

Circles: Buffalo Women's Journal of Law and Social Policy

Volume 5

Article 16

1-1-1997

Working for Women's Employment Rights in Poland

Kristin Long

Follow this and additional works at: <https://digitalcommons.law.buffalo.edu/circles>



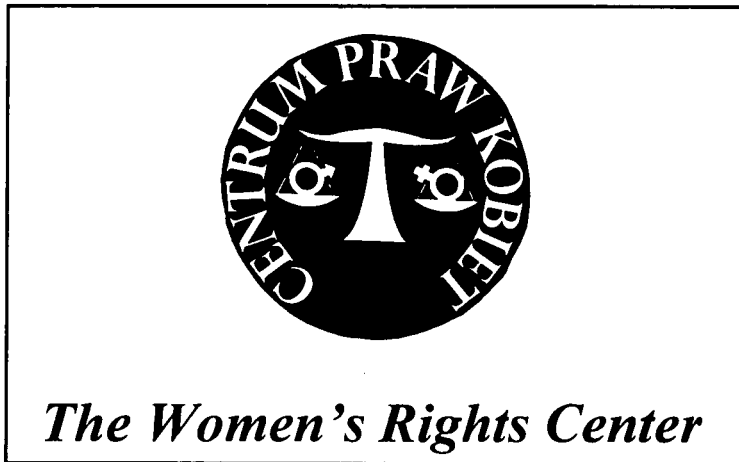
Part of the [Comparative and Foreign Law Commons](#), [Labor and Employment Law Commons](#), and the [Law and Gender Commons](#)

Recommended Citation

Long, Kristin (1997) "Working for Women's Employment Rights in Poland," *Circles: Buffalo Women's Journal of Law and Social Policy*. Vol. 5 , Article 16.

Available at: <https://digitalcommons.law.buffalo.edu/circles/vol5/iss1/16>

This International Column is brought to you for free and open access by the Law Journals at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in *Circles: Buffalo Women's Journal of Law and Social Policy* by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.



Working for Women's Employment Rights in Poland
by Kristin Long

Massive political and economic changes are occurring in Central and Eastern Europe at a markedly rapid rate. As the transition from communist systems to market economies takes place, a wide range of institutions, social structures, and legal frameworks are being revamped, including constitutions, educational systems, health care, legislation affecting reproductive freedom, labour codes, criminal codes, and the nature of the court system. These changes will have a substantial long-term impact on women. Furthermore, despite benefits flowing from a less centralized government, women have been affected disproportionately by the transition. Currently, women earn considerably less than men, are increasingly unemployed, and their political participation has dissipated. It is vital that organizations such as the Women's Rights Center in Warsaw, Poland exist in order to ensure that women's voices are heard throughout the process of transition.

The Women's Rights Center in Warsaw, Poland was founded in 1994 to ensure that equality between women and men and a gender perspective are present during the law-making process and in the application of the law. The Center is a diligent advocate for equal status and opportunities for women and men in public life and within the family. This Center is one of the first of its kind in Central and Eastern Europe, addressing women's issues from a legal perspective,

offering pro-bono legal assistance to women and acting as a legislative watchdog.

One of the most pressing issues affecting women in Poland and Central and Eastern Europe is in the area of employment. The Center co-sponsored a Round Table in June 1996 with the Office for Security and Development in Europe/Office for Democratic Institutions and Human Rights. Entitled "Legal and Institutional Guarantees for Gender Equality in the Labour Market: National Models and International Standards," the Round Table brought together both governmental and non-governmental representatives from over twenty-one countries, including representatives from the World Bank, Council of Europe, the International Labour Organization (ILO), and multi-national companies.

Round Tables such as this allow participants to examine international standards which foster gender equality, developed by such institutions as the European Union, Council of Europe and the ILO. Participants shared successful national models and strategies, and educated others as to the current situation in specific countries within Central and Eastern Europe. Such an exchange facilitated dialogue to identify barriers to gender equality in the labour market, such as sexual harassment, lack of accessible day care facilities, and "protective" legislation (including that which bans women from night work and underground mining). This dialogue was used to develop strategies for the elimination of discrimination.

Women in Central and Eastern Europe have a unique history with respect to employment. Under the communist system, at least on paper, women and men were equal and women were expected to work outside the home. However, the division of labor within the home was not necessarily altered. Therefore, some women welcome the new system as a way to get out of the paid labor force altogether, since many women were in effect forced to work both inside and outside of the home. Notions of equality in the work force are at times equated with the communist system, which is summarily denounced. The work experiences of women in Central and Eastern Europe are unique and Western models, while certainly helpful and instructive for comparison purposes, cannot be automatically adopted due to the particular political situation stemming from a communist past.

The educational system is also under attack. Under the previous system, women and men were both highly educated in state paid schools. Some countries in Central and Eastern Europe are now

shifting from state paid educational systems to private schooling for those who can afford it. There is a very real concern that families may choose to educate sons instead of daughters if forced to choose due to fiscal limitations. The changing education system on first glance may seem gender neutral, but could have a disproportionate effect on women and their ability to compete in the work force down the road.

Another dramatic change felt disproportionately by women and affecting women's employment options is the availability of affordable day care facilities. Under the previous system, day care was readily accessible, even though the quality may not have been exceptional. With the transition away from a centralized government, funding for day care has shifted to the local governments which are severely under funded. Often the first cuts are felt by social services. Since the division of labour at home still falls to women, they are left trying to juggle work with day care or opting to stay at home to raise their children.

Another barrier to gender equality in the labor market is widespread sexual harassment, which is just now being addressed more openly in Central and Eastern Europe, often through media accounts which spark public debate. There are, however, very few women who bring such complaints forward. One reason is the paucity of decent paying jobs. Raising a sexual harassment complaint which could leave a woman unemployed is not an attractive option. There are also some women and men who believe that sexual harassment and differential treatment based on gender is inevitable and tolerable in the workplace. Furthermore, trust in the court system is still being rebuilt, after years of unsatisfactory results. In addition, there are not adequate labor codes to address sexual harassment. The Women's Rights Center and other such organizations utilize the media for general education about sexual harassment, work at passing promising legislation to specifically address sexual harassment, and monitor the court system to ensure that legislation is being properly implemented and applied.

One strategy the Center has utilized is to confront multi-national companies which exercise double standards with respect to sexual harassment policies. Policies in place in Western Europe and North America are often not adopted within Central and Eastern Europe. In some cases, the parent company may make gestures toward extending the measures, but in practice it rarely reaches the work force. For example, a representative from Proctor & Gamble at the Round Table illustrated that sexual harassment policies in the United States

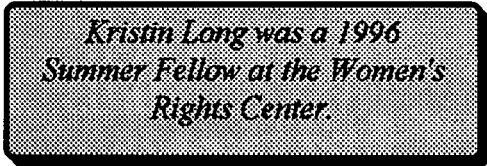
may be mandated in other countries, but they are rarely carried out with real conviction. A woman working for Proctor & Gamble or another multi-national company in the United States would have the benefit of more stringent anti-sexual harassment policies as compared to a similarly situated woman working for the same company in Central Europe. The Women's Rights Center in Poland has worked with several women who have suffered harassment within multi-national firms and through extensive negotiations with the company, involvement of governmental officials, and the threat of media exposure, has reached favorable results. It is an ongoing project to hold multinational companies accountable for their work environments. Given the rapid economic changes and the breathtaking number of multinational companies doing business in Central and Eastern Europe, this approach is highly significant. In addition, some Western companies doing business in Central and Eastern Europe have advertised specifically to hire men, even though women are often more educated. In Lithuania, for example, some companies have even instituted quotas to bring more men onto their staff. It may be a powerful tool in fighting discrimination to confront the double standards of these multinational companies and to hold them accountable for their policies.

As the representatives from the ILO and Council of Europe emphasized, international conventions and treaties signed by respective countries are another powerful tool to use against governments not living up to their stated obligations. Women's groups may be able to capitalize on their respective governments' desire to become members, for example, of the European Union, and may be able to force their government to take the promised steps toward equality.

The transition from centralized systems of government to more local autonomy has produced unexpected results which disproportionately affect women. As we have seen, access to day care and to higher education are moving to individually paid systems. Since decision making is now being realized at the local level, it is vital that women participate in the political process. It is only through the direct, informed involvement of women at every level of the decision-making process that gains can be made. The Women's Rights Center and other organizations serve as information distributors, monitors of legislation and the implementation of such legislation, and as a referral resource to help stimulate women's active participation at all levels.

Organizations such as the Women's Rights Center serve an

important role, not only in the legal arena but also through education and the dissemination of information. Shared information, both within a specific country and throughout the world, is a powerful tool to affect change. Concerted organized action from women in every aspect of daily life and the actions of organizations such as the Women's Rights Center are crucial if women are to achieve equality in the new market economies of Central and Eastern Europe.



*Kristin Long was a 1996
Summer Fellow at the Women's
Rights Center.*