

**Polish National Action Plan
for the Implementation of the United Nations Guiding
Principles on Business and Human Rights
2021-2024**

Ministry of Foreign Affairs

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1. Introduction

The development of responsible business policies has clearly gained momentum in recent years – not only on the international plane, but also in the domestic market. Companies are increasingly aware of the real business consequences and risks associated with non-compliance with responsible business standards. On the other hand, they are more and more consciously building their development strategies for the upcoming years, taking into account the procedures, policies and mechanisms that render it possible to effectively address the areas of influence and social or environmental responsibility of the company. This stems from the growing market maturity and the need to look for a different, more equitable management model as regards distribution of income, which will be focused primarily on the individual, safeguarding observance of their equal social and economic rights. Not only does this present a challenge in a cultural and social context, but above all in an economic context. Ensuring equal access to the labour market for all, decent work that guarantees respect for human rights, is the greatest challenge for entrepreneurs worldwide since the Paris Agreement setting out a global consensus on climate change. However, due to the still evident disparities as regards systems of labour market organisation, a decisive action based on firm expectations and consistent accountability is called for. At the same time, it is vital to ensure intensive educational and awareness-raising activities for companies in the areas of respect for human rights in the context of their specific operations. The role of public administration in the process is twofold. First of all, it should carry out activities aimed at closing the loopholes in the labour market system in order to guarantee decent and safe working conditions for employees, improve mechanisms for asserting rights and redressing harm inflicted and, above all, eliminate any possible irregularities and strengthen the activity of institutions and organisations safeguarding compliance with labour law on the part of entrepreneurs. On the other hand, public administration should facilitate proper conditions for the development of constructive dialogue and partner cooperation of various institutions and organisations involved in furthering the respect for human rights in business. The issue is a very complex one and requires active involvement and cooperation of various offices, institutions, and organisations.

Within the framework of the UN, works have been undertaken to draft a legally binding document relating to human rights in the context of business, and within the framework of the EU work, regulations on ‘due diligence’ procedures in business activities are being prepared. In both cases, the reference point is the United Nations Guiding Principles on Business and Human Rights adopted by the Human Rights Council in 2011. In line with the recommendations of the UN, the EU and the CoE, one of the elements of strengthening respect for human rights in the context of business consists in the fulfilment of the National Action Plans for the implementation of the United Nations Guiding Principles on Business and Human Rights (hereinafter the NAPs). The first edition of the Polish NAP adopted on 29 May 2017 covered the period 2017-2020. A Mid-Term Report (2018) followed by a Final Report (2021) were drawn up to account for the implementation of the NAP. The documents concerning the NAP are available on the website of the Ministry of Foreign Affairs <https://www.gov.pl/web/dyplomacja/krajowy-plan-dzialania-na-rzecz-wdrazania-wytycznych-onz-dotyczacych-biznesu-i-praw-czlowieka-2017-2020>.

The present – second – edition covers the period 2021-2024 and has been drawn up by the Ministry of Foreign Affairs as a coordinator in cooperation with the following institutions:

Ministry of Development Funds and Regional Policy
Ministry of Economic Development and Technology
Ministry of Family and Social Policy
Ministry of Finance
Ministry of Justice
Ministry of the Interior and Administration
Ministry of Agriculture and Rural Development
Ministry of State Assets
Ministry of Culture, National Heritage and Sports
Public Procurement Office
Chief Labour Inspector
Office of Competition and Consumer Protection

The NAP includes the planned activities of individual institutions, prioritising them according to the formula developed in course of drawing up the reports of the first edition. The plan bears no financial implications and will not constitute a basis for applying for additional funds from the state budget. After the adoption of the document by the Council of Ministers, individual ministries and institutions will prepare schedules for the implementation of the planned activities. In 2023, the Ministry of Foreign Affairs in its capacity as the coordinator, in cooperation with relevant ministries and institutions, will prepare a mid-term report on the implementation of the NAP, and in 2025 – a final report. The Ministry of Foreign Affairs will continually hold consultations with individual institutions as regards current activities that form part of the implementation of the NAP's provisions.

2. Ministry of Development Funds and Regional Policy

Regulations on European Funds

As in the years 2014-2020, projects implemented under national and regional Operational Programmes will have to contribute to ensuring equal opportunities for different target groups and thus comply with the applicable national and EU law. Currently, works are underway on the detailed provisions of the regulations relating to EU funds and setting out the directions for activities in this respect.

Activities under the European Social Fund

The scope of support under ESF+ is currently subject to arrangements and consultations. Nevertheless, the proposed direction of actions, implemented both at the level of the future national programme and regional operational programmes, is, among others, support as regards upskilling and improving competencies (including digital ones) of adults.

On the one hand, it is the duty of employers to enable and facilitate improvement of professional qualifications of their employees necessary for them to perform their work. On the other hand, employers should also support the general intellectual development of employees. Moreover, every person has the right to education, to improve their skills or acquire new ones. This brings benefits both in the sphere of personal development of an individual, but also, for example, increases their chances on the labour market – to get a (new) job or to improve the conditions of employment (e.g. promotion to a higher position). ESF+ resources may be used, among others, to co-finance:

a) participation of employees and entrepreneurs in trainings and counselling, tailored to their needs, in the context of current socio-economic challenges (including digital transformation, industry 4.0, innovation),

b) use of available development services by all stakeholders (including persons with low qualifications, persons over 50).

Another area in which ESF+ support will be implemented is care for the youngest children. Ensuring greater availability of care facilities for children below the age of three is one of the key instruments influencing the professional situation of parents and carers, especially women, who are most often responsible for childcare. Increasing the reach of care institutions therefore has a positive impact on the issue of equal opportunities in the labour market. For this reason, ESF+ resources will be used to finance establishment and operation of nurseries, child clubs and day carers as well as activities ensuring high quality of care (such as trainings for personnel of care institutions).

Measures will also be implemented aimed at consolidating the principle of equal opportunities of women and men by supporting employers and employees, inter alia through involvement of social partners, as regards counteracting discrimination on the grounds of sex in the work place.

As part of ESF+, support will be furthered for the development of social economy, as well as social and professional integration of persons threatened by social exclusion. Support will be provided for creation of jobs in social enterprises for persons in the most difficult situation on the labour market. It is also important to support already existing social enterprises so that they could professionalise and develop their activity. Hence considerable focus will be placed on the development of a support system for social economy, in particular professionalization of business services and building management competencies among leaders of social enterprises.

Another important aspect of furthering social economy is the development social economy entities' activities in the field of social services. Social economy entities, operating on the basis of local communities, are an important provider of social services. Thus, it is also critical to build up the market by way of encouraging local authorities to entrust social economy entities with the provision of said services.

A key element in supporting social economy is assuring access to returnable capital. Ensuring the same renders it possible to access funds for development and new investments for social economy entities which have difficulties in obtaining repayable funds in the open market. Under ESF+, the offer of financial instruments will be extended so that their range allows to respond to various needs of the social economy sector and to support entities at different stages of their development.

Accessibility Plus Programme

In the years 2021-2027, initiatives launched in previous years will be continued. In order to provide architectural advice to entrepreneurs, it is planned to launch five accessibility knowledge centres at higher education institutions. The Centres' fields of operation will concern: architecture, urban planning and construction, transport and mobility, digitalisation and communication, design and everyday objects, and health. Specialised Support Centres for Inclusive Education (SCWEW) will be established, based on special schools and institutions, to support mainstream schools and improve the quality of inclusive education. Plans are also in place to renew competitions for entrepreneurs related to the popularisation of products meeting the needs of the elderly and persons with disabilities.

In order to fulfil the obligations resulting from the Act on ensuring accessibility for persons with special needs, a regulation will be drafted providing a basis for optional accessibility certification for entrepreneurs and NGOs. In 2021, an application round for entities entitled to accessibility certification will be conducted and the process will be available to interested entities. An incentive for accessibility certification for entrepreneurs will be discounts on contributions made to the State Fund for the Rehabilitation of the Disabled.

Also in 2021, two other important processes introduced by the Act on ensuring accessibility were launched. The process of reporting on the state of accessibility by public entities began which entailed an obligation on the part of said entities to draw up – by 31 March 2021 – a brief report on the state of play as regards ensuring their accessibility. They will be subject to a reporting obligation every four years. The data from the reports will be aggregated at the voivodeship level and nationwide, providing an overview on the issue of accessibility of the public sector in Poland. In September 2021, a complaint procedure was also launched, thanks to which every citizen will be able to inform a public entity about a lack of accessibility in its architectural and ICT dimension, and persons with special needs will be able to file a complaint if they find a lack of accessibility in an institution.

Directive 2019/882 of 17 April 2019 on the accessibility requirements for products and services

In 2019, Directive 2019/882 of 17 April 2019 on the accessibility requirements for products and services (European Accessibility Act, EAA) entered into force. The deadline for transposition of the Directive into Polish law is 28 June 2022. The implemented provisions of the EAA are to be applied from 28 June 2025. The latter date is crucial for companies covered by the EAA, meaning that from then on they must produce products and provide services in compliance with the requirements laid down in the EAA.

The Directive is the first EU instrument to address accessibility in a comprehensive and horizontal way. Its scope is broad, covering products and services deemed as the most relevant to the daily lives of persons with disabilities and for which Member States have adopted or could adopt divergent national accessibility requirements, which would distort the functioning of the internal market. The Directive aims to ensure that common accessibility rules are applied by economic operators (both private and public) in order to provide greater certainty to economic transactions while helping to avoid social exclusion caused by inaccessible products and services. The Directive is also intended to implement

the provisions of the UN Convention on the Rights of Persons with Disabilities. The transposition of the Directive will add a market dimension to the Accessibility Plus Programme, as well as the Act on ensuring accessibility for persons with special needs.

The addressees of the Directive are as follows:

1. Economic operators: all economic operators falling within the scope of the EAA and intervening in the supply and distribution chain: manufacturers, authorised representatives, importers, distributors, and service providers. Accessibility obligations shall rest equally with economic operators in the public sector and those in the private sector.
2. Public administration entities (central and local government) making purchases under public procurement procedures.
3. Market surveillance authorities which will play a key role in verifying the compliance of the products made available in the European Union with the manufacturing requirements set out in the EAA.

The beneficiaries of the Directive are:

1. Persons with disabilities – defined in accordance with the United Nations Convention on the Rights of Persons with Disabilities – are the group of persons directly benefiting from the EAA.
2. Persons with functional limitations – as indicated in the Directive itself – will also benefit from the accessibility provided by the EAA (e.g. elderly persons, pregnant women or persons travelling with luggage).

The products covered by the EAA are as follows:

- Computer hardware including operating systems
- Payment terminals (both equipment and software)
- Certain interactive self-service terminals
- Consumer equipment used for accessing electronic communications services
- Consumer equipment used for accessing audiovisual media services
- E-readers.

The services covered by the EAA are as follows:

- Electronic communications services, including emergency communications
- Access services for audiovisual media services
- Digital services supporting passenger transport (air, bus, rail, waterborne)
- Consumer banking services
- E-books and their software
- E-commerce.

The technical obligations that will rest with economic operators are related to the need to apply accessibility requirements in the design and production process of the products indicated in the EAA. Similarly, service providers will have to ensure that their services are designed and provided in accordance with the accessibility requirements laid down in the EAA. The formal obligations consist

mainly in the need to apply specific market surveillance provisions, including those concerning CE marking and EU declarations of conformity.

The mechanisms ensuring conformity with the accessibility requirements comprise:

- Market surveillance (crucial role) - extensive tools: Where the non-compliance persists – restriction or prohibition of the product being made available on the market or withdrawal from the market
- Alternative dispute resolution mechanisms
- Administrative and judicial channels
- Any consumer will be able to lodge a complaint (take an action to a court or public administration body) with additional powers of NGOs in this respect.

Responsible business – promoting due diligence standards

The effectiveness of activities carried out so far in the form of cooperation within the Advisory Board for Sustainable Development and Corporate Social Responsibility encourages further development of the initiative and dialogue with representatives of various institutions and sectors. Therefore, the activities of the Advisory Board for Sustainable Development and Corporate Social Responsibility will be continued in the years to come. Within the framework of the Advisory Board's work, plans involve a continuation of activities in the field of promoting standards related to respect for human rights in business activity of enterprises. A significant role in this respect will be played by the Working Group for Relations with Individuals Performing Work. The scope of tasks of the Working Group will be determined each time by the Advisory Board for Sustainable Development and Corporate Social Responsibility within the framework of annual action plans. The plans of the Working Group include, among others, the following activities:

- promotion of the handbook entitled: “Forced labour. A Guidebook: how to recognise and combat it” consisting in a wide-ranging e-mailing of the handbook, mailing of the paper version and organisation of webinars on the tools presented in the handbook. Information on the tools developed in the handbook will also be provided during meetings and trainings addressed to entrepreneurs organised by the Advisory Board for Sustainable Development and Corporate Social Responsibility,
- promotion of the handbook entitled: “CSR Guidebook to Safe and Sustainable Work Environment” consisting in distribution of the handbook in both electronic and printed versions and by establishing cooperation with centres and institutions dealing with the labour market in Poland in order to discuss the issues included in the handbook and the needs for changes in the Polish labour law system,
- developing tools for entrepreneurs as set out in the handbook on tools for minimising forced labour in enterprises in an electronic version, downloadable from the website of the Working Group for Relations with Individuals Performing Work,
- considering the formulation of recommendations for legislative changes in the Polish law in order to enhance effective prevention of human rights violations in business,
- monitoring international trends concerning proposed regulatory solutions for increasing the responsibility of enterprises in the area of respecting human rights, supporting the process of

possible implementation of regulatory solutions in this field into the Polish legislation, creating due diligence procedures by enterprises,

- cooperation with other multilateral cooperation platforms for counteracting undesirable phenomena related to the failure to respect human rights in business activity of enterprises, e.g. with the Unit for Preventing Trafficking in Human Beings in the Ministry of the Interior and Administration.

The issue of due diligence in the field of human rights will also be of particular interest to the Advisory Board for Sustainable Development and Corporate Social Responsibility in view of the legislative changes planned at the EU level as regards due diligence in the area of human rights and environmental issues, as well as in the field of non-financial reporting covering, among others, issues concerning the respect for human rights. Monitoring the directions of legislative changes in non-financial data reporting planned at the EU level, as well as work in areas related to non-financial reporting, constitutes one of the tasks of the Working Group on the Development of Non-financial Reporting established on 31 March 2021.

Activity of the OECD National Contact Point for Responsible Business Conduct

The Polish OECD National Contact Point for Responsible Business Conduct (OECD NCP) was established in 1998, two years after Poland's accession to the OECD. Since 2016, OECD NCP has been operating within the structure of government administration, currently in the Ministry of Development Funds and Regional Policy (MFIPR) in the structures of the Office of the Minister.

As part of the operations of the OECD NCP in the area of respect for human rights in business activity of enterprises, the following activities are planned:

- promotion of the *OECD Guidelines for Multinational Enterprises* and the OECD sectoral recommendations, with particular emphasis on those concerning respect for human rights,
- continuation of activities aimed at translating OECD documents on responsible business, which have not yet been translated into Polish, including involvement of representatives of relevant industries and sectors in the process of translation and verification of the documents,
- organisation of thematic information meetings on the activities of the OECD NCP to promote responsible business standards and the complaint mechanism for reporting potential violations of the *OECD Guidelines for Multinational Enterprises*,
- processing of notifications of potential violations of the *OECD Guidelines for Multinational Enterprises* by multinational enterprises.

The *OECD Guidelines for Multinational Enterprises* address respect for human rights in business activity of enterprises in Chapter IV and, in part, also in Chapter V on employment relations including labour rights. Across the 50 countries implementing the *OECD Guidelines for Multinational Enterprises*, human rights violations constitute one of the most frequent reasons for filing notifications to the OECD NCP. Hence, one of the indicators for monitoring the implementation of the NAP in 2021-2024 will be information on the number of notifications of potential violations of the OECD Guidelines related to Chapters IV and V of the OECD Guidelines as received and processed by the OECD NCP.

Moreover, in the coming years and in line with the expectations of the social partners the OECD NCP plans to increase the number of events promoting the OECD Guidelines, such as webinars or conferences. These events will also include one promoting responsible business standards in the context of respect for human rights in business activities of enterprises.

Other activities of the MDFRP:

The Ministry of Development Funds and Regional Policy plans to conduct further educational activities on human rights issues in business, such as organising workshops, webinars and thematic conferences.

Continuation is planned as regards the active participation of MDFRP representatives in the discussion on developing sustainable development trends at the international level, including its active participation in meetings of intergovernmental organisations and NGOs, international conferences, as well as partnership initiatives and joint projects.

3. Ministry of Economic Development and Technology

Implementation of the UN Sustainable Development Goals (2030 Agenda)

The COVID-19 pandemic has posed unprecedented challenges for the global economy and hindered effective achievement of the Sustainable Development Goals (SDGs). At the same time, it has set excellent ground for change, moving away from 'business as usual' and adapting operating models, both in and outside business, to the new challenges. The pandemic crisis has also brought to light the fact that the full implementation of the UN 2030 Agenda for Sustainable Development is crucial to give momentum to better recovery, transition towards a green and digital economy, strengthen its resilience and be well prepared for future shocks.

A dynamic shift towards sustainable development has been observed at many levels of action. The Sustainable Development Goals have been increasingly mainstreamed in international and European policies. They are becoming a reference point both for EU development strategies (e.g. the European Green Deal) and for individual countries. The response to the COVID-19 crisis (European Recovery Instrument) is also based on the concept of sustainable development, and so is the National Recovery Plan, which will provide an impetus for business and public administration to undertake reforms and investments boosting the potential for growth and economic and social resilience, while fostering 'green' and digital transformation.

The transition to a sustainable economy will only succeed if – alongside the public sector – the private sector properly plays its part, tapping into its creativity, investment and entrepreneurship. Businesses, as drivers of economic growth and employment, have a significant role to play in fostering innovation, developing technology, research and development investments which, in turn, will drive progress on the SDGs in areas such as energy, construction, food, mobility, and climate action. At the same time, investing in environmental protection and circular economy should provide the impetus for economic recovery from the COVID-19 crisis.

A key factor in making progress on the sustainability path is the alignment of corporate strategies with the SDGs, with due acknowledgement of sustainable business models and value chains.

Integration of ESG (Environmental, Social and Governance) factors into long-term business strategy has become an area of increasing importance. It entails striving by entrepreneurs to balance their own expectations with those of their employees, customers, suppliers, and local communities. What is valuable – nowadays in particular – is the ability to use the perspective of viewing the company in the framework of concern for the social environment, both internal and external, as well as the natural environment. As regards the principles of corporate responsibility, the responsibility of enterprises in the processes of digitalisation and implementation of solutions based on state-of-the-art technologies is becoming an increasingly important area. Equally vital is the implementation of effective due diligence procedures for respecting human rights in business.

An effective response to a clearly emphasised direction of action at European and national level requires well-prepared human resources, able to combine competences, willing to cooperate and committed to change. Entrepreneurs facing unprecedented pandemic challenges need multidimensional assistance and systemic support in their transformation towards sustainable development, e.g. in terms of access to resources and knowledge on sustainable development – most SMEs are still not aware of the concept of sustainable development, lack adequate resources (human, capital) to build responsible business models.

From the point of view of the Coordinator of the implementation of the 2030 Agenda in Poland – the Ministry of Economic Development and Technology – in the coming years the implementation of the idea of sustainable development will strongly rely on the practical application of the provisions included in the report ‘Implementation of Sustainable Development Goals in Poland’, adopted by the Council of Ministers in June 2018, i.e.: first of all, supporting education for sustainable development, ensuring consistency of development policy and effective monitoring of progress in achieving the goals. The Ministry of Economic Development and Technology, in cooperation with the OECD and the EC, will implement a project consisting in the preparation and implementation of a programme to develop the competences of public administration in the area of sustainable development.

Building partnerships and enhancing the dialogue with 2030 Agenda stakeholders, as well as striving to increase their real involvement in issues relevant for sustainable development – such as social responsibility, equality between women and men, ensuring decent work, sensitivity to climate change, sustainable consumption and production – will remain crucial.

Development of new technical and construction conditions for buildings

In connection with the amendments to the Act of 7 July 1994 – Construction Law introduced by the Act of 5 July 2018 on facilitations in the preparation and implementation of housing investments and accompanying investments (Journal of Laws item 1496) and the Act of 19 July 2019 on providing accessibility to persons with special needs (Journal of Laws item 1696), hereinafter referred to as the ‘Accessibility Act’, it is necessary to issue a new regulation specifying technical and construction conditions for buildings. These regulations should enter into force no later than 36 months from the date of entry into force of the Accessibility Act, i.e. from 20 September 2019.

Due to the significant development in the field of design and implementation of investments, it is necessary to adopt solutions that will correspond to current technologies used in the construction industry, as well as accelerate and facilitate the process of implementation of investments, while being transparent and understandable for the recipient. In addition, issuing a new regulation will render it possible to introduce changes and clarify those regulations which currently raise interpretation doubts.

The scope of the regulation will include, among others, the introduction of provisions aimed at facilitating access to buildings and related facilities by persons with various types of disabilities, which will certainly exert an additional positive impact on other social groups such as older persons, carers with young children or persons with temporary motor dysfunctions.

Amendment to the Act on hotel services and tour managers and tourist guides services

Work is planned to amend the regulations on the provision of hotel services in order to make the provisions relating to the prevention of sexual exploitation of minors in hotel establishments more specific.

4. Ministry of Family and Social Policy

Social Policy for Elderly People 2030. SAFETY – PARTICIPATION – SOLIDARITY

In 2018, a document was adopted setting out the directions of social policy towards older persons in Poland: Social Policy for Elderly People 2030. SAFETY – PARTICIPATION – SOLIDARITY (Official Journal of the Republic of Poland 'Monitor Polski', of 2018, item 1169). For the purposes of this document, social policy towards older persons was defined as a purposeful, long-term and systemic impact of the state and other public and non-public entities on the shaping of legal, economic and social conditions in order to create a favourable life situation for older persons, adapted to the social, economic, as well as care and health care needs changing with age in every period of life of a person at an older age.

The entity responsible for the coordination of actions set out in the document is the Minister of Family and Social Policy. The implementation of social policy for older people is monitored as part of the obligation following from the Act of 11 September 2015 on older persons. The effects of the implementation of the objectives contained in the document in question are to be evaluated in the framework of subsequent editions of the 'Information on the situation of older persons'. The entities responsible for the implementation of individual measures will be obliged to collect and present information on the status of their implementation.

One of the key parts of the document is a list of individual measures, which includes both the coordinating entity with the entities cooperating in the implementation of a particular sub-measure, the planned date of implementation and the monitoring method.

The document includes a separate area on creating conditions for tapping the potential of the older persons as active participants of economic life and the labour market, adjusted to their psychophysical capabilities and family situation, which is implemented through:

1. preventing economic (increasing social security), digital and technological exclusion of older persons;
2. creating incentives for older persons to remain in the labour market;
3. promoting the principles of corporate social responsibility and age management among employers;
4. promoting knowledge of the principles of the silver economy among commercial and non-commercial entities.

Preventing economic (increasing social security), digital and technological exclusion of older persons will be implemented through strengthening the position of those persons in the labour market in order to ensure decent income from the work performed and subsequent pension benefits, in particular through:

- taking measures to counteract economic exclusion and poverty of older persons;
- analysing the issue of the so-called lifetime annuity with a view to ensuring protection for older persons who are parties to lifetime annuity contracts;
- ensuring access to educational services to older persons provided as part of lifelong learning;

- supporting unemployed and job-seekers in older age groups in accessing professional activation programmes offered by job centres;
- increasing the awareness of older persons as regards the possibilities of increasing their professional activity thanks to the Internet and other telecommunications technologies.

The aforesaid measures are aimed at strengthening the position of older persons in the labour market and have an impact on reducing the risk of their exclusion. Special focus should be given to social groups of older persons who are most at risk of economic exclusion (among others, older persons leaving penal institutions). As regards economic exclusion, obtaining income from work is of major importance. Activities of an educational nature, in turn, are conducive to reducing digital and technological exclusion.

Creating incentives for older persons to remain in the labour market will be implemented by creating a broad offer addressed to those persons, which includes:

- introducing flexible forms of work for older persons (including, inter alia, part-time work, telework, home office, flexible working hours in agreement with the employee) on a large scale;
- providing support for social economy entities employing older persons;
- promoting continuation of work in other forms such as coaching, tutoring, and mentoring.

Tapping the potential of older persons requires creating a wide range of possible forms of providing work, including on a full-time or part-time basis. The social policy for older people should strive to create conditions and highlight the benefits resulting from prolonging the period of employment.

Promoting the principles of corporate social responsibility and age management among employers will be implemented through:

- conducting information campaigns, trainings for employers on the benefits following from employment of an older person;
- creating an image of an economically active older person in the social and media space;
- promoting flexible forms of employment among employers;
- promoting good practices and sharing experiences in this area.

Age management brings tangible benefits to both employees and employers, which are important on a macro-social scale.

Promoting knowledge of the principles of the silver economy among commercial and non-commercial entities will be implemented through:

- conducting information activities addressed to entrepreneurs, as well as social and solidarity economy entities as regards knowledge of the principles of the silver economy and needs and solutions related to accessibility and adaptation of websites and electronic services to older persons;
- conducting activities promoting economic activity in the silver economy sector (including the development of social economy entities as a tool for social and professional activation of older persons);
- conducting activities for the promotion of entrepreneurship of older persons.

Promoting knowledge of the principles of the silver economy among commercial and non-commercial entities is an important task primarily in the context of the need to ensure sustainable development. Awareness of the principles governing the silver economy will allow employers to adjust their offer to the changing expectations of the market, which, in turn, will create an opportunity to increase the competitiveness of the Polish economy.

The first Polish Strategy for Persons with Disabilities 2021–2030

In 2020, a draft Strategy for Persons with Disabilities was developed in the Ministry of Family and Social Policy. On 25 February 2021, Resolution No 27 of the Council of Ministers of 16 February 2021 on the adoption of the document 'Strategy for Persons with Disabilities 2021–2030' was published in the Official Journal of the Republic of Poland 'Monitor Polski' under item 218. The Resolution entered into force 14 days following its announcement. The development and adoption of the Strategy for Persons with Disabilities fulfils one of the basic horizontal conditions for the financing of the EU Cohesion Policy in 2021-2027, namely the implementation and application of the Convention on the Rights of Persons with Disabilities, by way of establishing a framework for a comprehensive national policy for persons with disabilities in line with its provisions. The development of the Strategy for Persons with Disabilities also follows from the provisions of the Strategy for Responsible Development for the period up to 2020 (including the perspective up to 2030), adopted by way of Resolution of the Council of Ministers of 14 February 2017. The key objective of the Strategy for Persons with Disabilities is the inclusion of persons with various types of disabilities in social and professional life, thus guaranteeing them the rights enshrined in the Convention on the Rights of Persons with Disabilities. The document provides for a comprehensive, horizontal, cross-sectoral approach of public policy to support persons with disabilities, taking into account their needs in the sphere of independent life and social inclusion.

The document identifies eight priority areas of the Strategy.

Within the first of the priority areas, namely 'Independent life', the actions planned seek to fulfil an overarching objective to guarantee the right to independent living to persons with disabilities under Article 19 of the Convention on the Rights of Persons with Disabilities.

Within this area, actions are foreseen for the deinstitutionalisation process, in line with the Common European Guidelines on the Transition from Institutional to Community-based Care, referring to 'the process of developing a range of services in the community, including prevention, in order to eliminate the need for institutional care'. The third stage of the process will be to 'ensure universal availability of basic services in areas such as education and training, employment, housing, health care and transport to all children and adults in need of support'. It is important for the successful implementation of the deinstitutionalisation process that it takes place with an adequate involvement of the local community, including in particular organisations of persons with disabilities and social and solidarity economy entities (SSEE). Concomitant with the deinstitutionalisation process will be the process of reforming entities dealing with social services, inter alia through establishing Social Services Centres. Another important factor in this respect will be facilitation of access of persons with disabilities to information on support offer available to those persons so that comprehensive, reliable and up-to-date information on this subject is provided by employees of entities dealing with social services. Within the framework of the measure, the development of deinstitutionalised services is envisaged, preventing institutionalisation and supporting the transition from institutions to support in

local communities, both prior to adopting systemic measures and as complementary (e.g. services financed under the ESF) to systemic solutions.

Another priority area is 'Accessibility'. Accessibility is one of the basic conditions for participation of persons with disabilities in social and professional life. For this group of people, it determines the possibility of performing social roles and leading an independent life. It also entails ensuring to persons with disabilities access, on an equal basis with others, to the physical environment, buildings, transportation, information and communications technologies and systems, and to other facilities and services. Therefore, this priority area of the Strategy provides for actions aimed at improving accessibility of public space for persons with disabilities and improving their situation in terms of mobility (pursuant to the provisions of Articles 9 and 20 of the Convention).

The basic condition for effective social and professional activation in the case of persons with disabilities is also access to the educational system, hence 'Education' priority is another key area. Measures in this area will serve implementation of provisions of Article 24 of the Convention on the Rights of Persons with Disabilities, which indicates the obligation to realise the right of persons with disabilities to education without discrimination and on the basis of equal opportunity, while ensuring an inclusive educational system.¹

It provides for, among others, the following measures:

- ✓ development of inclusive education, including development of legislative and organisational solutions aimed at ensuring accessibility and enhancing the quality of inclusive education,
- ✓ preparation for entering the labour market inter alia through supporting the process of transition between the educational stages and transition from the educational system to the labour market,
- ✓ development of professional counselling for young people,
- ✓ development and ensuring to pupils and students with disabilities forms of communication adequate to their needs, including popularisation in education of the possibility of using augmentative and alternative communication methods (AAC),
- ✓ digitalisation of schools,
- ✓ development of lifelong learning.

Another priority area of the Strategy is 'Work'. Within this area, there are measures envisaged to foster greater professional activity of persons with disabilities and enhance possibilities of their employment in an open, inclusive and accessible work environment, pursuant to Article 27 of the Convention on the Rights of Persons with Disabilities. Measures within this area focus on:

- ✓ modification and supplementation of the employment support system and professional activation of persons with disabilities, including through development and implementation of

¹ Issues concerning social and professional inclusion of persons of all ages, through the development of their skills, are also emphasised by the Integrated Skills Strategy 2030 (general part of the ISS 2030: Resolution No 12/2019 of the Council of Ministers of 25 January 2019, specific part of the ISS 2030: Resolution No 195/2020 of the Council of Ministers of 28 December 2020).

the National Programme for Employment of Persons with Disabilities and implementation of supported employment,

- ✓ professional activation of persons with disabilities implemented, inter alia, through employment in social and solidarity economy entities (especially in social enterprises),
- ✓ creation of work environment friendly for employees with disabilities, inter alia through working out a model of support for persons with disabilities in the work environment,
- ✓ creation of environment conducive to effective professional activation of persons with disabilities through, for instance, ensuring specialised advisory in the scope of available instruments of professional activation of persons with disabilities and in the scope of obligations of employers following from their employment for institutions of the labour market,
- ✓ limitation of barriers in undertaking professional activity.

On the basis of so indicated outcomes for the *Work* priority area the key indicator was established as follows: *Employment rate of working-age persons with disabilities*, which in the base year 2018 reached the value of 26.2% and the target value is to be increased to 40% by 2030.

Another priority area of the Strategy is ‘Living conditions and social protection’. The main objective of the measures grouped under this priority, as stated in Article 28 of the Convention on the Rights of Persons with Disabilities, is to ensure adequate living conditions for persons with disabilities and their families, including the satisfaction of basic subsistence and material needs and necessary social protection. Measures under the ‘Living Conditions and Social Protection’ priority include combating poverty of persons with disabilities and their families, as well as meeting their housing needs.

Within the ‘Health’ priority area, measures have been planned in order to fulfil Poland’s obligations following from the Convention (Article 25), in particular to provide persons with disabilities with health care, access to health services and programmes taking into account their specific requirements and needs with respect to health prevention, prevention of secondary complications and deterioration of health condition, medical rehabilitation and optimisation of the quality of functioning. The planned measures concern, among others, improvement of accessibility of preventive medical treatment, improvement of accessibility of health services, improvement of access to rehabilitation services and the highest quality medical devices, development of a model of comprehensive rehabilitation, reform in the field of mental health and improvement of medical personnel’s competencies in the field of health care of persons with disabilities.

The Strategy for Persons with Disabilities 2021–2030 also provides for measures in the ‘Awareness-raising’ priority, which closely correspond to Article 8 of the Convention on the Rights of Persons with Disabilities, requiring a state party to the Convention to take immediate, effective and appropriate measures to raise awareness throughout society, including at the family level. These concern, inter alia, the mainstreaming of persons with disabilities in the media, changing the perceptions of persons with various disabilities, raising awareness of inclusive education for persons with disabilities, the introduction and dissemination of service standards for persons with various disabilities.

The last of the eight priority areas of the Strategy is ‘Coordination’. Implementation of the new state policy for supporting persons with disabilities requires appropriate institutional reform to remedy the

diagnosed systemic problems. The measures designed within this priority area seek to establish a framework to ensure coherence of the system and development of cooperation between institutions dealing with problems of people with disabilities. The planned measures include, among others, reform of the disability degree certification system, development and implementation of an act on equal opportunities for persons with disabilities in the Polish legal system, coordination of systemic support for persons with disabilities, including in emergency situations, implementation of a complex system of data collection in the area of disability, greater inclusion of the disability issue in various areas of social policy, increasing protection of persons with disabilities against unequal treatment, extension of international cooperation.

Implementation of measures designed as part of priorities of the Strategy for Persons with Disabilities 2021–2030 will allow the establishment of a framework of comprehensive national policy for persons with disabilities, in line with the provisions of the Convention on the Rights of Persons with Disabilities. It will also translate into a planned increase in the activity rate and employment rate of persons with disabilities.

Development programme for care institutions for children under the age of three TODDLER+

Care institutions for children below the age of three are one of the tools enabling employees to combine private and professional life. The instrument which increases their territorial and financial availability is the Ministry's programme for the development of childcare institutions for children under the age of three TODDLER+. It is announced annually, starting from 2011 (annual programme). The programme allows for co-financing of two types of activities:

- a) establishment of new care facilities,
- b) operation of care facilities.

Since 2011, approximately 56,500 facilities have been established with the funds obtained from the programme, including 37,400 facilities in 2017-2019. It is estimated that about 17,200 care facilities will be established with the funds of the 'TODDLER+' 2020 programme. Moreover, according to the results of the competition of 'TODDLER+' 2021 edition, the funds earmarked for the establishment of care facilities will make it possible to create about 25,000 such facilities. The programme is to be continued in the coming years.

Update of the 'Equality of Pay' tool

Over the next two years, an update of the tool for measuring the wage gap and its further dissemination among employers and social partners is planned through such measures as, among others, the organisation of regional trainings on the wage gap and the updated tool, realization of an awareness-raising campaign on the implementation of a transparent wage policy. These measures will be undertaken as part of the implementation of the 'Good climate for quality jobs' project funded under the Norwegian Financial Mechanism.

Update of the 'Family and work' platform

Over the next two years, a number of further measures are planned in the area related to work-life balance in connection with the implementation of the 'Good climate for quality jobs' project with funding provided under the Norwegian Financial Mechanism. The plans involve, among others, an update and further development of the rodzinaipraca.gov.pl platform, as well as large-scale awareness-raising activities among employers, employees and the general public (including awareness-raising campaign, nationwide meeting of fathers, competition for employers creating friendly workplaces for working parents).

Implementation of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU

Following the entry into force of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, it will be necessary to make systemic changes to Chapter 8 of the Labour Code on employees' rights related to parenthood in the context of the implementation of the provisions of this Directive into Polish labour law. At that point, further solutions will be considered to facilitate achieving work-life balance by employees. The deadline for implementing the Directive into national legal systems has been set for 2 August 2022.

Implementation of Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union

Following the entry into force of Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union, amendments to the Labour Code will be called for, primarily with regard to informing employees on their terms and conditions of employment. The Directive is to be implemented by 1 August 2022.

The right to a fair wage

According to Article 23(3) of the Universal Declaration of Human Rights, 'everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection'. This right was clarified in Article 7 of the International Covenant on Economic, Social and Cultural Rights. The establishment of a minimum wage and an hourly minimum wage for certain civil-law contracts represents an instrument that furthers this goal. These issues are regulated by the Act of 10 October 2002 on Minimum Remuneration for Work (Journal of Laws of 2020, item 2207). According to the law, the minimum remuneration is, annually, the subject of negotiations in the Social Dialogue Council, consisting of representatives of the government, employees (trade unions), and employers (employers' organisations). In the event of disagreement in the Social Dialogue Council, the decision

on the amount of minimum remuneration is taken by the Council of Ministers. The amount of the minimum remuneration for work is adjusted annually to reflect the increase in the minimum remuneration for persons employed on the basis of an employment contract. From 1 January 2021, the amount of the minimum remuneration for employees (i.e. persons employed on the basis of an employment relationship) is PLN 2,800, and the minimum hourly rate for persons performing work on the basis of particular civil law contracts is PLN 18.30. Remuneration below the minimum wage constitutes a violation of employee rights. Each increase of the minimum wage translates into actual improvement of the situation of the lowest-paid workers.

Protection of whistleblowers. Implementation of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law

Pursuant to Order No 229 of the Prime Minister of 1 December 2020, (Official Journal of the Republic of Poland 'Monitor Polski', item 1112), the Minister responsible for labour has been appointed to carry out legislative work at the governmental stage to implement Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

The following measures are planned:

- 1) Introduction of general standards for whistleblower protection systems in every workplace, organisation, office, etc., regardless of the prosecutor's decision in this respect. The matter related to the concept of a whistleblower goes beyond the scope of criminal law and primarily concerns issues related to the protection of labour law and civil law.
- 2) Continuation of a public campaign on whistleblowing, which will make it possible to reach the largest possible group of persons employed in both the private and public sectors.
- 3) The need to change the status and definition of a whistleblower, mirroring the solutions adopted in the European legislations. The status of a whistleblower should be granted by virtue of the law itself, eliminating the need for the prosecutor to grant the status of a whistleblower (resulting in the creation of a quasi-witness institution in the proceedings). The primary function of a whistleblower should consist in acting in the public interest by disclosing – in good faith – all irregularities and threats in the workplace (not only corruption-related), while enjoying statutory legal protection for such activity.

5. Ministry of Finance

Revision of the Non-Financial Reporting Directive

The Ministry of Finance is participating in legislative work at the EU level, which commenced after the presentation of the Commission's proposal on 21 April 2021 and the transmission of all national

language versions of the draft legislation, i.e. the draft directive as regards corporate sustainability reporting [COM(2021) 189], to the Member States on 16 June 2021. The Commission's legislative proposal considerably broadens the scope of entities covered by non-financial reporting – according to the Commission's estimates from about 12,000 companies to 49,000. Furthermore, the draft clarifies the scope of the reported information, also giving it a new name: sustainability reporting. The key changes proposed in the area of sustainability reporting include:

- a. extending the scope of entities subject to sustainability reporting obligation to:
 - i. all large companies,
 - ii. small and medium-sized listed companies, which would start reporting three years after large entities, except for listed micro-companies,
 - iii. large bodies of undertakings;
- b. clarifying the scope of sustainability information to be reported;
- c. empowering the EC to adopt uniform European standards on sustainability reporting obligatory for reporting entities; the full standard would be obligatory for large companies, while its simplified version – for small and medium-sized listed companies;
- d. removing the possibility to report non-financial information in a separate report that is not part of the management report;
- e. introducing an obligation to verify sustainability information;
- f. introducing an obligation for companies subject to such reporting to prepare financial statements and management reports in the same format as issuers are obliged to use, i.e. the European Single Electronic Format (ESEF).

At the level of the EU Council, work on the directive was initiated by the Portuguese Presidency, which conducted preliminary discussions with Member States, and the actual work on the text of the directive was initiated by the Slovenian Presidency from September 2021. European Commission expects that by mid-2022, an agreement should be reached between the EU Council and the European Parliament on the final compromise text of the above Directive. Works on the transposition of the Directive at national level depend on the pace of work of the EU Council and the European Parliament on the adoption of the new legislation.

Implementation of the Good Practice Catalogue on due diligence for European Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas

On 1 January 2021, new obligations took effect as regards supply chain due diligence for EU importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas. These obligations were established by Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017. In Poland, the function of the authority responsible for ensuring effective and uniform implementation of the Regulation in question and for conducting ex-post controls of importers in the territory of the Republic of Poland has been assigned to the Head of the

National Revenue Administration. The provisions of the above-mentioned Regulation are aimed at ensuring that minerals and metals from the so-called '3TG' group (Tin, Tantalum, Tungsten, Gold) introduced into the EU will not finance conflicts or result in human rights violations. These minerals are among the most valuable and their mining industry makes a significant contribution to global economic development (industries such as electronics, aerospace, automotive, and jewellery). Therefore, efforts have been taken to encourage responsible sourcing of minerals, which should in principle help prevent criminal groups from gaining income relating to said minerals and hinder the pursuit of their activities, as well as help to secure world peace. EU '3TG' importers will be required to ensure that all the minerals and metals they import (as defined in Annex I to the above-mentioned Regulation) are sourced responsibly and from non-conflict areas.

To this end, good practices are being introduced. They comprise in particular:

- Maintaining a dedicated tab on the website of the Ministry of Finance providing information on responsible sourcing of '3TG' minerals: <https://www.gov.pl/web/kas/konfliktowe-mineraly>
- Various forms of meetings with selected importers and national industry organisations on '3TG' minerals to build awareness related to the implementation of the provisions of the aforesaid Regulation, as well as OECD and UN guidelines.
- Undertaking cooperation with the Entrepreneurship Support Department of the Polish Agency for Enterprise Development as well as the CSR and Cooperation with NGOs Unit in the Minister's Office in the Ministry of Development Funds and Regional Policy in order to reach a wide range of entrepreneurs who are subject to the obligations under aforesaid Regulation. Due to this cooperation, an even greater number of entrepreneurs receive information/training materials (e-learning), in the area of 'conflict' minerals.
- A newsletter sent to importers of '3TG' minerals in Poland and sending important information to importers' e-mail addresses, e.g. information on changes in regulations, instructions, explanations.
- Operating a contact line for importers of '3TG' minerals. Contact details are available on the dedicated website of the Ministry of Finance (link above).

The practices identified above allow businesses to learn what benefits they gain by introducing due diligence into their supply chains, help companies introduce due diligence into their metals and minerals supply chains, as well as understand, assess and mitigate risks pertaining to responsible sourcing.

6. Ministry of Justice

Draft Act amending the Act – the Code of Civil Procedure and certain other acts

As intended by the legislators, the new draft Act amending the Act – the Code of Civil Procedure and certain other acts is to increase the scope of protection of consumer rights and strengthen the position of the consumer as a party to proceedings against the entrepreneur. The foregoing aim is to be

achieved primarily through the introduction of new separate proceedings with the participation of consumers, the provisions of which will also apply when the entrepreneur who is a party to the proceedings has ceased his business activity. In cases heard in accordance with the provisions governing these proceedings, the consumer will be able to bring an action also before the court of their place of residence. This will not apply, however, to cases in which the jurisdiction of the court is exclusive.

Proposal of a definition of forced labour

The Ministry of Justice has received the material developed within the framework of the Working Group for Relations with Individuals Performing Work of the Advisory Board for Sustainable Development and Corporate Social Responsibility – an auxiliary body of the Minister of Investment and Development, containing a proposal for the definition of forced labour. The Ministry of Justice will examine the possibility of working on the criminalisation of forced labour as a prohibited act positioned between the violation of labour rights and trafficking in human beings.

Liability of collective entities for prohibited acts

As regards liability of collective entities for prohibited acts, a draft of the relevant law, introducing a modern model of such liability, was drafted in 2018 at the Ministry of Justice and adopted by the Government, and then referred to parliamentary work. The draft has been discontinued due to the end of the term of the Sejm. The Ministry of Justice will examine the possibility of resuming work on the draft law.

Mediation

The Ministry of Justice is planning activities in the area of mediation, including the establishment of the National Register of Mediators. In 2018-2019, during meetings with the Judges-Coordination for Mediation operating by Regional Courts and during the meetings of The Council for the Alternative Methods of Disputes and Conflicts Resolution by the Minister of Justice, comments and reservations were raised on the functioning of the permanent lists of mediators kept by the Heads of the Regional Courts, as regards no possibility of verifying persons entered on the lists who no longer actively practice the profession of mediator. In view of those reservations voiced as regards the functionality of the permanent lists of mediators, a need arose to create a national and unified register of mediators.

The main objective of the project entitled 'Popularization of Alternative Dispute Resolution methods through increasing the competences of mediators, creation of the National Register of Mediators (KRM) and information activities' is to professionalise the profession of mediator by establishing the National Register of Mediators (KRM) and conducting a cycle of mediation trainings within the Integrated Qualification System, as well as to improve knowledge on e-mediation and possibilities of using it in commercial and labour disputes.

Measures planned as part of this project will contribute to the implementation of the detailed objective of the OP KED, i.e. Improving the quality of issued judgements and increasing the effectiveness of their enforcement. Achieving the specific objective will be possible through creating the National Register of Mediators, improving mediators' competences as part of training carried out in the standards of the Integrated Qualification System and the above-mentioned webinars on the subject of ODR (e-mediation) and labour and commercial mediation, as well as promotional activities in the field of mediation and the created Register.

The project consists of the following activities:

- carrying out analytical work on social needs related to the implementation of the project,
- preparing a report on the conducted analytical work as regards the needs related to the project implementation,
- carrying out legislative work resulting from the implementation of the project,
- preparing and implementing an IT system called the National Register of Mediators (KRM),
- carrying out a series of mediation training courses, including on e-mediation,
- carrying out information activities.

The activities implemented as part of the aforementioned project are addressed primarily to citizens interested in making use of mediation proceedings, judicial authorities as those referring cases to mediation, as well as mediators and persons who want to obtain qualifications in mediation.

7. Ministry of the Interior and Administration

Combating the phenomenon of trafficking in human beings for forced labour

1. Building awareness of the threat of exploitation and forced labour, e.g. through poster campaign, information meetings.
2. Developing guidelines for labour inspectors on the methodology of conducting control activities in cases where there is a suspicion of trafficking in human beings, in particular forced labour, and implementing them.

Improving the effectiveness of combating cybercrime, including hate speech or incitement to violence on the Internet

Continuation of the ongoing analysis of the possibility of adapting the law to the requirements enabling effective prosecution of this type of crimes, including development of the proposal of the Department for Fighting Against Cybercrime, Criminal Service Bureau of the NPH with regard to legal solutions

enabling the services, including the Police, to apply for blocking certain content on websites in connection with combating and preventing crimes. Proposals in the area in question have been presented in the report on the works of the Task force for developing solutions in the area of counteraction and response in the case of reports on placing an explosive device by a person concealing their identity on the Internet, established within the framework of the works of the Inter-ministerial Team for Terrorist Threats.

8. Ministry of Agriculture and Rural Development

Implementation of the Act on Counteracting the Unfair Use of Contractual Advantage in the Trade in Agricultural and Food Products

Since July 2017, the provisions of the Act on Counteracting the Unfair Use of Contractual Advantage in the Trade in Agricultural and Food Products (Journal of Laws of 2020, item 1213) have been in force in Poland. The provisions of the Act are aimed at eliminating the use of unfair trade practices in the supply chain of agricultural raw materials and food. A situation of considerable imbalance in the economic potential of enterprises may lead to unfair trade practices whereby larger and stronger trading partners try to impose practices or contractual arrangements favourable to them on the weaker party. The issue of imbalance among the participants of the food supply chain occurs not only in Poland but is also observed in the majority of the European Union countries due to the presence of economically strong consolidated entities of the distribution sector – frequently also the processing sector – and weaker fragmented entities producing agricultural raw materials and foodstuffs. Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (OJ L 111, 25.4.2019, p. 59) introduced a common minimum framework across the EU for applying a uniform approach to unfair trading practices in the food supply chain. The implementation of the provisions of said Directive significantly changes the scope of the previously applied Act of 15 December 2016 on Counteracting the Unfair Use of Contractual Advantage in the Trade in Agricultural and Food Products. In view of the foregoing, the Ministry of Agriculture and Rural Development has drafted a new Act on Counteracting the Unfair Use of Contractual Advantage in the Trade in Agricultural and Food Products. Compared to the legislation currently in force, the definition of agricultural and food products has been extended to include, inter alia, feed, live animals, oilseeds and oleaginous fruit, the definition of a purchaser and a public authority, and a catalogue of prohibited unfair trading practices. The possibility of voluntary submission to penalties has also been introduced (reduction of the penalty to 50%). The President of the Office of Competition and Consumer Protection will remain the competent body in matters of practices unfairly exploiting contractual advantage; the anonymity of the notifier will also be ensured, as is currently the case, and the possible penalties for entrepreneurs will be maintained in their current shape. Pursuant to Article 13 of the aforementioned directive, the provisions implementing the directive must be in force from 1 November 2021 at the latest. The new Act on

Counteracting the Unfair Use of Contractual Advantage in the Trade in Agricultural and Food Products will be more effective in limiting practices which may negatively affect the efficient functioning of the agricultural and food product supply chain and will also ensure effective mutual cooperation of relevant authorities of the Member States, and their cooperation with the European Commission.

9. Ministry of State Assets

Best practices for WSE-listed and State Treasury (ST) companies

There are plans to develop best practice recommendations for companies listed on the WSE which, in line with global trends, will emphasise the importance of non-financial capital (e.g. human or environmental capital) used by companies and extend the scope of reporting on non-financial factors.

Every year, the Prime Minister issues Guidelines for companies with State Treasury shareholding preparing financial statements, containing information on non-financial reporting (part III of the Guidelines).

The Ministry of State Assets also analyses the possibility of introducing – at the level of good practices – regulations for ST companies concerning corporate social responsibility.

10. Ministry of Culture, National Heritage and Sports

Implementation of the equal-treatment policy in sports

The Ministry of Culture, National Heritage and Sports will continue to implement the policy of equal treatment in sports, ensuring that the UN Guiding Principles on Business and Human Rights are incorporated as widely as possible when planning and implementing ministerial programmes aimed at developing sports in Poland, both in grassroots and professional dimension. In particular, the following tasks will be implemented:

1. Preparing and publishing of a report on the situation of women in sports.
2. Implementing cyclical training courses for the Ministry's employees and the Polish sports community on equal treatment of women and men in sports.

The subject matter of the training will cover a wide range of issues related to equal treatment. Examples of specific support measures for the sports environment aimed at promoting women's sports and international examples of good practice in counteracting discrimination and promoting equal treatment will also be presented.

3. Promoting the participation of women in management structures of Polish sports associations and encouraging them to implement the recommendation following from the Good Governance Code for Polish Sports Associations (PZS), which indicates that women should constitute at least 10% of the PZS board composition if women account for more than 30% in national teams managed by the given PZS and at least 30% if there are more than 50% women in national teams.

Although the Good Governance Code for PZS is a non-legislative tool and does not constitute a source of rights or obligations directly for the addressees, it provides an opportunity to promote desirable models without interfering with the autonomy of the sports movement.

11. Ministry of Foreign Affairs

Maps of risks and threats to human rights in business context and good practice catalogues

The Embassies of the Republic of Poland will continuously update the Maps of risks and threats to human rights in business in the host countries and good practice catalogues. Once a year, by order of the Department of United Nations and Human Rights of the Ministry of Foreign Affairs, all embassies will send the updated Maps and Catalogues both to the Headquarters and to other Polish missions in their host countries (Consulates General and Polish Institutes).

The aforesaid documents will be placed on the internal website of the Ministry of Foreign Affairs in the Diplopedia section, in the State Websites tab, as information material available to the employees of the Ministry of Foreign Affairs as well as to people going on missions.

At embassies, persons shall be appointed whose scope of duties includes monitoring of human rights issues in business context and familiarising new staff in the mission with relevant documents relating to the UN Guiding Principles.

Pre-departure training on business and human rights based on the UN Guiding Principles will continue for heads of mission and all others going to work in foreign missions.

Support for entrepreneurs by diplomatic missions

Support for entrepreneurs by diplomatic missions will be implemented, among others, through cooperation based on the 'Cooperation agreement between the Ministry of Foreign Affairs and the Polish Investment and Trade Agency on the implementation of tasks in the field of promotion of the Polish economy abroad', signed on 8 October 2020. The Agreement refers to the UN Guiding Principles on Business and Human Rights, indicating that persons performing activities related to supporting entrepreneurs are obliged to observe the UN Guiding Principles on Business and Human Rights, and in particular to make entrepreneurs aware not only of the opportunities and prospects for the development of economic cooperation, but also of the threats it may entail.

Consular activities

1. Trainings for persons about to hold consular posts

The Consular Department of the Ministry of Foreign Affairs in cooperation with the Ministry of the Interior and Administration and with the participation of representatives of the NGO La Strada will organise cyclical training for candidates for consular posts. The aim of the training is to familiarise future consular staff with the subject of trafficking in human beings, to provide information on emerging forms of trafficking in human beings, to indicate how an alleged victim of such activities can be identified and how and to what extent a consul can provide assistance.

2. Preventive actions and cooperation with other entities

Consular offices will continue to be active in providing information on the risks faced by persons with no command of foreign languages as well as the laws and regulations of the country of residence, inter alia by organising meetings and seminars on this subject. Moreover, consuls shall take part in meetings devoted to the phenomenon of trafficking in human beings organised by the authorities of the countries of accreditation and organisations operating there. These issues are raised within the framework of local consular cooperation with representations of other EU Member States. The missions also maintain ongoing contact with labour inspectorates, public order services, NGOs and foundations dealing with this issue. Representatives of the Ministry of Foreign Affairs participate in meetings of the Unit for Preventing Trafficking in Human Beings and maintain close contact with NGOs supporting victims of trafficking in human beings, e.g. with the ITAKA Foundation. In cooperation with the Ministry of the Interior and Administration, the Consular Department of the Ministry of Foreign Affairs placed on the e-consulate website (<https://e-konsulat.gov.pl/>), in all nine language versions, a banner on counteracting trafficking in human beings, directing to the website of the National Consulting and Intervention Centre for the Victims of Trafficking in Human Beings (in relevant languages – <https://www.kcik.pl/>).

3. Consular assistance activities

Assistance to Polish citizens, as well as unrepresented citizens of an EU Member State who are, inter alia, potential victims of trafficking in human beings abroad, will be provided on an individual basis under the provisions of the Act of 25 June 2015 – Consular Law. One of the forms of assistance consists in financial assistance facilitating return to the home country. As part of their standard activities, consuls issue affected citizens with temporary passports for their return to the country and organise the necessary support, e.g. in organising a safe accommodation. In special situations, so-called non-refundable financial assistance is provided (Article 44 of the Act).

Authorisation to export arms and military equipment

The Security Policy Department of the Ministry of Foreign Affairs will take into account the United Nations Guiding Principles on Business and Human Rights in the course of assessment procedure regarding applications for granting permission to export arms and military equipment, in accordance with Articles 12 and 12 a. of the Act of 29 November 2000 on Foreign Trade in Goods, Technologies and Services of Strategic Significance for State Security and for Maintaining International Peace and

Security and Article 88 of the Act of 13 June 2019 on Conditions of Business Activity related to the Production of and Trade in Explosives, Weapons and Ammunition, as well as Products and Technologies to be used for Military or Police Purposes. A criterion taken into account by the Department when assessing applications for the granting of export licences is, inter alia, a risk assessment as to whether the arms to be exported could be used for activities in violation of international humanitarian law or whether the granting of the licence would have a negative impact on respect for human rights.

Promotion of the Montreux Document on Private Military and Security Companies and the International Code of Conduct for Private and Military Security Companies

The Ministry of Foreign Affairs plans to undertake activities aimed at promoting among entities contracted to protect Polish diplomatic missions the knowledge and application of both the International Code of Conduct for Private and Military Security Companies and the principles laid down therein, as well as the Montreux Document on Private Military and Security Companies, an intergovernmental document aimed at promoting respect for international humanitarian law and human rights by private military and security companies, especially when they are present in armed conflicts.

Development aid

The UN Guiding Principles on Business and Human Rights will be implemented and disseminated by the Department of Development Cooperation of the Ministry of Foreign Affairs, as a permanent element taken into account during the evaluation, approval and implementation of aid projects. Entities implementing projects supervised by the Department of Development Cooperation: both ministries and their subordinate institutions, as well as NGOs and local governments (as part of a competition) will be informed about the Guidelines. They will also be taken into account in the context of project monitoring and evaluation, as part of the implementation of the provisions of the instruction for diplomatic missions directly managing development projects while implementing them with local partner institutions. The relevant passage of this instruction reads: 'When implementing development cooperation projects the mission shall take into account the UN Guiding Principles on Business and Human Rights.' The key document defining the framework for *Polish aid* activities is the Multiannual Development Cooperation Programme 2021-2030 Solidarity for Development. The new programme includes the provision 'Polish development cooperation is implemented according to UN Guiding Principles on Business and Human Rights'. Thus, the obligation to apply the Guiding Principles is included in the most important programme document of *Polish aid*.

Public procurement

In the coming years, the MFA intends to uphold the current trend of supporting social policy through public procurement. Due to the entry into force – as of 1 January 2021 of the new law of 11 September 2019 – Public Procurement Law (Journal of Laws of 2021, items 1129 and 1598), the Ministry of Foreign Affairs amended the Regulations for the Award of Public Contracts at the Ministry of Foreign Affairs and the Guidelines for the Award of Public Contracts by Foreign Missions. It introduced, among other things, the obligation to prepare a needs and requirements analysis for contracts with a value equal to or exceeding the EU thresholds, taking into account social, environmental or innovative aspects of the contract.

In addition, the issues of the UN Guiding Principles are signalled during trainings for administrative and financial managers when discussing the description of the object of the contract and are included in the presentation.

United Nations Guiding Principles on Business and Human Rights in contract procedures carried out by the Ministry of Foreign Affairs

Reference to the UN Guiding Principles on Business and Human Rights will be taken into account in the MFA's contracting procedure by way of introducing appropriate provisions, inter alia, in the instructions to missions. Appropriate recommendations were made to the legal services of the Office of the Director General responsible for their preparation.

12. Public Procurement Office

The new Public Procurement Law (Journal of Laws of 2021, items 1129 and 1598)

The new Public Procurement Law, which came into force on 1 January 2021 (Journal of Laws of 2021, items 1129 and 1598) introduces changes both in terms of existing instruments of a social nature, as well as completely new solutions aimed at increasing the extent to which social aspects are taken into account in the public procurement.

Among the new solutions in the Public Procurement Law, which – in addition to the regulations already existing in this respect – are aimed at supporting the implementation of social policy objectives within the framework of public procurement, the following, inter alia, should be mentioned:

- addition to the catalogue of rules for awarding public procurement contracts of the principle of economic efficiency (Article 17(1)), which means awarding a contract in a manner ensuring both the best quality of the subject-matter of the contract given the funds which the contracting body may

allocate to its performance, as well as the best relation of expenditures to effects, including those of social, environmental and economic nature;

- obligation to conduct a needs and requirements analysis before launching the procedure, taking into account the type and value of the contract. As part of the analysis, under Article 83 of the new Public Procurement Law, the contracting body should also indicate the possibility of considering the social, environmental or innovative aspects of the contract;
- introduction of a legal basis for the creation of the state purchasing policy as a tool for implementing the state economic policy. Under the new Public Procurement Law (Article 21), the state purchasing policy defines the state's priorities in the field of public procurement, as well as the desired direction of activities for contracting authorities with respect to awarding contracts, which includes in particular the purchase of innovative or sustainable products and services, taking into account, among others, corporate social responsibility and the use of social aspects.

The new Public Procurement Law also includes solutions of a social nature that were provided for in the existing public procurement legislation as well. Based on the experience of previous years, these regulations were simplified and made more precise so as to allow for an even better implementation of social policy objectives. These are as follows:

- Article 94, according to which the contracting body may stipulate in the contract notice that only economic operators having the status of a sheltered workshops, social cooperatives and other economic operators whose main purpose or main purpose of the activities of their organisational units that will perform the contract is the social and professional integration of socially marginalised persons, in particular persons with disabilities, the unemployed, jobseekers, who do not remain in employment or do not perform gainful employment, to-be self-reliant persons, persons deprived of liberty or released from prisons, persons with mental disorders, homeless persons, persons who have obtained refugee status or subsidiary protection in the Republic of Poland, persons under the age of 30 and over 50 years of age with job-seeker status, without employment and persons who are members of disadvantaged minorities, in particular members of national and ethnic minorities pursuant to the regulations on national and ethnic minorities and on regional language or persons who are members of groups that are otherwise socially marginalised, provided that the percentage of employment of persons belonging to one or more of the aforesaid categories is not less than 30% of the persons employed by the economic operator or in its unit that will perform the contract,
- Article 95, according to which the contracting body shall specify in the contract notice or procurement documents for service or construction works the contract performance requirements related to employment by the economic operator or subcontractor under an employment contract of persons performing activities within the contract performance, specified by the contracting body, if the performance of these activities involves the performance of the work in a manner specified in Article 22 § 1 of the Act of 26 June 1974 – the Labour Code. The regulation in question is aimed at limiting the avoidance by entrepreneurs of the use of employment contracts in favour of civil law contracts in cases where the use of the former is required by law. Strengthening the implementation of the provisions of the Labour Law in respect of public contracts performance by obliging the contracting body to establish employment based on an employment relationship, if there are premises for it indicated in the Labour Code, entails an improvement in terms of quality and stability of employment,

- Article 96, which provides for the possibility for the contracting body to specify in the contract notice or procurement documents contract performance requirements, which may include, among others, aspects related to employment of the unemployed, jobseekers, who do not remain in employment or do not perform other gainful employment, to-be self-reliant persons, adolescents, persons with disabilities or persons from other groups indicated in the provisions on social employment. These requirements may also cover other social aspects such as the promotion of decent work, respect for human rights and labour law, support for social inclusion (including of persons with disabilities), the social economy and SMEs, the promotion of equal opportunities and the principle of 'accessible and designed for all', including sustainable criteria along with consideration of fair and ethical trade,
- Article 104 on the possibility of direct reference by the contracting body to a specific label in the description of the subject-matter of the contract, the description of the contract award criteria or in the contract performance requirements in order to highlight the specific characteristics of the contract (including social ones). Labels by means of which contracting bodies may specify requirements connected with the pursuit of social objectives in the description of the subject-matter of the contract, the contract award criteria and the contract performance requirements, in the criteria on which their award to certain products and services is based, refer, inter alia, to compliance with social and economic rights, such as guaranteeing adequate remuneration for work, protecting women's rights and combating discrimination against them (equal pay, participation in decision-making), prohibition of forced labour and non-use of child labour, freedom of association, health and safety at work, contribution to the development of local communities. Said right of the contracting body is subject to the cumulative fulfilment of the conditions set out in Article 104 of the PPL,
- Article 100 concerning the requirement to draft the description of the subject-matter of the contract taking into account accessibility requirements for persons with disabilities and design for all users, unless this is not justified by the nature of the subject-matter of the contract,
- Article 108(1), concerning the obligation to exclude from public procurement procedures economic operators who have been the subjects of a conviction for trafficking in human beings,
- Article 224(3) which provides that one of the elements that the contracting body shall examine in the event that the offered price or cost, or their essential components, appear to be abnormally low in relation to the subject-matter of the contract or raise doubts of the contracting body as to performance of the subject-matter of the contract, is the compliance of the tender with labour law and social security provisions applicable in the place where the contract is performed. At the same time, the value of labour costs used by the economic operator for determining the price shall not be lower than the minimum wage for work specified under the provisions on minimum wage,
- Article 242, which indicates that non-price contract award criteria used by the contracting body to select the most advantageous tender may be quality criteria, including functional characteristics such as accessibility for persons with disabilities or responding to user needs, as well as social aspects, including the social and occupational integration of disadvantaged persons.

Given the entry into force of the new Public Procurement Law, the Public Procurement Office plans to organise a series of trainings and conferences devoted to social public procurement, where the above solutions, along with issues related to social public procurement, will be discussed. The Public Procurement Office plans also to prepare publications and materials that will not only cover the

relevant regulations, but will also contain practical examples of their application, as well as model documents to support contracting bodies in correct application of social instruments provided for in the Public Procurement Law.

These activities will be carried out by the Public Procurement Office with the participation of the funds from the European Social Fund under the project 'Professionalization of human resources in the public procurement' (Operational Programme Knowledge Education Development, Priority Axis II: Effective public policies for the labour market, economy and education, Measure 2.18: High quality administration services).

13. National Labour Inspectorate

The National Labour Inspectorate (PIP) is an authority established in order to oversee and verify the observance of labour law, in particular occupational health and safety rules and regulations.

During the implementation of its statutory tasks, the National Labour Inspectorate cooperates with specialised authorities for supervision and inspection of working conditions, trade unions, employers' organisations, workers' self-government authorities, workers' councils, social labour inspections, public employment services and state administration authorities, particularly authorities for overseeing and inspecting working conditions, the Police, the Border Guard, customs authorities, revenue offices, and the Social Insurance Institution, as well as local self-government authorities.

Statutory tasks

The statutory tasks of the National Labour Inspectorate include, in particular:

- oversight and verification of labour law compliance by employers, in particular occupational health and safety rules and regulations;
- inspection of goods placed on the market or commissioned for use as regards their compliance with essential or other requirements of occupational health and safety;
- taking actions aimed at preventing and reducing hazards in the working environment;
- lodging complaints and participation in legal proceedings for the establishment of an employment relationship before labour courts, if the legal relationship between the parties fulfils the criteria of an employment relationship;
- issuing and revoking permission for a child to perform work or engage in other gainful activity until they reach the age of 16;
- providing technical guidance and legal advice;

- cooperation with other European Union Member States' authorities competent for the supervision of employment and working conditions.

The National Labour Inspectorate inspects the legality of employment and other paid work (also by foreigners), payment of contributions to the Labour Fund, and running employment agencies in accordance with the terms and conditions laid down in the laws governing the promotion of employment and labour market institutions.

Some of the PIP's competencies derive from special provisions. These tasks include:

- recommending that the competent Social Insurance Institution's organisational unit increases the accident insurance premium rates (set for the next premium year) if a labour inspector finds serious violations of the health and safety regulations during two consecutive inspections;

- registration of an establishment's collective bargaining agreements;

- ordering the establishment of occupational health and safety services or an increase in the number of service staff, if justified by occupational hazards discovered during an inspection.

The authorities of the National Labour Inspectorate take part in the decision-making (granting permission) process on the organisation of permanent work sites below ground level and on the use of only electrical lighting in permanent work areas.

In addition to the above-mentioned tasks, the National Labour Inspectorate has an important impact on the working conditions of individuals performing work on a basis other than an employment relationship and on enforcement of the payment of the minimum hourly rate for mandate contracts (Article 734 of the Civil Code) or service contracts to which the provisions on mandate apply (Article 750 of the Civil Code), which are applicable to natural persons who do not conduct an economic activity and to natural persons engaged in an economic activity acting individually and personally while performing contractual tasks.

Powers of PIP authorities

The National Labour Inspectorate's bodies include: labour inspectors, regional labour inspectors, and the Chief Labour Inspector.

Labour inspectors have the right to conduct an inspection with respect to the observance of the provisions of labour law, and in particular occupational health and safety, without prior notice, at any time of day or night.

In the event that a violation of the regulations concerning labour law is found, the competent labour inspector is entitled to issue legal remedies (improvement notices, oral instructions, oral and written decisions) aimed at removing any irregularities (including the possibility of ordering the cessation of operations or operations of a particular nature).

In addition, the powers and competencies of a labour inspector include:

- imposing fines in the form of penalty tickets and lodging motions with a court of law to punish the parties responsible for violation of employee rights as specified in the Labour Code and petty offences referred to in Articles 119-123 of the Act of 20 April 2004 on the Promotion of Employment and Labour Market Institutions, as well as for other offences related to gainful employment, when provided for by law, and participating in these cases as public prosecutors;
- imposing fines on entities performing carriage by road or other activities related to this kind of carriage in violation of the obligations or conditions of carriage by road.

The PIP authorities enforce the decisions issued by way of administrative execution.

Supervisory and inspection activities

The oversight and inspection activities of the National Labour Inspectorate in the observance of labour law, in particular the provisions and regulations of occupational health and safety, focus on eliminating or at least significantly reducing occupational hazards in the work environment. Oversight and inspection activities are carried out in accordance with an annual and long-term (three-year) action plan, based on an analysis of the results of previous inspections, as well as the Parliament's comments and observations, and recommendations by trade unions, employer organisations, ministries and central offices, authorities supervising and inspecting working conditions, and research institutes.

Priority is given to inspections of employers with a particularly high occupational risk associated with the presence of factors which are dangerous, harmful, and damaging for health. Moreover, inspection activities are undertaken as a result of requests for inspection by social partners and other public administration authorities, as well as complaints and petitions addressed to the Inspectorate's organisational units.

One of the tasks of the National Labour Inspectorate is to investigate the circumstances and causes of accidents at work. Fatal, serious, and collective accidents are investigated, as reported by employers (pursuant to Article 234 § 2 of the Labour Code), as well as by other authorities.

The National Labour Inspectorate actively supports employers' involvement in issues concerning safety and working conditions, as well as employee participation, both in its oversight and inspection capacity and in its preventive and promotional activities. These include seminars, conferences, and training meetings with employers involved in permanent workplace safety improvement programmes (enhanced oversight in industrial establishments, regular inspections in construction, rail infrastructure, forestry, and mining sectors).

Tasks of the National Labour Inspectorate in the field of combating trafficking in human beings, in particular, for forced labour

National Labour Inspectorate services play an important role in combating trafficking in human beings, including trafficking for forced labour. As part of its competencies, the National Labour Inspectorate is included in a group of institutions and organisations carrying out tasks to counteract this phenomenon. At the central level, a representative of the Chief Labour Inspectorate participates in meetings of the

Unit for Preventing Trafficking in Human Beings in the Ministry of the Interior and Administration and in the works of the Unit's Working Groups. The National Labour Inspectorate carries out tasks under the National Action Plan against Trafficking in Human Beings (currently for 2020-2021) and reports annually on their implementation to the Ministry of the Interior and Administration. In addition, selected labour inspectors from regional labour inspectorates participate in the work of Voivodship Units for Preventing Trafficking in Human Beings.

The National Labour Inspectorate will continue to carry out tasks in this area as part of the currently designed National Action Plan against Trafficking in Human Beings for 2022-2024. Their scope has not been determined yet. It should be assumed that under the new NAP, cooperation with the Ministry of the Interior and Administration within the Unit for Preventing Trafficking in Human Beings on the central level will continue, on the local level – within Voivodship Units for Preventing Trafficking in Human Beings, as well as training activities addressed to PIP employees in the area of this issue, and cooperation with the Border Guard.

Within the framework of the supervisory and inspection tasks, in particular when inspecting the legality of employment and the assignment and performance of work by foreign nationals, labour inspectors verify whether there are indications of forced labour at an inspected establishment, a phenomenon which is characterised by taking control over an employee and results in a violation of human rights. In order to evaluate and identify potential victims of trafficking, especially for forced labour, a number of indicators are used (developed by both ILO and the Ministry of the Interior and Administration), such as the circumstances of taking up and performing work, which may indicate that the employee is a victim of this type of crime.

The signing of an agreement between the Border Guard Chief Commander and the Chief Labour Inspector in 2008 and then in 2015 and 2018 served as an instrument to strengthen the capacity of labour inspectors to respond to the illegal employment of foreign nationals and to the phenomenon of trafficking in human beings. The agreement offers a basis for cooperation primarily in undertaking joint inspections by Border Guard officers and labour inspectors, and for exchanging information on violations of the law concerning foreign nationals, including cases of their illegal employment. Effective combating of crimes of trafficking in human beings for forced labour is also possible thanks to mechanisms of cooperation and exchange of information between National Labour Inspectorate units and prosecutors' offices, at both the central and local levels, also on the basis of an agreement concluded in 2014 and 2017. Training courses are conducted at the National Labour Inspectorate Training Centre in Wrocław to help improve the qualifications of the inspectorial staff involved in the activities related to the issues in question.

The procedure for handling complaints by PIP authorities is an important tool in the prevention of trafficking in human beings for forced labour and violations of labour rights of foreign nationals. Complaints that suggest the need for immediate action are examined first.

Tasks of the National Labour Inspectorate in the field of combating discrimination in access to employment and in relation to the provision of services by employment agencies

Respecting the dignity and other personal interests of employees is a fundamental duty of employers. This also includes the prohibition of unequal treatment and discrimination at work. The activities of the National Labour Inspectorate to prevent and combat unequal treatment and discrimination in labour relations include the implementation of oversight and inspection measures, as well as prevention and information.

Oversight and inspection activities are carried out as a result of, among other things, complaints, notices, and indications of irregularities sent to the National Labour Inspectorate, but also within the framework of inspections carried out in accordance with the Inspectorate's action programme (thematic inspections), where issues of equal treatment and discrimination are addressed.

Inspections of employment agencies always include audits of the implementation of the prohibition of discrimination on grounds of sex, age, disability, race, religion, ethnic origin, nationality, sexual orientation, political beliefs, and religious denomination or trade union affiliation of individuals for whom the agency sought employment or other paid work.

By verifying compliance with the law in relation to temporary workers, labour inspectors make sure that there has been no violation of the prohibition on unequal treatment of temporary workers – with respect to working conditions and other conditions of employment – as compared to workers employed by the employer in the same or a similar position.

As part of inspections concerning the legality of employment, labour inspectors examine issues related to respecting the principle of equal treatment and non-discrimination in access to employment. These activities are aimed at disclosing offences with regard to a refusal to employ a candidate for a vacant position or place of vocational training on the basis of their sex, age, disability, race, religion, nationality, political beliefs, ethnic origin, religious denomination, or sexual orientation. Most often, they involve the examination of job advertisements in which employers post illegal criteria for people who apply for employment, where the nature of the work does not justify their use (e.g., relating to sex or age).

Labour inspectors also check compliance with the principle of equal treatment of foreign nationals in terms of working conditions and other conditions of employment, compared to Polish citizens employed in corresponding or similar positions.

Promotion of the idea of equal treatment and non-discrimination in the labour market, especially with respect to foreign nationals, is supported by projects co-financed from European funds, as well as PIP publications (leaflets, brochures, guides) addressed to a wide audience.

Receiving, processing, and handling complaints and applications before the PIP

The subject of a complaint may be, in particular, violation of the rule of law or the interests of complainants, negligence or improper performance of tasks by the authorities or employees of the National Labour Inspectorate, as well as protracted handling of cases; violation of labour law provisions, including the provisions of occupational health and safety and legality of employment, directly affecting the complainant. The subject of an application, in turn, may be, in particular, matters

concerning improvement of the organisation, strengthening the rule of law, streamlining work and preventing abuse.

Complaints and applications are accepted by all regional labour inspectors and the Chief Labour Inspectorate. They may be lodged in writing, by telegraph, telefax or orally to be included in the minutes, or by electronic means of communication via the electronic inbox.

14. Office of Competition and Consumer Protection

Tasks related to counteracting the unfair use of contractual advantage

The President of the Office of Competition and Consumer Protection will continue to perform tasks related to counteracting the unfair use of contractual advantage in trade in agricultural and food products. Their main objective will still be to improve the situation of the weaker participants of the agri-food market through ongoing monitoring of the situation in its individual segments, as well as carrying out explanatory and relevant proceedings in a consistent manner. The activity of the President of the Office of Competition and Consumer Protection should lead to an increase in the level of awareness of agri-food market participants, and thus result in a decrease in the number of violations.

The implementation of Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain, which will entail the adoption of a new Act on Counteracting the Unfair Use of Contractual Advantage in the Trade in Agricultural and Food Products, will have a significant impact on the tasks performed by the President of the Office of Competition and Consumer Protection as regards the matters in question. Among the proposed changes it is necessary to emphasise, first of all, the extension of an example catalogue of unfair practices and addition of a set of practices whose application is permitted under certain conditions. It is also proposed to introduce a wider range of products to which contracts covered by the Act will apply.

'Whistleblowers' programme

The 'Whistleblowers' programme will be continued. Since December 2019, an option has been made available to report irregularities through a special online platform that ensures complete anonymity, available at: <https://report.whistleb.com/pl/uokik>.

In principle, the aim of the aforementioned programme is to obtain information that is potentially inaccessible to the public (to which access may be obtained, for example, by persons remaining within the organisational structure of the entrepreneur whose actions infringe the competition law). The aim of the 'Whistleblowers' programme is to obtain valuable information otherwise difficult to obtain, which may indicate anti-competitive arrangements made by entrepreneurs, while maintaining security and full anonymity of the persons who provide it.

The changes in the functioning of the 'Whistleblowers' programme described above were primarily dictated by the necessity to ensure – mentioned above – full anonymity of the Whistleblowers, as well as the need to focus potential Whistleblowers on providing information that is valuable from the point

of view of the Office. It was not possible to provide the aforesaid support in transmitting information via e-mail or the hotline. The WhistleB platform guarantees Whistleblowers the highest level of protection and anonymity. If the notifiers themselves do not provide their data – it is impossible to identify them. Moreover, it should be pointed out that personal data provided by Whistleblowers are not made available to external entities. The connection between the Office of Competition and Consumer Protection, the application and the Whistleblower is encrypted and password-protected. Metadata are automatically removed from the files attached. Therefore, the IP of the notifier's computer cannot be determined. The provider of the above-mentioned tool does not have access to the content placed on the platform. Access to information is two-step, and only a designated group of persons employed in the Office of Competition and Consumer Protection have access passwords.

Appendix 1 (information material prepared by the Ministry of Justice)

Trainings

1. Topic: Claims under bank agreements, reference No C23/21

Specific issues discussed during the training include, among others: judicial control of the content of credit agreements, abusive clauses in credit agreements and their consequences, foreign currency denominated and indexed credits, claims under other bank agreements.

Target audience: judges, assessor judges and court referendaries adjudicating in civil and commercial divisions as well as assistant judges adjudicating in those divisions, and prosecutors and assessors in public prosecutor's office dealing with civil law cases.

Number of editions: 4.

Number of participants: 200 (50 participants in each edition, including 2 places for prosecutors in each edition).

Duration of training: 6-8 hours.

Form of training: seminar (online).

2. Topic: Ex contractu liability, ex delicto liability and force majeure, reference No C28/21

Specific issues discussed during the training include, among others: force majeure clause – a catalogue of events defining the state of force majeure; understanding of force majeure in the context of contractual and tort liability; termination of a contractual relationship – prerequisites and consequences; inability to perform for which neither party is liable; acts of legislative and executive power issued in the context of states of emergency – consequences and liability.

Target audience: judges, assessor judges and court referendaries adjudicating in civil, commercial, labour and social security divisions, and prosecutors and assessors in public prosecutor's office dealing with civil law cases.

Number of editions: 2.

Number of participants: 100 (50 participants in each edition, including 2 places for prosecutors in each edition).

Duration of training: 16 hours.

Form of training: seminar, workshops.

3. Topic: Agency agreement in court practice, reference No C34/21

Specific issues discussed during the training include, among others: agency agreement, employment agreement, mandate agreement – differentiating elements (personal, economic and social risk, degree of subordination between an agent and a client, subordination of an employee); parties' claims under an agency agreement during its term and following its termination; non-compete clause and claims arising therefrom; enforceability and prescription of claims in the case law of the Supreme Court and appellate courts.

Target audience: judges, assessor judges and court referendaries adjudicating in civil, commercial, labour law and social divisions as well as assistant judges adjudicating in those divisions, and prosecutors and assessors in public prosecutor's office dealing with civil law cases.

Number of editions: 4.

Number of participants: 200 (50 participants in each edition, including 2 places for prosecutors in each edition).

Duration of training: 6-8 hours.

Form of training: seminar (online).

4. Topic: Bankruptcy, liquidation of an entrepreneur, reference No C42/21.

Specific issues discussed during the training include, among others: termination of an employment relationship as a result of bankruptcy, liquidation of an enterprise; rights of an employer and employee in the event of bankruptcy and liquidation; regulations precluding protection of employee's rights; the order in which layoffs are effected, group layoffs, the amount of severance pay; the impact of bankruptcy and restructuring proceedings on ongoing proceedings in labour law cases.

Target audience: judges, assessor judges and court referendaries adjudicating in labour and social security divisions as well as assistant judges adjudicating in those divisions, and prosecutors and assessors in public prosecutor's office dealing with civil law cases.

Number of editions: 2.

Number of participants: 100 (50 participants in each edition, including 2 places for prosecutors in each edition).

Duration of training: 16 hours.

Form of training: seminar, workshops.

5. Topic: Combating hate speech crimes committed via the Internet, reference No K28/21.

Specific issues discussed during the training include, among others: the Internet as a space for hate speech offences – the scale, dynamics and specificity of the phenomenon; identifying the perpetrator of an act of hate speech committed via the Internet, the problem of identity theft – pretending to be another person; hate speech as an element of prohibited acts and freedom of speech, national and

international case law; overcoming technical and legal difficulties in obtaining evidence from Internet service providers, owners and administrators of social networking sites.

Target audience: judges and assessor judges adjudicating in criminal divisions as well as assistant judges adjudicating in those divisions, and prosecutors, assessors in public prosecutor's office and prosecutor's assistants.

Number of editions: 2.

Number of participants: 100 (50 participants in each edition).

Duration of training: 6-8 hours.

Form of training: seminar (online).

In line with the recommendations of the Polish Institute of Human Rights and Business, the Ministry of Justice requested that the National School of Judiciary and Public Prosecution consider including the following training courses in the schedule of training activities for 2021-2024:

- for judges, assessor judges and assistant judges on the issue of discrimination and anti-discrimination legislation,

- for employees of the judiciary who are in contact with citizens as regards dealing with persons who lack sufficient legal knowledge (in particular on simplifying explanations regarding complex legal issues).

In addition, the following training events covering the above-mentioned topics have already been scheduled in the schedule of training activities of the National School of Judiciary and Public Prosecution

1. Training M9/21 European Union anti-discrimination law. Since 2003, the Academy of European Law in Trier (ERA) organises annual seminars on European anti-discrimination directives, adopted under Article 19 of the EC Treaty, i.e. Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation. Specific issues: among others, the effects of EU law on the legal order of Member States; EU anti-discrimination legislation and definition of key concepts: direct discrimination, indirect discrimination, harassment, burden of proof in discrimination cases; remedies and sanctions in anti-discrimination law; the role of the national judge and the preliminary ruling procedure; the prohibition of age discrimination in the light of CJEU case law.

Target audience: judges and prosecutors; Number of editions: 3; Number of participants: 9.

Duration of training: 2 business days. Form of training: seminar, workshops.

2. Training U14/21 Professional customer service in common courts. Customer service provided by employees working in customer service offices, registry offices and information points of common courts is of great importance for proper transmission of information to court proceedings participants. Applicants often do not know how to specify their enquiries in a way that would allow for a quick answer. Moreover, sometimes their statements are accompanied by negative emotions. In such

Appendix 2 (information of the Ministry of Foreign Affairs)

GOOD PRACTICE CATALOGUE FOR FOREIGN MISSIONS IN THE FIELD OF BUSINESS AND HUMAN RIGHTS²

Introduction

The following recommendations are basic assumptions and should be used by the missions to create their own extensive catalogues of good practices adapted to the conditions in the country of the missions, set out among others in the elaborated maps of risks and threats to human rights. The recommendations refer to three areas of the missions' activities: supporting Polish entrepreneurs, carrying out own public procurement projects and development aid projects. The recommendations should be applied by the missions and recommended by them to Polish entrepreneurs and business partners. In justified cases, their implementation should be enforced by the companies cooperating with the missions, e.g. by raising selected issues during talks and negotiations and by introducing relevant provisions to the contracts signed.

Recommendations

In their activities supporting Polish entrepreneurs, public procurement and development aid projects implementation, Polish foreign missions are guided by the following principles requiring them to:

- comply with the United Nations 'UN Guiding Principles on Business and Human Rights' and the principle of 'due diligence'³ and to continuously raise awareness of the need to apply them in practice among both employees and partners of the mission;

- acquire and expand knowledge of the host country – its history, social and economic problems, culture and customs in the context of developing business contacts; develop and continuously update risk and threat maps as regards human rights in the host country taking into account periodic reports prepared within the framework of the UN and the EU;

² New provisions introduced, inter alia, in accordance with the recommendations of the Working Group on the issue of human rights and transnational corporations and other business enterprises by the Human Rights Council .

³ Due diligence – a comprehensive process aimed at identifying actual and potential negative social, environmental and economic impacts resulting from decisions and actions or omissions at the planning and implementation stage. The purpose of the due diligence process is to avoid and mitigate the negative effects of planned activities.

- maintain ongoing cooperation with relevant state offices, other diplomatic missions, non-governmental organisations and business self-governments, as well as the Foreign Trade Office of the Polish Investment and Trade Agency (if operating in the host country), with regard to assessing the impact of planned economic activities on human rights and their significance for sustainable development;
- conduct its business with due care for the protection of the natural environment, in particular its elements important for the local community; maintain ongoing contact with the local community with respect to matters arising in relation to the conducted business activity and its impact on the life of the local community;
- strictly comply with Polish and local laws, including labour law, occupational health and safety regulations, etc., and in justified cases enforce compliance with the law by business partners. Wherever possible, apply national and international law, if it provides for higher standards of human rights protection;
- avoid corruption-generating situations and regularly train employees in this area, particularly with regard to acceptable practices for maintaining social relations with business partners and accepting gifts in accordance with Polish and local laws and customs in the host country;
- avoid all forms of discrimination in the recruitment process, to strive for a balance in terms of sex, religion and national and ethnic origin, respecting the principle of decent wages and the provision of the necessary insurance, and use the services of specialist employment agencies where appropriate;
- cooperate with reliable partners whose reliability, including in the area of respect for human rights, has been checked using available instruments such as verification by specialised economic bodies. Particular attention should be paid to respect for human rights in the context of forced and bonded labour and child labour in the supply chain.⁴ To the extent possible, preference should be given to companies certified as responsible businesses (e.g. Fair Trade). The current policy on sanctions adopted by Poland should also be taken into account;

⁴ Tracking the 'supply chain' – to the extent possible, making sure that human rights are not violated at any stage in a given enterprise (cultivation, production, sale, etc.).

- in the implementation of public procurement, actively apply the provisions of the 'Public Procurement Law' relating to the adherence to social aspects;
- in the implementation of public procurement, take into account the so-called sustainable procurement criteria⁵ in order to integrate requirements, specifications and criteria ensuring environmental protection, social progress, and support for economic development;
- in justified cases, consult the planned activities with renowned specialised law firms, especially in countries where business activities are at risk due to the lack of transparent laws or particularly difficult conditions related to, for example, armed conflict;
- provide Polish enterprises operating in the host country with information and advisory assistance to support them in ensuring respect for human rights in areas affected by armed conflict.

Point relating to consular activities:

- counteract the phenomenon of trafficking in human beings for forced labour through the implementation of an appropriate information policy, the application of regulations and guidelines relevant to consular services in this regard and ongoing cooperation with services and NGOs dealing with this issue.

⁵ The category of sustainable procurement was created in order to further integrate the SDGs into administration practices. SDG 12 'Ensure sustainable consumption and production patterns' along with its target 12.7 'promote public procurement practices that are sustainable, in accordance with national policies and priorities' points to the role and opportunities of extending the SDGs to the public procurement sector.