the length of rivers analysed qualified for category I of cleanliness, 41.8 per cent for category II, and 18.9 per cent for category III. Water that would not meet the standards for cleanliness made up 21.2 per cent of the length of rivers. The share of subsoil waters in the total consumption of water in Poland is 45 per cent and they are used by more than 25 million people, of whom 4 to 5 million obtain water from shallow wells adjacent to their homes which are prone to pollution (about 60 per cent of those examined contained water of a quality classified as either unsafe or bad). According to analyses carried out by the State Sanitary Supervisory Body in 1993 the percentage of installations providing good water was as follows:

	<u>Towns</u>	<u>Villages</u>
Public waterworks	90.1	89.7
Local waterworks	78.9	73.1
Public wells	31.6	35.3
Wells adjacent to institutions	61.1	54.2
Wells adjacent to houses	38.3	34.6

456. The State Sanitary Supervisory Body does not have relevant data concerning the number of people with access to good water.

Access to sewage systems

457. In 1993, 774 out of 860 Polish towns had sewage systems, and 587 of these had sewage purification services; 81.6 per cent of the urban population had access to a sewage system, and 62.2 per cent to sewage purification services. At the moment, out of 40,200 villages in Poland 40 per cent have waterworks; 1,373 sewage purification plants operate in villages, not including ecological cesspools and tanks in individual and state-owned farms. In accordance with the "Introductory project for long-term financing of village infrastructure development", it is estimated that by the year 2010 about 70 per cent of individual farms will have access to waterworks, and about 280,000 purification plants will operate in villages.

Preventive vaccination

458. The percentages for vaccinations, as of 31 December 1993 were as follows:

(i) BCG vaccination of infants in 1993	95.2
(ii) Children vaccinated in the second year of life (born in 1992):	
Diphtheria and tetanus (three doses)	95.1
Whooping cough (three doses)	94.6
Poliomyelitis (three doses)	95.0
measles (one dose)	77.1
(iii) Vaccinations of girls at the age of 14 (born in 1980)	
against German measles (one dose)	90.8

There is no town/village breakdown of these statistics owing to the large numbers vaccinated. Initial data for 1994 show that the percentage of persons vaccinated was at the same level as in previous years.

Life expectancy

Table 61 Infant life expectancy

Years	Male			Female		
	Total	Town	Village	Total	Town	Village
1992	66.71	66.59	66.88	75.70	75.37	76.22
1993	67.37	67.35	67.36	76.00	75.73	76.45

459. The life expectancy of male infants increased in 1993 by 0.66 years, compared to 1992, and of female infants by 0.30 years. The year 1993 also witnessed a decrease in the difference between men's and women's life expectancy. The difference in 1993 was 8.63 years in favour of women, whereas in 1992 that figure was 8.99 (8.38 years in towns and 9.09 years in villages).

Access to medical personnel

460. The whole population of Poland has access, within one hour's walk or travel, to trained medical personnel for the treatment of common diseases and injuries, thanks to the large medical infrastructure and availability of first-aid services (ambulance service). The reform of the ambulance services and sanitary transport which is being implemented has shortened transport time in life-threatening situations. It is aimed to cut the number of general teams and increase the number of reanimation and accident teams, which should improve the rescue system in endangering life situations.

461. All women during pregnancy and delivery and in the lying in period, regardless of the entitlements that they may have under the social insurance system, have the right to health services related to pregnancy, delivery and

lying in. The proportion of pregnant women who have access to trained personnel, and of women whose delivery is attended by trained medical personnel is 99 per cent in both groups.

462. The rate of deaths resulting from pregnancy, delivery and puerperal complications in 1993 was 0.2 per 100,000 people (0.3 per 100,000 women, 0.1 in towns and 0.2 in villages).

463. There is no data to break down the figures relating to maternity mortality into occurrence before or after childbirth.

Access of infants to trained care personnel

464. In Polish terminology care personnel are trained personnel providing nursing and psycho-pedagogic care (nurses, teachers, including kindergarten teachers). Taking infants to be children between 0 and 27 days old, we should admit low access of infants to trained care personnel - they would mostly be infants abandoned by their mothers (inmates of orphanages). However, all infants have access to trained care services delivered by nurses and midwives.

Access to health care

465. All citizens of Poland have equal access to health care. However, various socio-economic conditions may have a negative influence on the state of health, as well as bring about delays in effective prevention activities. In our country, there are no social groups whose health situation differs dramatically from that of the rest of society. There are, nonetheless, geographic regions where -mainly due to ecological damage - the state of health of the inhabitants is worse than the average for the country.

466. There are significant variations in mortality in voivodeships. The analysis of standardized mortality indicators for the years 1991-1992 shows the highest level of deaths to be caused by:

Circulatory system diseases in the voivodeships of: Wałbrzych, Łódź, Bydgoszcz (between 590 and 617 deaths per 100,000 people, whereas the country average is 541);

Tumoral diseases in coastal voivodeships, where there is a high risk of death from this cause (over 236 deaths per 100,000 people) 73 per cent of the entire population of Gdańsk voivodeship, 63.5 per cent in Słupsk, 24.7 per cent in Elbląg, 23.4 per cent in Toruń, 22.1 per cent in Koszalin;

Accidents and poisoning in the voivodeships of: Suwałki, Ciechanów, Skierniewice, Jelenia Góra; 12/

Respiratory system diseases in the voivodeships of: Toruń (61 deaths per 100,000 people), Płock and Sieradz (52 deaths in each), Siedlce and Konin (48 deaths in each), Suwałki (47, while the country average is 37).

467. The analysis of mortality for the years 1991-1993 indicates different health problems for inhabitants of various areas, testified to by the territorial differences in mortality level. The factors responsible for such disproportions are still not recognized. The problem of high mortality and over-mortality in specific areas of the country, related to circulatory system diseases, tumoral diseases, injuries and poisoning, require immediate action to be taken with the aim of reducing to a minimum the risks to health resulting from those diseases.

Changes in national policy and legislation

468. During the reporting period no changes in national policy, legislation or practices have been introduced that could possibly negatively affect the health situation of any social group or geographical region of the country.

Efforts taken to improve the health situation

469. Improvement of the health situation of the society is one of the main objectives of the State. Particular endeavours are being undertaken to stop further deterioration of the health situation of the society. The priority objectives set in the National Health Programme, amended in 1993, were to reduce the number of deaths of people below the age of 65, as well as to reduce the level of morbidity and disability, and at the same time to reduce morbidity at a young age.

470. At the moment the Ministry of Health and Social Welfare is realizing the following programmes:

A heart care programme, with the aim of limiting morbidity and mortality due to circulatory system diseases, promoting health and preventing the occurrence of those diseases;

An ambulance service reform programme, with the main objective of shortening the time taken for reanimation teams to arrive at accident sites and in other life threatening situations;

Improving the effectiveness of mother and child health care; the programme includes organizational activities aiming at improving the quality of health services to pregnant women, infants and babies;

Improvement and development of dialysis-therapy and transplantations, aimed at a general increase in accessibility to this form of therapy;

Marrow transplantation programme, with the aim of increasing the number of transplantation centres and the number of transplantations performed;

A combat tuberculosis and diabetes programme, with the aim of improving the equipment of local centres;

A priority tasks in surgery and orthopaedy programme, with the aim of popularizing limb therapy using the Llizarov method and treatment of spinal curvature and burns;

Improvement of dental care among children and youth, directed at prevention of caries and periodontal diseases.

Measures taken to improve the health situation of the society

471. The Ministry of Health and Social Welfare has, within available resources, taken the following action aimed at improving the health situation of the society:

Purchase and distribution among selected centres of Holter apparatus, equipment for strain tests as well as echocardiography apparatus, which has enabled an increased number of cardiology centres to undertake full non-invasive diagnosis;

Purchase of radiological apparatus and cytostatic medicines for local centres, with the aim of improving access to treatment for tumoral diseases;

Purchase of 130 new fully equipped reanimation ambulances and organization of training courses to improve the qualifications of first-aid personnel;

Equipment and necessary drugs have been provided to dialysis centres;

Fissure sealing-wax polymerizing lamps for sealing children's teeth have been purchased within the programme to improve dental care;

More marrow transplantation centres have been established and more transplantations are being performed;

Regional centres have been better equipped with highly specialist apparatus, for realization of the programme to combat tuberculosis and diabetes;

Implants for the treatment of lateral spine curvature have been purchased and expensive procedures in the treatment of burns are being financed.

Realization of health programmes

472. The programmes listed in paragraph 471 above have been implemented for several years. However, owing to the multitude of tasks to be performed, as well as limited resources, their effects are not yet generally perceptible. The time that has passed is too short for the effects of these programmes to show, for example, in a decrease in the morbidity and mortality rates.

473. At the moment, transplantation and dialysis-therapy are available to about 35 per cent of patients needing those types of treatment. A draft Transplantation Act, now under consideration, will allow taking organs for transplantation on a larger scale than so far. In the area of prevention and improving efficiency of the treatment of circulatory system diseases there has been a decrease in the number of:

Invasive diagnostic examinations of coronary vessels;

Surgical treatment of coronary disease;

Operations for extra-systematic circulation diseases and innate cardiac defect;

Echocardiographic examinations.

474. According to estimates of the Cardiology Institute, there are about 1 million people suffering from coronary disease in Poland. Every year about 100,000 people suffer heart attacks, 40 per cent of whom will die within a year. About 3 million people suffer from arterial hypertension, of whom 65,000 will suffer a stroke. Among all patients who suffer a stroke, about 60 per cent die within one month. About 70 per cent of middle-aged people have some kind of lipids distemper, most often raised levels of cholesterol. In the opinion of WHO experts, Poland can be considered one of the countries with the highest indicators for deaths caused by circulatory system diseases. Apart from that, there is not enough pre-hospital assistance in the event of a sudden heart attack, which is essential for saving a patient's life.

475. At the moment Poland has reached independence with regard to supplies of erythrocyte concentrates and blood. The needs for serum-derived products (albumins and immunoglobulins) are still not satisfied. However, thanks to cooperation with Switzerland, some progress has been achieved.

Care of the pregnant woman and the child

476. The decrease in the statistics for artificial abortion is, without doubt, a result of the Anti-Abortion Act, in force in Poland since 15 March 1993. The number of officially registered abortions in 1993 was 1,208. The abortion rate in relation to the number of births in Poland is thus one of the lowest in Europe. That should, in the future, help diminish complications of pregnancy and the proportion of low-weight infants, and should therefore result in a better state of health of the family. The Anti-Abortion Act excludes economic or social reasons for artificial abortions, but specifies certain medical reasons (threat to life or a serious threat to the health of the mother; serious and irreversible damage to the foetus).

477. Care for the pregnant woman and the child is among the crucial tasks set by the Health Department, realized also through the National Health Programme. All pregnant women (regardless of whether they are socially insured or not) are entitled to free medical services delivered by public health care institutions. Despite the regular decrease in infant mortality, it is still high compared to highly developed countries. The National Health Programme assumes the rate will drop to 10 per 1,000 by the year 2000. An intervention programme to reduce the infant mortality rate and maternity mortality rate, is now being prepared and should be implemented in the period 1995-1998. At the same time, another programme for promoting breastfeeding has been implemented

since 1992. Apart from that, a programme for improving prenatal care in Poland was prepared in 1994 and its full implementation should ensure effective care for the pregnant woman and the infant, as well as bring about a decrease in the infant mortality rate.

478. In order to provide all children and youth with access to medical services, since 1992 all of them (including children not entitled to health services through their parents' insurance) are guaranteed free prevention, therapy and rehabilitation services (including therapy in sanatoriums). In order to provide for the healthy development of the child, regular medical examinations are carried out among the growing population, that is to say, children at the ages of 2, 4, 6 and 10, as well as students in the last class of primary and secondary schools.

479. Prophylactic examinations of infants include: measurement of weight and height, head and chest measurements, detection of displasia of hip joints, as well as screen tests (towards detection of phenylketonuria and hypothyreosis). Prophylactic examinations of older children include detection of disorders in physical and psycho-motor development: hearing, sight, defects of posture and other problems.

480. There is a separate system of prophylactic health care for school students. It is provided by a school nurse (a hygienist) employed in every school and a primary health care physician in the place of residence. This type of health care is provided for all students of primary, secondary schools and post-secondary schools. In order to reduce caries and parodontial diseases, since 1991 a programme has been carried out for wax-sealing permanent teeth of children at the ages of six, seven and eight.

Measures taken to improve environmental health

481. In Poland examinations of the health of the environment are performed by the Ministry of Protection of the Environment, Natural Resources and Forestry as well as the State Environment Protection Supervisory Body and the Ministry of Health and Social Welfare through the State Sanitary Supervisory Body. The system of examining water, soil and air pollution is based on a network of sanitation and epidemiology stations (49 at the voivodeship level and 320 local ones) and departmental scientific research institutes. The results of examinations are used by the appropriate organs for taking decisions with a view to improving the situation with respect to human health protection. Reduction of threats to life that result from environmental pollution is one of the priorities in the health policy of Poland, included in the National Health Programme.

482. The most important measures taken by the Government towards improvement of the health of the environment include:

Preparing a draft ordinance by the Minister of Health and Social Welfare concerning the requirements for drinking water quality (adjustment of the present ordinance in line with European Union directives);

The establishment (in 1992 in Sosnowiec) of the Labour Medicine and Environmental Health Institute, operating in cooperation with WHO to evaluate the effects of environmental pollution and to provide health care training;

Monitoring of environmental health threats in the voivodeship of Katowice, used for directing preventive and remedial action;

Implementation of a system for preventing lead poisoning in children in the voivodeships of Katowice and Legnica, based on a system developed by the Centre for Disease Control in the United States of America;

Preparation of a project for state health monitoring, which includes monitoring of environmental health threats and their effects;

Continuation of close cooperation between the State Sanitary Supervisory Body and the State Environmental Protection Supervisory Body including the participation of the former in the realization of state environment monitoring;

Preparation of a draft ordinance by the Minister of Health and Social Welfare concerning permissible concentration and intensity of substances harmful for health in building materials, installations and furnishings in rooms meant for use by people.

483. Measures taken towards improvement of working conditions, prevention of occupational diseases and control of those diseases are mainly adjustments to the directives of the European Union, namely;

Preparing the legal and organizational basis of the chemical security system in Poland;

Introducing a quality control in laboratories examining the working environment, and introducing a system of accreditation;

Establishing a system for measuring exposure of workers to cancer-producing factors;

Preparing a strategic government programme: "Security and protection in the working environment";

Amendment of the Labour Code (sect. X, Occupational safety and health);

Regular information about the occurrence of occupational diseases.

Prevention, control and treatment of epidemic and other diseases

484. The leading role in the sphere of prevention, control and treatment of epidemic diseases is played by the State Sanitary Supervisory Body. One of its main tasks is epidemiological inspection, which means collecting, analysing and disseminating information about the occurrence of contagious

diseases, deaths caused by them, as well as external factors conditioning their spread. The aim of the inspection is to provide the necessary data for undertaking anti-epidemic action and for planning preventive activities.

485. At the local level programmes of activities are prepared by voivodeship sanitary and epidemiology stations. They are based on diagnosis of the local situation, as well as directives from the Public Health Department under the Chief Sanitary Inspector. Central directives on country-wide problems are prepared periodically by the Epidemiology Institute of the National Hygiene Institute, based on the results of inspections undertaken by voivodeship stations.

486. In the period 1992-1994 the main epidemiological problems were blood-derived infections and hospital infections, food poisoning and epidemiological threats from the countries of the former Soviet Union.

487. In order to prevent blood-derived infections (including hepatitis B and AIDS) and hospital infections, immense importance has been attached to sterilization. Test controls of the efficiency of sterilization processes (biological and chemical tests) are performed both periodically by sanitary and epidemiology stations, and continuously by public health care institutions.

488. As a prophylactic action against hepatitis B, vaccination has been extended to:

All public health care employees;

People in the immediate environment of persons who have the disease;

Patients awaiting surgery;

All infants in the 13 voivodeships with the highest morbidity rate for hepatitis B among children.

This is the first stage leading to the introduction of such vaccination all over Poland.

489. As a preventive action against cholera and diphtheria, special sanitary inspection has been introduced at border-crossing stations, and vaccination of high-risk groups (border service, railway employees, health service employees) in the north-eastern voivodeships of Poland is being carried out.

490. The Ministry of Health has central reserves of serum and inoculants intended for use in emergencies, as well as supplies of disinfecting agents (at the Central Base of Anti-Epidemic Reserves).

491. The primary measure for preventing contagious diseases is preventive vaccination. The proportion of vaccinated children in Poland for many years has been at the same very high level, between 95 and 100 per cent depending on the type of vaccination.

Attention and medical services in the event of sickness

492. Almost the whole population of Poland is guaranteed free attention and medical service in the event of sickness. Falling outside entitlement to free services of public health care institutions is about 0.1 per cent of the population - people with no employment, no permanent address and those not registered in labour offices. The right to medical care in Poland is not a citizen's right, but is linked to social insurance or social provision (military service, police, prison service, fire service, prisoners, the registered unemployed, school and university students, combatants) or separate entitlements to medical services (for example, obligatory treatment, prevention and treatment of contagious diseases, tuberculosis, venereal diseases, first aid in the event of an accident or sudden illness in a public place). Access to free services is ensured by the wide network of ambulatory treatment centres, first-aid posts, hospitals, rehabilitation and therapy centres, sanatoriums and nursing homes.

493. Free health services are delivered mainly by public health-care institutions (independent of social insurance institutions). There is a possibility of merging private practices and non-public institutions into the public system, on the basis of a contract with an appropriate state organ or local self-government. The contractor is obliged to deliver free medical services to eligible patients, using public financial means for that purpose. In recent years also the medical infrastructure of cooperatives, foundations and associations, as well as the network of private practices. Such centres enjoy certain rights of public health-care institutions (for instance: the right to issue discount prescriptions or the right of pronouncement about temporary inability for work). They charge for all services delivered, including to patients entitled to free medical treatment.

494. The free services delivered by public health-care institutions include all kinds of services, except:

Services of a non-therapeutic character (for example, plastic surgery performed solely for aesthetic reasons; in vitro insemination);

General medical examination for the driving licence and for drivers, as well as for people intending to work abroad for foreign employers;

Stay in nursing and therapy centres;

Provision of medicines (full-payment or part-payment) by pharmacies;

Partial payment of catering and accommodation costs in health sanatoriums (except for patients whose treatment is closely related to an occupational disease or risk of one, an accident at work or a disease related to the particular character or conditions of work or service).

495. The costs of periodical and control examinations of employees are covered by the employing institutions. Many employing institutions have an industrial health service or a workers' dispensary (or a doctor's surgery). An employee who has lost the capacity to work as a result of an occupational disease or an accident at work, on the way to work or as a result of a

long-lasting illness, is paid sickness benefit in an amount equal to a full wage (100 per cent), compared to the general load of 80 per cent. Pronouncement of an occupational disease and accidents at work are both reasons for employers to pay out a single workman's compensation and higher disability pensions. An employee not fit to work, after the period of sickness benefit, is entitled to rehabilitation benefits, as long as rehabilitation (as well as further therapy) gives hope of regaining working capacity in the future.

496. An important undertaking of the Government, with a view to improving the efficiency of the health service, was the Mental Health Protection Act passed in August 1994. The Act contains provisions ensuring the proper organization of an up-to-date model of psychiatric care. It puts voivodeship governors under an obligation to establish and control the management of mental health care institutions, taking into account the needs of the inhabitants and the social structure of their voivodeships. The Act provides detailed procedures for examination and hospitalization of a patient without his or her approval (making them subject to judicial inspection), and also concerning the employment of direct duress.

Protective measures for the most vulnerable and worse-off groups of society

497. The health protection measures for the most vulnerable and worse-off groups of society include, for example, guaranteed access to free medicines in the event of occurrence of the following diseases: phenylketonurium, epilepsy, miastenia, mucoviscidosis, diabetes, hypophysical dwarfism in children, celiaklium and wrong intususception syndrome, neoplasmosis, mental illnesses, tuberculosis, mental handicap with pronounced disability. Another group entitled to free medicines are honorary blood donors and disabled ex-servicemen. In addition, people suffering from chronic diseases are entitled to purchase medicines at a fixed rate (equal to 0.5 per cent of the current minimum wage) on the so-called "complementary drugs registers" (the fixed payment for them is 30 per cent of the actual price of the medicine), and also necessary sanitary supplies.

498. Apart from that, corrections have been made to drugs registers in order to diminish financial charges for the patients with certain diseases. For example, in 1993, anti-diabetes drugs were included in the group of elementary medicines (which means those which can be purchased on lump-sum payment terms). Despite the introduction of co-payment for treatment in sanatoriums, the services remain free for the most needy (victims of accidents at work, persons suffering from occupational diseases, etc.). People who are particularly badly off have been given entitlement to a social welfare benefit to cover the increased costs of therapy and the costs of medicines.

499. In 1993, with respect to the Anti-Abortion Law, a new type of benefit was introduced for pregnant women or women raising children. The condition for receiving the benefit is a family per capita income lower than the lowest pension. In the beginning, such assistance was provided between the fourth month of pregnancy and the sixth month of life of the child; now, after the amendments made in 1994 (Dziennik Ustaw, No. 44, Text 172), it is provided between the eighth month of pregnancy and the second month of life of the child.

500. An insured woman is entitled to: monthly benefits (for herself and each of the children born at her last delivery) equal to 28 per cent of the average wage), a single benefit for the costs of baby linen (equal to 14 per cent of the average wage) and coverage of medical expenses related to her pregnancy, delivery and lying-in. The benefits are paid from social welfare resources. The Anti-Abortion Act puts the State and local government administrative organs under an obligation to provide social, legal and medical care to pregnant women.

Protection of the right to health of the elderly

501. Elderly people have access to free health services mainly on the basis of their pension provisions. People not covered by social insurance may apply for financial assistance to cover their medical expenses under the social welfare scheme (in accordance with an act passed in November 1990). Financial assistance can also be granted to a member of their family, provided that the family member is solely maintained by the person concerned. The assistance covers: out-patient and in-patient health-care services, medicines and dressings, necessary orthopaedic equipment and complementary materials. It should be added that people regularly receiving social welfare benefits also enjoy the right to free medical services.

502. On account of the increasing costs of medicines, a new so-called "intentional benefit" for medicines has been introduced and is paid from social welfare. Applications for it can be made by people whose per capita family income is not higher than 150 per cent of the lowest old-age pension, when expenditure on medicines amounts to more than 5 per cent of the family's income. For people working in agriculture, the conditions are as follows: per capita family income not higher than the proceeds from 2 hectares, and on expenditure medicines exceeding the proceeds from 0.3 hectares. The organs of social welfare will pay, when all the conditions are satisfied, the difference between the amount spent on medicines and sanitary articles and an amount depending on the income of the person concerned.

503. Payment for accommodation and board in sanatoriums (medical services are free) is dependant on the time of the stay (higher charges during the summer season) and the standard of accommodation (single rooms are more expensive).

504. In addition, elderly people aged 75 and over (as well as persons in disabled group I), are entitled to a nursing benefit equal to 10 per cent of the average wage for the preceding three months. For disabled ex-servicemen, the amount of this benefit is greater.

Decentralization of primary health care

505. An act of 1990 ^{20/} and an ordinance of the Ministry of Health and Social Welfare of 1993 ^{21/} established the possibility of transferring tasks relating to the provision of health care to local government, particularly in the area of primary health care. By the end of 1994, 1,752 health-care institutions had been transferred to local government management, including 897 dispensaries (about 20 per cent of the total number) and 526 village clinics. The effects of these changes include:

Better possibilities to adjust the quality and quantity of health services provided to the actual needs of the local population;

Better recognition of the health needs of the local population;

Financial savings through more rational management by local government;

More effective social control over the functions of health-care institutions;

Reorganization of health care.

The positive experience of gminas that have taken over primary health-care management from voivodeship governments, on the basis of payment for services provided, confirm the correctness of the principle of decentralization.

Training concerning prevailing health problems

506. The measures taken to provide such education include:

Reinforcement of the scientific and didactic basis for the needs of common health education and promotion of health,

Introduction of training about new techniques applied in health education for health-care institution personnel responsible for popularizing health education,

Extension of the substantive and financial assistance provided by the Health Department for the benefit of local communities and non-governmental organizations,

Implementation of international programmes: "Healthy town" and "School promoting health",

Modification of the methods of financing educational and health-promotion activities towards better utilization of extrabudgetary resources.

International assistance

507. The restructuring of the health-care system in Poland is being undertaken on the basis of a loan from the World Bank and a European Union PHARE grant. The funds from the World Bank are serving to create three health consortia, in Ciechanów, Pomorze and Wielkopolska, and the PHARE funds will support the development of primary health care, particularly training of family doctors and equipping of their surgeries.

508. The project funded by the World Bank is not limited to investments in the consortia, but also includes the development of a health-care information system, as well as a programme of education and training concerning the health-care system.

509. The PHARE project, which supplements the activities of the Health and Social Welfare Department for the systematic reform of health care in Poland, includes:

Assistance in preparing and implementing strategies of systematic changes within primary health care in Poland,

Preparing teaching personnel for the needs of family medicine,

Creating training centres for the needs of family medicine and furnishing them with necessary equipment,

Training auxiliary medical personnel which together with a doctor will make a team of primary health care,

Reinforcement of management skills within the health-care system.

In 1994 the PHARE programme activities included: large-scale purchase of computers and other teaching materials for regional training centres, training in family medicine and equipment of family doctors' surgeries. The purchasing was made at international auction in accordance with European Commission procedures.

Legal acts

510. The following legislation is relevant to the implementation of article 12:

The Act of 28 March 1933 on social insurance (Dziennik Ustaw No. 51, Text 396, with amendments);

The Act of 30 August 1991 on health-care institutions (Dziennik Ustaw No. 91, Text 422, with amendments);

The Act of 17 May 1990 on distribution of tasks and authority, in particular acts between gmina organs and state administrative organs, and on modifications of certain acts (Dziennik Ustaw No. 25, Text 198, with amendments);

The Act of 25 November 1986 on organization and financing of social insurance (Dziennik Ustaw No. 25, Text 137), with amendments;

The Act of 29 November on social assistance (Dziennik Ustaw No. 13, Text 60);

The Act of 19 August 1994 on protection of mental health (Dziennik Ustaw No. 111, Text 535);

The Order of the Minister of Health and Social Welfare of 5 August 1993 on the general conditions, procedures for entering into and determining contracts concerning the delivery of health services, and on procedures for calculating and settling fees for such services (Dziennik Ustaw No. 76, Text 363).

Article 13. The right to education

Primary education

511. In accordance with the Act of 7 September 1991 concerning the education system, education at the basic level is provided by:

Kindergartens organized for children between 3 and 6 years of age;

Public, free and obligatory primary schools.

512. In 1992 the process of decentralizing the management of education started. Since 1 January 1992, the management of kindergartens has been the duty of the local authorities. On 1 January 1994, municipal governments began to take over responsibility for primary schools. This process, in accordance with a governmental decision, is supposed to end by 1 January 1996.

513. The network of primary schools consists of:

Public, obligatory primary schools for children between 7 and 15 years of age;

Special primary schools for disabled or chronically ill children;

Art schools at the first level that provide education in arts subjects, as well as general subjects on the primary school curriculum;

Primary schools that prepare for a profession and are organized for children over 15 years old, who have graduated from at least five classes of primary school and do not show any hope of finishing elementary education in the normal time.

The statistical data are presented in table 62 (following para. 552).

514. The obligation to attend school is fulfilled by 99.8 per cent of children in Poland. Out of the 12,000 pupils that do not fulfil that obligation, 7,000 have the obligation postponed beyond the normal time, 3,100 are exempt from the obligation to attend school and 1,900 children (0.04 per cent) who are subject to this obligation fail to fulfil it for no good reason (some of them are Romany children).

Secondary education

515. During the period 1992-1994, general education was further extended at the secondary level. The newly established community and private secondary schools, as well as the organization of general education classes in trade schools, are factors that influenced that process. In 1989, only 22 per cent of young people were studying in general profile secondary schools, which is very different from European standards. In the period 1992-1994 a change in the ratio of trade schools to general secondary schools took place. This is demonstrated by the numbers of pupils admitted to the first classes of post-primary schools. In the school year 1992/93, 42 per cent of primary school graduates were admitted to trade schools, 27 per cent to technical

secondary schools and 26 per cent to general secondary schools. In the following year, 1993/94, as many as 28 per cent of primary school graduates were admitted to general secondary schools.

516. Those changes made it necessary to increase the numbers of class divisions, teachers and classrooms. However, further development is becoming increasingly difficult. Extra-curricular activities are becoming more and more limited and the number of teaching hours devoted to the curriculum is decreasing, which has a negative influence on the performance of the didactic, educational and moral guidance duties of a school. Serious difficulties concerning the employment of sufficient numbers of Western European language teachers also being encountered. The current state of general secondary education is presented in table 62.

517. An important part in the transformation of the secondary education model is being played by non-public schools. They have made a considerable contribution to the development of pedagogical innovations and have actively participated in the project to design new curricula. In the school year 1991/92 there were 158 non-public general secondary schools for young people, the following year there were 225, including those for adults (218 for youth) and in 1994/95 there are 275 of them teaching 27,135 pupils. Non-public schools are fee-paying. The current data are presented in table 64.

518. As far as vocational education is concerned, the Act concerning the educational system has maintained the types of vocational schools that have existed since the 1960s, i.e.:

Trade schools on the basis of primary schools, offering a three-year general and vocational education to the level of qualified workman and the possibility of further education in a secondary school;

Vocational secondary schools on the basis of primary schools, offering a four-year general secondary education, with the possibility of taking the secondary school certificate, and vocational education to the level of skilled worker;

Technical, general and other secondary schools on the basis of primary schools offering four or five years of general secondary education, with the possibility of taking the secondary school certificate, and vocational education at the level of the technical secondary school;

Post-secondary schools on the basis of secondary schools, with a two-year cycle (a few have a one-year cycle), offering opportunities to supplement a general education with a vocational one. Language teachers' colleges and teachers' colleges provide courses lasting for three years.

519. Approximately 68 per cent of primary school graduates attend vocational secondary schools every year; approximately 26 per cent of secondary school graduates attend post-secondary vocational schools.

520. All types of vocational schools are generally available to young people of both genders. The education they offer is free (with the exception of a few non-public vocational schools). There were 57,322 pupils studying in such schools in the school year 1994/95.

521. The numerical data for the vocational education system in the years 1992-1994 are as follows:

Number of vocational schools for the young in general:

1992	7,830
1993	8,049
1994 (first three months)	8,165

Number of pupils in vocational schools for the young in general:

1992	1,570,671
1993	1,611,552
1994 (first three months)	1,642,222

522. In the school year 1993/94 out of a total of 607,400 primary school graduates, 239,600 (39.5 per cent) were admitted to trade schools, 31,300 (5.2 per cent) to vocational secondary schools and 140,800 (23.2 per cent) to technical secondary schools and other vocational schools. Most of the vocational schools are managed by school superintendents, who are responsible directly to the Minister of National Education. In accordance with the Act concerning the educational system, art schools are managed by the Minister of Culture and Art, agriculture and food management schools by the Minister of Agriculture and Food Economy, and medical schools by the Minister of Health and Social Welfare. Apart from that, on the basis of the Council of Ministers Ordinance of 18 September 1992 concerning the kinds of schools and institutions within the charge of respective ministers and the duties and rights of those ministers:

Trade and secondary schools offering an education in the professions important for forestry are managed by the Minister for the Protection of Environment, Natural Resources and Forestry, through the agency of the General Director of State Forests;

Trade, vocational secondary and post-secondary schools offering an education in the professions important for railway transport and maritime or inland shipping, as well as the maritime economy, are managed by the Minister of Transport and Maritime Economy;

Vocational secondary schools for social workers, by the Minister of Labour and Social Policy;

Vocational secondary schools for fire-fighters, by the Minister of the Interior through the agency of the Commander-in-Chief of the State Fire Service;

Primary (or equivalently ranked) schools for adults, general secondary schools and trade or vocational secondary schools for people remanded in prisons, by the Minister of Justice;

Vocational secondary schools for Prison Service staff, by the Minister of Justice;

Primary and trade schools for people in young offenders institutions and youth hospices, by the Minister of Justice;

Military secondary schools, by the Minister of National Defence;

Trade, vocational and general secondary schools, as well as vocational training courses for people in vocational rehabilitation centres for the disabled, by the Minister of Health and Social Welfare.

523. Apart from the ministers listed above, vocational state schools can also be managed by physical or legal persons. In the school year 1993/94 legal persons (enterprises) managed 208 schools (trade, vocational secondary, post-secondary), which constituted 2.1 per cent of the existing 9,655 schools.

524. In the school year 1993/94, there were 379 non-public vocational schools (trade, vocational secondary, post-secondary), constituting 3.9 per cent of the total.

Higher education

525. The Act of 12 September 1990 concerning higher education established the general rule that full-time students of state higher education institutions do not pay any fees for their education (unless they repeat their courses because of bad results).

526. In order to ensure general access to higher education, rules enabling students to obtain financial support from the State to cover their expenses during their courses have been adopted in Poland. The right to financial assistance from budget sources is included in the Act concerning higher education.

527. A student can obtain the following forms of support: a social scholarship (grant), a grant for good course results, a Minister's grant for exceptionally good results, partial coverage of the costs of living in a student hall and eating in a student canteen, and a single extraordinary hardship benefit. All these forms of support are non-repayable and the higher education institutions (i.e. the rector together with a students' committee) decide about their allocation. The detailed criteria for obtaining various forms of support depend on the regulations of particular institutions. According to the most recent information, approximately 32 per cent of students live in student halls (which almost equals the number of students whose costs are partially covered) and approximately 14.2 per cent of students eat at student refectories.

528. Projects to amend the support system are currently under consideration. There are plans to introduce, besides the ones that already exist, a new form

of support: student loans. The interest rate would be much lower than the bank rate and it would be repaid after graduation. It is expected that these loans will enable greater numbers of students to obtain financial support and will increase the number of people entering higher education.

Budget payments for education

529. During the period 1992-1994, the percentage share of the state budget for education was:

<u>Year</u>	<u>Percentage of State budget</u>
1992	10.39
1993	10.30
1994	11.17

The figures given above reflect the organizational changes introduced in that period. The system of funding educational units was changed at the same time. During the period 1991-1992 some educational tasks were transferred to the responsibility of local authorities and adequate funds for that purpose were moved from the state budget to their budgets. In addition, during the period 1992-1993 funds for primary schools, for which responsibility was taken over by the local authorities, were transferred within the general subvention and therefore were not included in the expenditure for education. However, in 1994 these funds, in accordance with the Act of 10 December 1993 concerning the funding of local authorities, were again included in the expenditure for education.

530. In assessing the financial situation of the educational system, expenses in this sphere covered by the local authorities from their own profits should not be ignored. Those funds are increasing every year:

<u>Year</u>	<u>Percentage of State budget</u>
1992	2.65
1993	2.53
1994	2.36

Education for the disabled

531. In order to realize "the right of everyone to education that should lead to full development of personality and human dignity, awareness and strengthening of respect for human rights and basic freedoms" possibilities were created for disabled people to receive an education as well as be provided with suitable skills necessary for normal life and work. It is accepted that education should enable everybody to play an active role in a

free society, as well as increase understanding, tolerance and friendship among pupils. Therefore action is being taken to develop integrated schools, where the education and upbringing of disabled children from their early childhood (from kindergarten) is carried out in full integration with their non-disabled contemporaries. This problem is a very serious one, since (according to recent surveys) approximately 20 per cent of school-age children experience serious health problems that disturb their education. Out of those, 3 per cent are pupils with very serious health problems, who take part in organized forms of special education.

532. The education of disabled children is governed by the Act of 7 September 1991 concerning the education system and Regulation No. 29 of the Minister of National Education, of 4 October 1993, concerning the rules for caring for disabled pupils, their education in widely accessible and integrated public kindergartens and other institutions and the organization of special education. Disabled children between the ages of three and six are offered kindergarten education on equal terms with their non-disabled contemporaries. At the age of six they have the right to one year of kindergarten preparation. On the basis of the above-mentioned Regulation it is possible for children to benefit from kindergarten education up to the age of 10, if they were unable to start their school education at the age of seven because of poor health or the nature of their disability. The educational requirement for a disabled child starts at the age of seven, as for all other children, and lasts until they graduate from primary school, although not longer than until the end of the school year in the calendar year they turn 17. The Regulation creates opportunities for disabled children to continue their primary education until 21 years of age and secondary education until 24. This document gives a very detailed description of action leading to the full integration of disabled children and youth. This includes:

Classes in generally accessible kindergartens and schools;

Schools preparing for a job (in particular for mentally handicapped young people with a slight degree of handicap, as well as for those with a serious associated handicap);

Individual education and guidance organized at the place of residence of a child who, because of locomotory malfunction or a chronic illness cannot attend a kindergarten or school for a prolonged period of time or permanently;

Integrated classes in kindergartens and schools;

Integrated kindergartens and schools.

533. In order to achieve full development and integration with their contemporaries, children and youth covered by this individual education scheme have some of their classes organized for them in kindergartens and schools. Great emphasis is also put on vocational training for disabled youth. In this sphere their practical preparation for a vocational activity taking place in the workshops of special and easily accessible trade schools, as well as in various institutions (from protected workshops to disabled people's cooperatives to common production plants) is very important. The vocational

training for disabled pupils is supposed to enable them to acquire vocational skills suited to their physical and mental abilities and to specialize in areas in demand on the labour market. Candidates who can present a statement of qualification from a public psychological and pedagogical advisory centre have an advantage over other candidates with regard to being admitted to trade schools and secondary schools, after they pass the entrance examination. Disabled pupils are, in some cases, offered an opportunity to take their secondary school certificate examination (both written and oral) in a secluded room or at home in a way suited to their speaking, writing or locomotive abilities.

534. The transport problems that disabled pupils encounter are added to by the fact that the network of special schools is not very dense. These problems are compensated for by free access to public transport between their place of residence and the kindergarten, school, care or guidance institution, or health or physical rehabilitation centre. The right to free transport applies to the parents (guardians) of disabled pupils as well. In addition, parents of children staying in special teaching and guidance institutions only pay part of the costs involved. Disabled pupils covered by the special education scheme are provided with free textbooks. They also have the right to financial subsidies.

535. Legal regulations for the rehabilitation and guidance of seriously mentally handicapped children and youth are currently being drafted. The numerical data concerning special schools are presented in table 63.

Teaching of native languages for children and youth belonging to national minorities, as a part of primary and secondary education

536. The policy of the Government of Poland concerning national minorities in the sphere of education is to enable children and youth belonging to those minorities to study in a way that sustains their national, ethnic and linguistic identity.

537. The possibility to choose the form of teaching with respect to a national minority language, as well as the history, culture and geography of the country from which the minority originates is regulated by the above-mentioned Act concerning the educational system and the Order of the Minister of National Education of 24 March 1992, which obliges school management to cooperate with social and cultural organizations of minorities while performing constitutionally imposed tasks. The above-mentioned documents provide for full access to all forms of education in the language of the national minorities. This education is compulsory and free.

538. The institutions that manage the schools are obliged to ensure the fulfilment of the educational rights of minorities at the schools: through the use of their language as the language of instruction, through additional teaching of the minority language, or in bilingual schools. Such teaching is organized at the request of the parents, or, in secondary schools, the pupils themselves. The kindergarten divisions are organized for national minority children on the same basis.

539. The number of schools for national minorities and pupils receiving their education in their language is systematically increasing. Classes in which teaching is conducted in a national minority language can be organized for groups as small as 7 pupils in primary schools and 14 in secondary schools. Schools in which a national minority language is used as a language of instruction issue bilingual certificates. Textbooks for learning the national minority languages are provided free to pupils. In order to ensure full respect of the educational rights of minorities, to avoid infringing the law and to ensure a high standard of education there are special plenipotentiaries for minority education in school superintendents' offices. The religious rights of minorities are regulated by separate rules.

540. Polish educational law creates the conditions for cooperation of school management institutions with social and cultural organizations of the minorities. One of the forms such cooperation takes is the participation of those societies in the drafting of documents that regulate the realization of the educational rights of minorities, as well as in the design and assessment of curricula for subjects that are of specific interest to a particular minority. They also help to choose the authors of textbooks, as well as the teachers and their training.

541. Teaching of their native languages, as well as geography and history, for the German, Byelorussian, Ukrainian, Lithuanian, Slovak, Romany and, recently, Kashubian and Jewish national minorities is carried out in Poland. Some of those minorities have started to realize their educational rights only recently (the German minority in 1991, after the ratification of The Good Neighbourhood and Friendly Cooperation Treaty with Germany; the Romany minority, as a pilot experiment, since 1992; the Jewish minority since 1994).

542. The current state of national minority education is demonstrated in table 65.

Action leading to improvement of the educational situation in Poland

543. The Government started to implement the "Good and modern school - continuation of educational transformations" programme in 1993. This programme includes State guarantees in the area of education and care of pupils, the direction of changes in the curriculum, legislation, the education management and funding system, as well as the legal status of teachers. The aim of those undertakings is to ensure wide access to educational services for children and youth; the possibility for young people with appropriate abilities and aspirations to receive secondary and higher education; a prompt reaction to the transformations in society, as well as to social and economic needs (amongst others, the needs of the labour market). The programme ensures the subjectivity of pupils and teachers, the important participation of parents in the shaping of teaching and guidance processes and educational opportunities for disabled children and youth, or those in need of special care.

544. Work on the preparation of alternative curricula is continuing. The basis of the programme established centrally by the Ministry of National Education should in future be documents shaping the general educational policy. The basis of the new programme has been in preparation since 1992. At the same time, the Minister of National Education issued a regulation of 2 June 1993 concerning the rules and conditions for carrying out innovational and experimental activity by schools and public institutions, introducing decentralization of decision-making in the area of realization of the teacher-as-author curricula (the decision is now made by teachers' councils in schools). This idea resulted in a much more active programme of initiatives by teachers.

545. Tasks in the area of general education are systematically being widened. In the period 1992-1994 the following programmes were introduced:

Pro-health education, on the basis of the National Health Protection Programme and the Act concerning the prevention of drug abuse;

Ecological education, on the basis of the Act concerning the protection of nature;

Sexual education, on the basis of the Act concerning family planning, the protection of the human foetus and the conditions of permissibility of abortion;

Traffic education, on the basis of guidance from the Road Safety Council at the Ministers Council Office (URM), resulting from a United Nations and World Bank recommendation.

546. In the sphere of activities to increase teaching efficiency, projects for a new marking and State examination system, including rules for carrying out the secondary school certificate examination according to given, equal criteria and rules throughout the country, are under way. The necessity to introduce comparability of results of education and certificates, and the obligatory standardization of general education was articulated, together with decisions concerning the introduction of a wide choice of programmes and the development of school autonomy. At the end of 1993, in cooperation with the European Union Support programme and PHARE an expert report entitled "An introductory study of the national marking system in Polish post-primary education" was compiled as the starting point for reform.

The conditions of work for teaching staff

547. A decrease in funds for education and the introduction of an adjustment programme in 1991 had a negative impact on the financial situation of teachers and schools. It is only partially compensated for by opportunities for earning extra income by undertaking non-obligatory tasks and teaching paid-for courses.

548. A comparison of salaries, in the manufacturing sector, the national budget, education and higher education from 1988 to 1994 is presented in table 66. As that table demonstrates, the wages of teachers in different years were relatively smaller, and since the beginning of 1990 have shown a decreasing trend compared to wages in the production sector and, indirectly, the financial sector as well.

549. Apart from wages, the following factors influence the conditions of work of teaching staff:

(i) The obligatory number of teaching hours, which is:

18 hours a week for primary and secondary school teachers, as well as for teachers of theoretical subjects in trade schools;

22 hours a week for practical vocational training teachers in all types of schools;

30 hours, for teacher-librarians in school libraries;

30 hours for pupils' hostel and dormitory tutors;

24 hours for tutors in special institutions, special school common rooms and care-taking tutors;

20 hours for psychological and pedagogical advisory centre teachers;

12 hours for language school teachers.

(ii) Social rights, which include:

Separate rules for creating social benefit funds in institutions (a more advantageous calculation rate);

The assurance of budget funds for health care;

The opportunity to take time off in order to restore health and recuperate in a sanatorium;

Additional rights of teachers who live in villages and towns of up to 5,000 inhabitants (the right to accommodation within the premises of their work place, a partial refund of the administration charge and flat maintenance costs, the right to use part of the school grounds for private purposes, the refund of costs of transport to a doctor or hospital).

550. A particular privilege of teachers is their holiday allowance, which corresponds with school holidays (two weeks in winter, two months in summer); and amounts to not less than eight weeks. Teachers employed in institutions where school holidays do not apply have a holiday allowance of six weeks.

551. Apart from the above-mentioned privileges, teachers have the right to early retirement on the basis of specific regulations:

Article 88, part 1, of the Teacher's Card: independent of age, after having worked for 30 years, of which 20 as a teacher; or 25 years and 20 as a special school teacher;

The regulations of the Order of the Council of Ministers of 7 February 1993 concerning retirement and the increase of pensions for those employed in difficult conditions or in a post of a specific character: on the basis of a 15-year period of work in a teaching profession, after reaching the age of 55 years and 20 years of employment for women and 60 years of age and 25 years of employment for men.

Legal acts

552. The following legislation is relevant to the implementation of article 13:

The Act of 7 September 1991 concerning the education system (Dziennik Ustaw No. 95, Text 425);

The Act of 12 September 1990 concerning higher education (Dziennik Ustaw No. 65, Text 385);

The Order of the Minister of National Education of 24 March 1992 concerning the organization of education which would sustain the national, ethnic and linguistic identity of pupils belonging to national minorities (Dziennik Ustaw No. 34, Text 150).

Table 62. Primary schools, 1993/1994

Type	Number	Forms	Teachers		Pupils
			Full time	Part time	
<u>Total</u>	19 212	230 478	310 851	40 758	5 178 161
Primary schools	16 621	224 826	304 828	39 149	5 113 733
Including with I-VIII forms	14 283	213 930	291 566	35 250	4 938 933
School branches	2 591	5 652	6 023	1 609	64 428
<u>Towns</u>					
Total	4 930	126 910	174 602	21 918	3 278 525
Primary schools	4 883	126 727	174 404	21 885	3 275 217
Including with I-VIII forms	4 515	123 092	169 846	20 042	3 196 770
School branches	47	183	198	33	3 308
<u>Villages</u>					
Total	14 282	103 568	136 249	18 840	1 899 636
Primary schools	11 738	98 099	130 424	17 264	1 838 516
Including with I-VIII forms	9 768	90 838	121 720	15 208	1 742 163
School branches	2 544	5 469	5 825	1 576	61 120

Table 62. Primary schools, 1993/1994 (continued)

Type	Number	Forms	Teachers		Pupils
			Full time	Part time	
<u>Public schools</u>					
Total	18 946	228 669	308 677	38 267	5 154 878
Primary schools	16 356	223 018	302 655	36 659	5 090 455
Including with I-VIII forms	14 195	213 138	290 628	34 015	4 928 786
School branches	2 590	5 651	6 022	1 608	64 423
<u>Non-public with rights of public schools</u>					
Total	266	1 809	2 184	2 491	23 283
Primary schools	265	1 808	2 183	2 490	23 278
Including with I-VIII forms	88	792	938	1 235	10 147
School branches	1	1	1	1	5
Schools without combined classes	13 201	-	-	-	4 855 873
Schools with combined classes	3 420	-	-	-	257 860

Table 63. Schools, pupils, graduates in school year 1994/1995

Type of school	Total			Schools by type											
	Schools	Pupils	Graduates	Public				Non-public with rights of public				Non-public			
				Schools	Pupils	Graduates	Schools	Pupils	Graduates	Schools	Pupils	Graduates			
Primary schools - total	19 174	5 105 768	623 273	18 892	5 079 283	621 899	282	26 485	1 374	0	0	0	0		
Primary schools + branches	19 145	5 098 140	622 607	18 865	5 071 723	621 233	280	26 417	1 374	0	0	0	0		
Primary schools	16 560	5 035 336	622 525	16 281	5 008 928	621 151	279	26 408	1 374	0	0	0	0		
Branches	2 585	62 804	82	2 584	62 795	82	1	9	0	0	0	0	0		
Art schools of first degree of education in the field of general and art subjects	29	7 528	666	27	7 560	666	2	68	0	0	0	0	0		
General secondary schools	1 638	648 573	122 657	1 363	621 715	119 026	254	25 982	3 582	21	876	49	49		
For youth	1 625	648 020	122 549	1 351	621 171	118 918	253	25 973	3 582	21	876	49	49		
For youth - special	13	553	108	12	544	108	1	9	0	0	0	0	0		
Vocational schools a/	8 088	1 634 307	401 882	7 803	1 608 656	396 239	172	18 725	4 306	113	6 916	1 337	1 337		
Basic schools a/	2 669	745 771	235 058	2 630	739 518	234 408	30	5 756	562	9	497	88	88		
For youth	2 385	719 269	227 519	2 349	713 099	225 919	28	5 680	512	8	490	88	88		
For youth - special	284	26 502	7 539	281	26 419	7 489	2	76	50	1	7	0	0		
Secondary schools a/	4 554	804 080	137 827	4 486	800 017	137 699	50	3 391	128	18	672	0	0		
For youth	4 475	792 118	135 511	4 411	788 200	135 390	46	3 246	121	18	672	0	0		
On the programme basis of:															
Primary school	3 555	718 460	116 522	3 505	715 288	116 418	37	2 701	104	13	471	0	0		
Basic school	919	73 629	18 964	905	72 883	18 947	9	545	17	5	201	0	0		
Form II of secondary general school	1	29	25	1	29	25	0	0	0	0	0	0	0		
Art schools of II grade	139	18 792	2 934	132	18 629	2 934	4	104	0	3	59	0	0		
Incl. schools educating in general and art subjects	62	10 877	2 117	61	10 845	2 117	1	32	0	0	0	0	0		
For youth - special	17	1 085	199	14	972	192	3	113	7	0	0	0	0		
On the programme basis of:															
Primary school	13	864	140	10	751	133	3	113	7	0	0	0	0		
Basic school	4	221	59	4	221	59	0	0	0	0	0	0	0		
Post-secondary schools	865	84 456	28 997	687	69 131	24 132	92	9 578	3 616	86	5 747	1 249	1 249		
In day system	861	84 030	28 891	686	69 023	24 090	89	9 260	3 552	86	5 747	1 249	1 249		
Special - in day system	4	426	106	1	108	42	3	318	64	0	0	0	0		

a/ Art schools of II grade have been included, which provide education in both general secondary and art subjects.

Table 64. Non-public schools (1994/1995)

Voivodeship	Primary schools		General secondary schools		Vocational schools	
	No. of schools	No. of pupils	No. of schools	No. of pupils	No. of schools	No. of pupils
St. Warszawskie	75	11 099	59	5 045	66	10 032
Białkopodlaskie	1	31	0	0	2	48
Białostockie	15	1 093	5	405	20	1 829
Bielskie	4	356	6	522	22	2 944
Bydgoskie	3	114	13	1 436	11	1 626
Chełmskie	1	201	2	93	1	55
Ciechanowskie	3	221	2	105	5	586
Częstochowskie	4	408	3	377	7	454
Elbląskie	2	145	0	0	0	0
Gdańskie	23	1 975	14	1 288	14	882
Gorzowskie	2	359	3	335	5	326
Jeleniogórskie	3	178	0	0	0	0
Kaliskie	2	34	5	418	0	0
Katowickie	39	3 546	55	2 738	33	2 902
Kieleckie	4	351	2	175	17	3 904
Konińskie	0	0	0	0	3	292
Koszalińskie	7	705	5	886	7	471
M. Krakowskie	12	1 069	17	1 599	20	1 904
Krośnieńskie	1	27	3	200	3	0
Legnickie	2	127	2	252	7	671
Leszczyńskie	0	0	0	0	5	113
Lubelskie	11	941	15	995	9	1 274
Łomżyńskie	1	61	2	286	12	583
M. Łódzkie	22	2 210	31	1 542	40	1 965
Nowosądeckie	1	62	5	404	13	1 374
Olsztyńskie	6	332	8	504	7	555
Opolskie	3	225	1	165	14	1 083
Ostrołęckie	4	177	3	183	1	62
Piłskie	3	143	2	161	4	900
Piotrkowskie	2	145	3	252	3	333
Płockie	3	83	8	607	29	1 483
Poznańskie	14	1 596	9	1 173	22	2 178
Przemyskie	4	256	1	35	4	186
Radomskie	1	195	4	518	9	997
Rzeszowskie	7	430	1	59	4	789
Siedleckie	4	338	1	26	1	104
Sieradzkie	1	161	2	118	0	0
Skiermiewickie	6	353	6	632	14	2 970
Słupskie	2	140	7	756	2	145
Suwalskie	3	195	3	199	12	1 121
Szczecińskie	10	807	29	3 763	44	4 373
Tarnobrzeskie	2	191	2	310	5	646
Tarnowskie	3	331	1	68	0	0
Toruńskie	7	508	3	138	11	762
Wałbrzyskie	5	393	6	271	6	342
Włocławskie	3	229	4	552	10	683
Wrocławskie	8	714	13	3 001	33	2 969
Zamojskie	0	0	1	95	0	0
Zielonogórskie	4	248	3	307	2	156
Total country	343	33 503	370	32 994	559	57 322

School total: 1 272

Pupils total: 123 819

Table 65. Full-time special schooling (1992/1993)

	Primary schools	General secondary schools	Basic schools	Second. vocational	Post-secondary
Schools	768	12	270	16	2
Forms	7 179	42	1 721	61	7
Pupils	82 171	437	24 684	874	223
Including girls	32 221	243	10 681	521	104
Full-time teachers	11 737	61	2 303	112	7

Table 66. Teaching of a native language in primary and post-primary schools for children and youth of national minorities in the school year 1994/1995 (on the basis of GUS data)

Language	Level	Educ. instit.	Pupils	Teachers
National minority languages	Total	198	13 391	305
	Primary schools	189	12 000	289
	Post-primary schools	9	1 391	18
	Including:			
	Primary with minority language of instruction	10	723	29
	Primary bilingual school	3	329	15
	Primary with minority language as an additional subject	188	10 553	232
	Sec. general with minority language of instruction	4	512	7
	Sec. general with minority language as an additional subject	3	824	7
	Basic with minority language of instruction	1	30	2
Inter-school union for primary school pupils	10	395	13	
Inter-school union for post-primary school pupils	1	25	0	

Table 66 (continued)

Byelorussian	Total	44	3 897	78
	Primary schools	42	3 110	70
	Post-primary schools	2	787	8
	Including: Primary with minority language as an additional subject	42	3 110	70
	Sec. general with minority language as an additional subject	2	787	8
Lithuanian	Total	12	782	30
	Primary schools total	10	812	28
	Post-primary schools total	2	170	4
	Including: Primary with minority language of instruction	4	192	7
	Primary bilingual school	2	305	13
	Primary with minority language as an additional subject	3	98	5
	Sec. general with minority language of instruction	1	140	2
	Basic with minority language of instruction	1	30	2
	Inter-school union for primary school pupils	1	17	1
Ukrainian	Total	59	1 939	82
	Primary schools total	55	1 542	77
	Post-primary schools total	4	397	5
	Including: Primary with minority language of instruction	4	393	14
	Primary with minority language as an additional subject	42	771	51
	Sec. general with minority language of instruction	3	372	5

Table 66 (continued)

Ukrainian (cont'd)	Inter-school union for primary school pupils	9	378	12
	Inter-school union for post-primary school pupils	1	25	0
German	Total	87	8 151	92
	Primary schools total	87	8 152	92
	Post-primary schools total	0	0	0
	Including: Primary with minority language as an additional subject	87	8 152	92
Slovak	Total	15	597	23
	Primary schools total	14	580	22
	Post-primary schools total	1	37	1
	Including: Primary with minority language of instruction	2	138	8
	Primary with minority language as additional	12	422	14
	Sec. general with minority language as an additional subject	1	37	1
Kashubian	Total	1	24	2
	Primary schools total	1	24	2
	Post-primary schools total	0	0	0
	Including: Primary bilingual school	1	24	2

Table 67. Wages in education (besides higher) and higher education over the period 1988-1994

Year	Average wages		% 3.2	Average wages in education (besides higher)		% 5.2	Average wages in higher education		% 8.2
	In manufacturing sector	Provided for in the national budget (including judges, public prosecutors)		Total (Ministry of National Education and other mins. coordinated by this Min.)	Including Teachers		Total	Including Teachers	
1	2	3	4	5	6	7	8	9	10
1988	56 294 zl	41 324 zl	73.4	36 751 zl	50 160 zl	65.3	43 306 zl	48 826 zl	76.9
1989	212 108 zl	194 371 zl	91.6	186 598 zl	209 314 zl	88.0	215 258 zl	239 492 zl	101.5
1990	1 021.0 th.zl	1 092.4 th.zl	107.0	1 041.1 th.zl	1 167.5 th.zl	192.0	1 177.2 th.zl	1 317.2 th.zl	115.3
1991	1 780.4 th.zl	1 674.3 th.zl	94.0	1 611.0 th.zl	1 779.2 th.zl	90.5	1 792.0 th.zl	2 020.4 th.zl	100.6
1992	2 918.1 th.zl	2 711.4 th.zl	92.9	2 497.9 th.zl	2 774.7 th.zl	85.6	2 955.0 th.zl	3 311.0 th.zl	101.2
1993	4 061.0 th.zl	3 615.3 th.zl	89.0	3 376.6 th.zl	3 739.2 th.zl	83.1	4 077.0 th.zl	4 584.0 th.zl	100.4
1994 plan	Planned performance in enterprise sector 5 435.0 th.zl	4 730.0 th.zl	87.0 79.7	4 314.2 th.zl	4 770.2 th.zl	79.4	4 731.0 th.zl	5 372.0 th.zl	87.0
1994 (half-year)	Enterprise sector 5 195.0 th.zl	Whole budgetary sphere 4 626.12 th.zl	89.0				Only Min.Nat.Educ. + grant fund 5 142.0 th.zl without grant fund 4 555.0 th.zl No data for 1994 from higher schools of other ministries	No data available	99.0 87.7

Article 14. The right to free primary education

553. The answers to questions concerning the implementation of article 14 have been included in the report under article 13.

Article 15. The right to participation in culture

Institutional infrastructure ensuring society's participation in culture

554. As far as infrastructure is concerned, there are significant differences between cities and villages, as well as between individual regions and voivodeships. The network of facilities is better distributed in the cities and the larger voivodeships (Warsaw, Katowice, Cracow, Łódź voivodeships). There is greater use of cultural institutions in cities, a result of easier access to them and a higher average level of education of city dwellers. Education is the main factor determining the use of traditional institutions promoting artistic culture and the perception of messages transmitted through the audio-visual media.

555. Surveys demonstrate the increasing role of television as a means of transmitting culture and as a medium that enables people to participate in cultural life (81 per cent of people taking part in surveys state that television gives its viewers broad access to culture; only 9 per cent deny this). Cultural reorientation processes involving abandoning the traditional institutional forms of culture and traditional cultural values in favour of an audio-visual culture and a home-centred model of participation are likely to spread.

Public libraries

556. One of the main forms of participation in culture is reading. An important part in its development is played by libraries, whose large stocks and easy availability are more and more important in a situation where book and newspaper prices are increasing.

557. In 1990 the network of public libraries (including affiliated institutions) amounted to 10,269 units. By the end of 1993, 664 of them had closed (6.5 per cent). ^{22/} The closing of libraries by local administrative bodies particularly affected village communities. During the past year, 165 libraries were closed; however, in five voivodeships a slight increase in the number of libraries was observed. ^{23/} It is hard to determine the real reasons for closing cultural institutions. Some of the libraries were closed because they were underutilized; however, some were closed automatically without any prior analysis of the situation. The opening hours for some libraries were also shortened, owing to financial problems.

558. Over a three-year period, the number of libraries staffed by volunteers decreased from 17,565 to 5,692. ^{24/} Although they only had old and rarely updated book collections at their disposal, they still provided an access to books for approximately 15 per cent of Polish readers. At the present time there are no funds available for the production of Polish library buses or the import of foreign buses that are successfully used in all Western countries.

559. In 1994 the public libraries owned more than 136 million books (3 books per citizen). Through purchases and gifts, libraries obtained 4,891,000 books and 179,000 units of audio-visual equipment in 1993 and, respectively,

4,303,000 and 156,000 in 1994. The rate of increase in the size of book collections has slowed down during the past few years owing to financial limitations; the number of new issues bought by libraries has fallen. Elimination of old books from stocks causes large losses in book levels, particularly in the countryside. The established purchase index of 18 volumes per 100 citizens decreased to 7.8 in 1993 and 7.4 in 1994. At the same time, the publishing market has greatly expanded and offers a large selection of books. Owing to book price increases the libraries are spending more money buying relatively fewer books.

560. In 1993 almost 6.7 million readers were registered with libraries (60,000 more than in 1992); in 1994 there were 6.9 million, 220,000 more. This increase applies only to libraries in cities. The number of readers in rural areas decreased by more than 70,000 in 1993 and 28,000 in 1994. A positive phenomenon observed during the past three years is an increase in book loans (also in cities). Results of surveys show a decrease of 9 per cent in the number of people borrowing books.

561. Children and teenagers are of particular concern to libraries. Readers under 15 years of age represent 37 per cent of all readers. Students under 19 years of age make up another large group.

Table 68. Public libraries

Specification	1990	1992	1993	1994
Libraries and affiliated units	10 269	9 770	9 605	9 558
Cities	3 339	3 187	3 122	3 120
Villages	6 930	6 583	6 483	6 438
Library points	17 565	7 351	5 692	4 981
Cities	2 521	1 419	1 210	1 103
Villages	15 044	5 932	4 482	3 878
Book collections (in millions of volumes)	136.6	135.5	135.9	136.2
Readers (in thousands)	7 422.9	6 612.7	6 671.0	6 893.2
Cities	4 614.1	4 433.7	4 567.6	4 818.2
Villages	2 808.8	2 179.0	2 103.4	2 075.0
Loans (in millions of volumes)	155.0	148.6	151.3	156.8
Increase in books (in thousands of volumes)	5 309	5 355	4 891	4 303
Increases in audio-visual sets	-	205	212	156
Book purchases (in volumes per 100 citizens)	10.0	8.9	7.8	7.4

562. Libraries are often the only cultural facilities in rural areas. In addition to lending books they carry out cultural education tasks, as well as organizing amateur artistic events, exhibitions and concerts. They are important centres of scientific information as well, and they organize video cassette and compact disc collections.

563. Many examples of positive changes in libraries can be observed such as new organizational ideas, improvements in the use of computers and computer programmes to rationalize and modernize their work.

Culture clubs, centres, houses and common rooms

564. Cultural activity involves promoting and protecting culture, according to the Act of 25 October 1991 concerning organizing and performing cultural activities. For this purpose culture houses, centres, clubs and common rooms have been established to foster cultural education through art. They also provide proper surroundings for the development of amateur artistic movements and interest in science and art, the development of folk culture, as well as folk and artistic creativity. They are also responsible for recognizing, enforcing and fulfilling cultural needs and interests.

565. In 1993 there were 3,792 cultural houses, centres, clubs and common rooms, 310 fewer than in 1991. Of these, 88 per cent were owned by the public sector and only 12 per cent by the private sector. Most of them were institutions established by local authorities (77.6 per cent in cities and 97.9 per cent in villages). Ninety-four per cent of the 458 institutions run by the private sector were in cities. Most of them were established by local communities. There were 26,230 people employed part time in these places, in addition to a number of full-time staff. Despite the decrease in the number of centres, the number of artistic groups increased from 12,091 to 13,310 during that time. Most of them were instrumental and musical groups (4,442), dance groups (2,934) and theatre groups (2,144). The activities of folk groups (1,968) as well as vocal and choir groups (1,688) continued. The number of members of those groups reached 208,400 people in 1993, of whom 120,600 were children and teenagers. The artistic activity was supervised by 7,200 highly qualified instructors, tutors, choreographers and accompanists (their number decreased compared with previous years).

566. Therapeutic societies (clubs) carried out many activities for the benefit of disabled people and those suffering from social pathologies. Specialist workshops conducted technical, photographic and computer courses for both children and adults.

567. As part of an interdisciplinary programme of cultural education for children and youth, music (61,500), theatre (22,200) and art (34,500) workshops were conducted. Approximately 870,000 children and young people attending school participated.

568. Most cultural institutions are public. The main ones are libraries, culture houses, theatres and museums. The private sector institutions are mainly art galleries and cinemas, as well as television and radio stations.

Regional societies

569. During the past two years we have observed the establishment of many new regional societies, as well as an increase in the activity of social organizations that already existed. In the difficult circumstances of a social and political "transformation period" these societies complement the activity of specialized professional institutions. For the first time in the history of Polish localism, at the Fifth Congress of Regional Cultural Societies in Wrocław (September 1994) the Polish Localism Charter was signed. This document is the constitution of regional movements in Poland. The State Council for Regional Cultural Societies, which represents the interests of approximately 1,300 societies with more than 300,000 members, has applied to the highest constitutional and executive authorities to grant the Charter the status of a State document.

The creation of the proper conditions to ensure wide access to culture

570. The established priorities in the cultural policy of the State are to support writers and publishers and encourage reading, to protect the cultural heritage and to promote cultural education. They involve an obligation to maintain the network of public libraries (State and community owned) in order to ensure access to books for all social groups, as well as the obligation to enable libraries to buy new issues regularly. On the basis of a government resolution of 1994, an additional amount of 20 billion zlotys (approximately \$US 1 million) was provided for the purchase of new books for public libraries.

571. Cultural magazines are also supported. They act as transmitters between the creators and receivers of culture and they encourage the intellectual life of local communities and regions. The Ministry of Culture spent approximately 11 billion zlotys for the publication of such magazines in 1994.

572. A pilot experiment involving transferring the management of 89 State-owned cultural institutions to local authorities was carried out in 1993 as part of a programme of decentralization of cultural institutions in order to bring them closer to the needs of local communities. This transformation was achieved without altering either the basic constitutional tasks of the institutions or their staff.

573. Together with union organizations a project of The Citizens' Social Assurance in the Sphere of the Cultural Charter was signed on 20 June 1995. Signing of the Charter will be possible after the establishment of a culture fund, which, in addition to the budget, would be an important source of support for cultural activities and initiatives.

574. A project has been designed to update the Act concerning libraries in order to adjust their organization to take account of the new social and economic situation and the State administrative regime. Expanding the rights of the State Library Council will serve to develop functional connections among various libraries as well as offer possibilities for sponsoring their modernization and other priority tasks.

575. Another project has been prepared concerning legal regulations that would allow the transfer of some State tasks to non-State institutions (the Council of Ministers Order of 15 November 1994, introduced on 1 January 1995). A legal act has great meaning for the support of local activities and new cultural initiatives by the State.

576. A programme called "vanishing professions" has been designed to protect folk culture and folk creativity. The programme, which started in 1993, is supposed to counteract the degradation and ensure the protection of unique areas of folk handicraft (pottery, the blacksmith's craft, weaving, toy-making, plaiting, reconstructing and producing musical instruments used in folk music).

577. The promotion and dissemination of folk culture is carried out in the media. A Radio Centre of Folk Culture has been established. The Ministry of Culture and Art sponsors scientific and popular magazines that deal with topics concerning folk culture such as: Twórczość Ludowa (Folk Creativity), Polska Sztuka Ludowa (Polish Folk Art), Lud (The People) and Literatura Ludowa (Folk Literature).

The protection and presentation of cultural heritage

578. In July 1990 Parliament updated the Act concerning the protection of cultural objects and museums. On this basis the State Service for the Protection of Monuments started its activity in January 1991. One of the main legal and organizational changes introduced later was the establishment of 15 historic monuments by the President of the Republic of Poland (at the proposal of the Minister of Culture and Art). [A draft order concerning the particular protection of historical objects is at the stage of interdisciplinary consultations.] In addition, the acts passed in 1994, i.e. the Building Law, the Space Management Law and the Toll-Motorways Law, contain regulations that provide greater protection than hitherto of cultural objects situated within the area of planned developments. Provisions for the protection of monuments were also contained in the Council of Ministers Orders concerning the establishment of Magórski and Biebrzański National Parks. Towards the end of 1994, the Minister of Culture and Art signed, with the President of the State Treasury Agricultural Agency, an agreement concerning conservation, by the Agency, of the monuments situated on its properties.

579. In the years 1992 and 1993 the voivodeship monument conservators entered 1,396 and 1,450 objects respectively, in the immovable monuments register.

580. The Minister of Culture and Art organized a Baltic Countries Conference to address the increasing theft and smuggling of art objects. The Conference's aim was to adopt common conclusions to stop these phenomena.

581. The question of Polish international cultural contacts in the area of protection of cultural heritage has recently become particularly important.

582. The Old Town in Zamość was placed on the UNESCO World Heritage List in 1992.

583. During the past few years Poland received financial support from the European Union for the conservation of:

Marienberg Castle in 1992;

The garden of the Royal Castle in Warsaw in 1993;

The Palance Theatre in Łańcut and the Open Theatre in Łazienki Królewskie in 1994.

584. The organization Europa Nostra gave an award to the Hunters Palace in Antonin, Kalisz voivodeship, in 1993. The Council of Europe gave an award to the Regional Centre of Studies and Protection of Cultural Environment in Szczecin for the design of the project "The spiritual and material heritage of the Cistercians".

585. It should be emphasized that Poland has taken part in the celebration of European Heritage Day annually since 1993.

The legal protection of the freedom of artistic creativity

586. The legal freedom of artistic creativity and protection of its results, as well as the freedom to distribute the results, are regulated in, amongst others, the Act of 4 February 1994 concerning authors' rights and related rights (Dziennik Ustaw No. 24, Text 83 with changes). The level of protection ensured in the Act is in line with current tendencies to offer the widest possible protection to the products of creative thought, or so-called intellectual property. The protection afforded by the Act lasts for a period of 50 years after the author's death. Rigid limitations on the range of so-called obligatory licences and permitted use are intended to protect the author's interests to the greatest possible extent.

Museum management

587. Issues relating to museum management are regulated by the Act of 15 February 1962 concerning the protection of cultural objects and museums (with changes introduced later). The structure of this Act in its current form is the result of the internal structure of the Ministry of Culture and Art that existed when the Act was passed and does not meet the needs of modern Polish museums. A change in the way of thinking about the role of museums has occurred in the meantime. Their range of activity has widened considerably (scientific, educational and creative functions). The current legal regulations do not suit the transformations in the system that have occurred in Poland. Therefore, in 1994 the Ministry drafted a new act concerning museums which solves all the problems concerning the old legal regulations and introduces, amongst other things, new (in the legal sense) provisions concerning the definition of a museum, the supervisory bodies, the Museum Register, the museum director. The project is generally supported in all museum circles.

588. The current museum structure consists of 19 museums under the Ministry of Culture and Art, 6 under other ministries and approximately 150 under voivodeships; approximately 140 are communal museums and more than 70 belong to social organizations, cooperatives, churches, etc. The number of museums

has not changed dramatically in the past few years: there are approximately 570, with some 170 affiliates. A few affiliates were closed and their collections taken by other museums.

589. The main dilemmas of Polish museum management currently are problems concerning the expansion of particular collections, as well as their conservation and protection.

590. In museums, as in other cultural institutions, a slow increase in the frequency of visits (after the collapse in 1990/1991) can be observed. The data concerning this phenomenon is shown in table 69.

Table 69. Frequency of visits to museums

	1992	1993	1994
Museums (with affiliates)	564	567	578
Exhibitions (total)	2 577	2 791	2 953
Incl. temporary	2 080	2 210	2 396
Travelling	497	581	557
Visitors total (in thousands)	14 245	15 629	16 574
Incl. school students	5 900	5 982	6 718
Per 1,000 inhabitants	371	406	430

591. It is worth noting the didactic activities of museums, such as the organization of museum lessons, lectures, concerts and the screening of films about art. The data concerning this kind of activity is presented in the following table.

Table 70. Activity of museums in the field of aesthetic education in 1992-1993

Specification	1992	1993	1994
Museum lessons	26 366	31 233	35 968
Participants	808 397	930 789	995 916
Lectures	6 884	6 827	6 297
Participants	285 194	269 296	386 505
Concerts	2 107	2 401	2 790
Participants	342 451	407 205	427 156
Screening of films about art	18 578	17 768	20 094
Participants	948 928	868 312	968 497

Cinematography

592. Wide participation in the cultural life of the country is achieved through the financial support of some foreign film initiatives that take place in Poland, organized by public as well as private institutions as a result of, inter alia, international agreements, treaties and cultural cooperation programmes. Funds are given every year by the State to cinematography that partially or, in some well-justified cases, totally cover the expenses of promoting Polish film art abroad. Such promotion is carried out through the participation of Polish films and film makers in international film festivals and other international exhibitions. Both State and private film producers, as well as other institutions that promote Polish culture abroad, can apply for these funds with equal rights.

593. The Filmoteka Narodowa (National Film Collection) has a primary role in the protection and presentation of Polish and global cinematic achievements. Filmoteka collects and provides film stocks (the main collection consists of approximately 15,000 titles from all over the world). This collection is used by the film archive cinema "Iluzjon", as well as film societies, universities, cultural centres all around the country, foreign embassies, foreign culture centres in Poland and others. The film collection also contains historical documents (approximately 20,000 books, magazines, scripts, posters, photographs). The reading room attached to the Filmoteka provides access to these collections.

Protection of authors' rights

594. In order to fulfil every author's right to benefit from the protection of both the material and non-material results of his or her work, an Act was passed on 4 February 1994 concerning authors' rights and related rights (Dziennik Ustaw No. 24 of 1994, Text 83). The Act is supposed to fulfil other cultural needs of society at the same time, as far as possible. In addition, the Convention for the Protection of Literary and Artistic Works (Bern Convention) was ratified in 1994.

595. Within the last few years important changes in the functioning of the cultural system have occurred as a result of the transformation of the political and economic systems. Many legal acts were updated or replaced by others that were adapted to the new legal reality.

596. Preparations for the ratification of the International Convention concerning the Protection of Performing Artists, Sound Recording Engineers and Broadcasting Organizations (Bern Convention) are continuing; the obligation to ratify this Convention was imposed on Poland by the European Treaty.

597. Problems concerning the protection of intellectual property are at the moment regulated by the Act of 4 February 1994 concerning authors' rights and related rights. It protects intellectual property of the person (legal and physical), the author, the producer, the publisher and all their legal successors. There are civil as well as legal sanctions for the violation of an author's rights. In accordance with the Act, authors, producers, publishers, etc., both Polish and foreign, are protected on equal and reciprocal terms, i.e. in strict adherence to the rules contained in international conventions. In order to achieve more efficient anti-piracy

protection, Parliament passed the Act concerning cinematography in 1987. According to that Act, the distribution and copying of films is a State concession, granted by the President of the Cinematography Committee. The distribution of "pirate" films will result in the withdrawal of the concession and the institution of legal proceedings by the public prosecutor.

Actions leading to the propagation of science and culture

598. Through the agency of the Cinematography Committee, the State financially supports numerous film festivals, reviews, events and exhibitions all over the country (some of them of an international character). In 1992 18 events were supported with 9,000 million old zlotys; in 1993 35 events were supported with 15,557 million old zlotys; in 1994 17 events were supported with 10,600 million old zlotys.

599. There are many film societies in the country that undertake educational and other activities to promote film knowledge. Special awards for achievements in the area of film culture are granted every year to people who spread film knowledge or organize film events.

600. Basic changes in the political, legal and economic systems and in the social situation are threatening the cinema and a decrease in the number of both cinemas and spectators can be observed. According to the Central Statistical Office (GUS) in 1991 there were 960 cinemas, in 1992 772 cinemas, in 1993 705 cinemas and in 1994 713 cinemas. At the moment cinemas are not all State owned. Some are managed by State film institutions, most by municipal or communal councils, culture centres, the army, etc.; there are also privately managed cinemas.

Table 71. Working cinemas and their users

Cinemas	1991	1992	1993	1994
Active (total)	1 195	933	755	759
Run by State film institutions	71	74	32	36
Rented	251	212	200	197
Franchized	41	20	7	6
Private	57	49	42	47
Run by gminas or town councils, cultural centres and military institutions	774	605	474	473

601. There were 6,379 film societies attached to culture houses, centres and clubs in 1993. The privatization of cinematography that started in 1990 caused considerable changes in the ownership structure of the cinemas that were excluded from the administration of State film institutions, as shown above.

602. In order to establish, propagate and protect the development of Polish films, the Cinematography Committee drafts legislation consistent with the current social and economic situation of the country and offers financial support to various kinds of films. Thus, 23 films were made in 1992, 21 films in 1993 and 21 films in 1994. Thirty-three non-feature films (i.e. animated, educational, documentaries) and 52 film chronicles were made in 1992, 39 non-feature films and 52 film chronicles in 1993 and 31 non-feature films and 52 film chronicles in 1994. Most of the films are made on the basis of co-production with foreign producers or offered services.

603. The films described above are subsidized by the Cinematography Committee.

International contacts in the field of culture and art

604. Polish cinematography uses the available opportunities and concessions that allow it to be incorporated in international structures and film organizations. Since 1992 Poland has taken part in the Council of Europe's film fund "Euroimages" (a fund that supports film co-productions within the European Union and partially finances the distribution of artistic European films). The Cinematography Committee pays membership fees and covers the costs of Polish participation in those international organizations, thereby enabling Polish (private and State) producers and distributors to benefit from grants offered by them.

605. Poland also participates in the Eureka Audiovisual organization attached to the European Union. Participation in this organization enables Polish artists, producers and distributors to become acquainted with particular European cinematography. Participation in Eureka Audiovisual also involved payment of a yearly membership fee by the Cinematography Committee.

606. The Cinematography Committee financially supports from its budget the participation of Polish artists, critics and film experts in international film festivals, symposiums, conferences and seminars. The only factor that limits the financial support offered by the Cinematography Committee for the promotion of films within the country and abroad and for participation in international film organizations is a lack of sufficient means. The financial support offered by the Cinematography Committee for the promotion of Polish film art and the participation of film makers in all sorts of international film events and seminars (as well as foreign events within the country) is of a non-repayable character.

Legislation

607. The following legislation is relevant to the implementation of article 15:

Act of 25 October 1991 concerning organizing and performing cultural activities (Dziennik Ustaw No. 114, Text 493).

Act of 6 April 1981 concerning foundations (Dziennik Ustaw No. 46 of 1991, Text 203).

Act of 7 April 1989 concerning societies (Dziennik Ustaw No. 20, Text 104).

Act of 16 July 1987 concerning cinematography (Dziennik Ustaw No. 22, Text 127).

Act of 4 May 1982 concerning the Office of the Minister of Culture and Arts (Dziennik Ustaw No. 14, Text 112).

Act of 4 February 1994 concerning authors' rights and related rights (Dziennik Ustaw No. 24, Text 83)

Council of Ministers Order of 15 November 1994 concerning the list of State tasks that can be commissioned to non-State units (Dziennik Ustaw No. 131, Text 657).

Notes

1/ The results of the surveys are published in the Central Statistical Office (GUS) series Statistical information and papers, "Employment in the national economy by the level of remuneration for September 1992", for September 1993 and for March 1994.

2/ Source: Statistical Yearbooks of the Central Statistical Office (GUS).

3/ A period of six months of uninterrupted insurance may include a period of employment on the basis of an employment relationship before joining the social insurance scheme in respect of such contract, as well as a period of insurance on the basis of other provisions (if a break between these periods does not exceed three months).

4/ This concerns workers employed in particularly unhealthy conditions, in particularly arduous jobs or in conditions requiring high psychophysical efficiency for reasons of personal safety or environmental safety.

5/ This mainly concerns teachers, journalists, creative and performing artists, but also employees of public inspection bodies and some categories of construction workers.

6/ Dziennik Ustaw of 1994 No. 10, Text 36.

7/ Dziennik Ustaw of 1994 No. 53, Text 214.

8/ The right to the disability pension is granted in respect of disability group III only to people fulfilling agency or mandatory contracts for: "Ruch" company; the State enterprise "Totalizator Sportowy"; Central Enterprise of Petroleum Products; Polish Motor Association (refilling stations operation).

9/ That is, provisions governing pensions for workers and their family members.

10/ Order of the Council of Ministers of 8 August 1988 (Dziennik Ustaw No. 29, Text 199, with amendments).

11/ However, certain differences are observed in the system of individual farmers' social insurance. Farmers acquire the right to this allowance on the basis of the Act of 20 December 1990 concerning social insurance of farmers. The right to this allowance depends on the size of a farm per person in the family (up to two hectares taken for the purposes of calculation).

12/ In 1993 the Social Insurance Fund financed the majority of pension benefits and non-agricultural allowances and the Pension Fund financed agricultural pension benefits. In 1985, the Pension Fund existed but was designated for the payment of non-agricultural pension benefits. Non-agricultural allowances were financed directly from the budget. Agricultural benefits were financed by the Farmers' Social Insurance Fund.

13/ Since 1993 benefits for the armed forces have been payable directly from the State budget and since 1995 benefits for the police have also been excluded from the Social Insurance Fund. Thus, there is no longer any reason for the target subsidy to exist.

14/ In endnote 12 changes in the scope of benefits financed by pension funds in 1985 and 1993 were presented. Since 1995, the principles of financing of, for example, family allowances have changed: they will once again be financed from the budget and not from the Social Insurance Fund.

15/ Order of the Minister of Labour and Social Policy of 21 October 1974 concerning employment of people who have not reached the age of 15 years and releasing juveniles from the obligation of further training (Dziennik Ustaw No. 43, Text 260, amended by Dziennik Ustaw of 1989 No. 20, Text 107).

16/ Służba Pracownicza (Personnel Service) No. 11 of 1994, pp. 5-8.

17/ The standard of living of the population. Food requirement of households in 1993. (Information and statistical analyses, GUS, Warsaw 1993).

18/ Acceptance in Poland of the new criteria concerning the birth and death of a baby has brought about an increase (for example, in 1994, of 1,300) in the numbers of both births and deaths registered. Those differences do not, however, have any impact on the total rates for births and deaths; therefore, those measures, expressing the intensity of these demographic phenomena, are comparable in time. The change in methodology has, however, significantly influenced the number of infant deaths - accounting for an increase of 18 to 20 per cent - as well as the rate, which increased by roughly three points.

19/ At the country level, out of 394 administrative units at the primary level that show a higher than country average mortality for accidents and poisoning, 234 are situated in ecologically endangered areas. That is significantly more than with respect to deaths caused by other diseases, such as circulatory system diseases and tumours.

20/ Act of 17 May 1990 on the distribution of tasks and authorities, in particular acts, between gmina organs and government administration organs, and about the modification of certain acts (Government Regulations and Laws Gazette, No. 34, Text 198).

21/ Ordinance of the Ministry of Health and Social Welfare of 5 August 1993 on general conditions and procedures for entering into and determining contracts for the delivery of medical services, and procedures for calculating and settling fees for those services.

22/ 212 (2.2 per cent) libraries altogether were lost in the period 1992-1994.

23/ In 1994 the losses overall amounted to 47 libraries; in 9 voivodeships a slight increase was observed, while in 28 the number decreased.

24/ The number decreased in the period 1992-1994 from 7,351 to 4,981.
