

The Principle of Gender Equality in Employment: Historical Development During the Period of Soviet-type Dictatorship in Poland

TOMASZ MIROŚLAWSKI¹

Ph.D. student, University of Miskolc,

Central European Academy

E-mail: tomasz.miroslawski@centraleuropeanacademy.hu

ABSTRACT

This article discusses the historical development of the principle of gender equality in employment and the situation of women in the labour market in Poland under the Soviet-type totalitarian regime. The equality of men and women in employment was declaratively one of the most important ideas in the new state after the war; however, according to the period and party leadership, the equality of men and women in employment was implemented to a different degree, and by different legal instruments. On this ground, the author analyses the legal history of the development of the principle of gender equality during three periods of People's Poland – the period of Stalinism and the Six-year plan (1948–1955), the post-1956 “thaw” period and the last two decades of the People's Republic of Poland. The analysis of labour legislation and social policy of the time was extended by an analysis of propaganda and media material, and by detailed observations of the sociological nature of the actual situation of women in society and employment at that time.

KEYWORDS

female work, gender equality, People's Republic of Poland [PRL], employment, Soviet-type totalitarianism, labour law.

Principiul egalității de gen în domeniul muncii: dezvoltare istorică în perioada dictaturii de tip sovietic din Polonia

REZUMAT

Acest articol abordează dezvoltarea istorică a principiului egalității de gen la locul de muncă și situația femeilor pe piața muncii din Polonia în timpul regimului totalitar de tip sovietic. Egalitatea bărbaților și a femeilor la locul de muncă a fost declarativ una dintre cele mai importante idei în noul stat de după război; cu toate acestea, în funcție de perioadă și de conducerea partidului, egalitatea bărbaților și a femeilor la locul de muncă a fost pusă în aplicare într-un grad diferit și prin instrumente juridice diferite. Pe această bază, >>

1 ORCID: 0000-0002-7758-7415

>> autorul analizează istoria juridică a dezvoltării principiului egalității de gen în trei perioade ale Republicii Populare Polone – perioada stalinismului și a planului de șase ani (1948–1955), perioada “dezghețului” de după 1956 și ultimele două decenii ale Republicii Populare Polone. Analiza legislației muncii și a politicii sociale din acea perioadă a fost completată de o analiză a propagandei și a materialelor din mass-media, precum și de observații detaliate privind natura sociologică a situației reale a femeilor în societate și la locul de muncă în acea perioadă.

CUVINTE CHEIE

munca feminină, egalitatea de gen, Republica Populară Polonă [PRL], ocuparea forței de muncă, totalitarism de tip sovietic, legislația muncii.

I. INTRODUCTION

The idea of equality is the axiological foundation of the Polish legal system. The Preamble of the Constitution of the Republic of Poland of 2 April 1997² declares that all the citizens of the Republic are “*equal in rights and obligations towards the common good – Poland.*” To express the significance of the principle of equality, the legislature placed it in Articles 32 and 33 in Chapter II of the Constitution, devoted to the freedoms, rights, and obligations of persons and citizens. Article 32 (1) states that all persons shall be equal before the law and shall have the right to equal treatment by public authorities, whereas Paragraph 2 prohibits discrimination against anyone in political, social, or economic life for any reason. Article 33 of the Constitution concretises the general principle of equality in Article 32, focusing on gender equality between men and women. The first paragraph states that men and women have equal rights to family, political, social, and economic life in Poland. However, paragraph 2 of Article 33 has unique relevance in the context of the subject matter of this paper. This is because it stipulates that men and women shall have equal rights, particularly regarding education, employment, and promotion, and shall have the right to equal compensation for work of similar value, social security, holding offices, and receiving public honours and decorations. The designation of spheres to which the principle of equality applies, as used in this article, is exemplary; however, it should be noted that it explicitly establishes the constitutional principle of equal pay for equal work or work of equal value.³

The Polish legislature also decided to introduce provisions on the equal treatment of employees and the prohibition of discrimination in employment into the Polish Labour Code, granting them the rank of fundamental principles of labour law. These provisions were introduced in 1996 by a labour code amendment inspired by the laws of

2 Dz. U. Nr 78, poz. 483, Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r. (Constitution of the Republic of Poland of 2 April 1997).

3 Helena Szewczyk (2017): *Równość płci w zatrudnieniu*, Wolters Kluwer Polska, Warsaw, 5.2.2. Konstytucyjne podstawy ochrony praw jednostki w aspekcie równości płci w zatrudnieniu. Available at: <https://sip.lex.pl/#/monograph/369410088/332992?keyword=r%C3%B3wno%C5%9B%C4%87%20p%C5%82ci%20w%20zatrudnieniu%20&toHit=1&cm=SREST> (accessed on 17.11.2022).

the European Union.⁴ Article 11² of the Labour Code⁵ expresses the principle of equal treatment, stating that employees have equal rights for the equal performance of the same duties, and this provision applies particularly to the equal treatment of men and women at work. Article 11³ l.c. introduces the principle of non-discrimination, providing in turn that no discrimination in employment, either direct or indirect, especially on the grounds of a person's gender, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, denomination, sexual orientation, and employment for definite or indefinite terms or on a full-time or part-time basis, shall be allowed. These fundamental principles are specified further in the labour code legislation, namely in Chapter IIa entitled "*Equal treatment in employment*", which covers and defines various aspects of equal treatment and non-discrimination, including the gender issue. According to Polish labour law doctrine, the mentioned principles, in addition to regulating social relations, are also guidelines for courts and other entities interpreting labour law and general guidance for the legislative activity of law-making bodies.⁶

This study explores the historical development of the principle of equality in employment, mainly in the context of gender equality between women and men. This is because the Polish legal system was founded on the traditional division of human beings into men and women, primarily considering biological sex. Moreover, in the Polish public debate, discussions on employment equality were frequent and mostly focused on gender. This is primarily due to the inequalities between men and women that still exist in the Polish labour market.⁷ It should also be mentioned that the largest number of discrimination cases in labour courts involve gender discrimination.⁸

The historical development of the principles of men's and women's equality in employment has taken different paths in each country. In the Republic of Poland, this process has been influenced by events such as the 123 years of the Partitions of Poland, the period of the Soviet-type dictatorship, the political and economic transition, and the Europeanisation of national labour law.

After Poland regained its independence in 1918, one of the main objectives of national policy became state-building by, in particular, the replacement of foreign legislation with national regulations, which also referred to as labour law. During the inter-war period, labour law was regulated in several acts and was not codified. The working and pay conditions of various professional groups were determined by contracts with

4 Zbigniew Góral (2016): Principles of labour law, in Krzysztof W. Baran (ed.): *Outline of Polish labour law system*, Wolters Kluwer Polska, Warsaw, p. 59.

5 Dz. U. z 2022 r. poz. 1510, Ustawa z dnia 26 czerwca 1974 r. Kodeks pracy (Act of 26 June 1974 Labour Code, further: l.c.).

6 Szewczyk (2017): 5.3. Zasada równego traktowania oraz zasada niedyskryminacji (ze względu na płeć) jako podstawowe zasady prawa pracy zawarte w art. 11² i 11³ k.p. (accessed on 17.11.2022).

7 Główny Urząd Statystyczny (2022): *Differences in earnings between women and men in Poland in 2022*, GUS, Bydgoszcz, p. 2 – the publication indicates that average monthly gross earnings of men in October 2020 were higher by 14.7% than the average monthly gross earnings of women.

8 Szewczyk (2017): Wstęp (accessed on 17.11.2022).

employers.⁹ Contractual freedom was limited by the provision of individual legal acts to protect employees. One of the basic demands of the world and the Polish working-class movement at the time related to the principle of equality in employment and the need to regulate working time.¹⁰ The response to these demands was adopted on 29 October 1919 in the first ILO Convention on limiting working time to eight hours a day and forty-eight hours a week in the industry.¹¹ At the national level, ILO regulations were reflected in the Act of 18 December 1919 on working time in industry and commerce.¹² The Act introduced a 46-hour working week, a prohibition on work on Sundays, public holidays, and at night, and increased the overtime allowance,¹³ being in many aspects more progressive than the provisions of the aforementioned ILO Convention No. 1. The Constitution of the Republic of Poland on 17th March 1921, known as the March Constitution, also played a significant role in the development of the principle of equality in employment.¹⁴ Article 102 of the March Constitution established labour as the main basis of the wealth of the Republic and covered it with the special protection of the state. Special protection was provided for working women and juveniles. Article 103, Sentence 4 of the March Constitution prohibited youths under the age of 15 from working and prohibited night work for women and young workers in industries harmful to their health, thus equalising their position in employment. Furthermore, the March Constitution was the first legislation to express the normative principle of the equality of all citizens before the law abolished class privileges and family titles.¹⁵ This principle was more important in the sphere of political equality, but it also paved the way for labour and social equality. Another act directly touching on the issue of equality between men and women in employment during the inter-war period was the Act of 2 July 1924 on the subject of juveniles and women's work.¹⁶ This

9 Beata Goworko-Składanek (2020): Ewolucja zasady równości kobiet i mężczyzn aktywnych zawodowo – ujęcie prawno-historyczne, in Sławomira Kamińska-Berezowska (ed.): *Kobiety, praca, podmiotowość – refleksje socjologiczne*, Wydawnictwo UŚ, Katowice, p. 43.

10 Kamila Naumowicz (2021): Rozdział 3 Ustawowe i podstawowe źródła prawa pracy, in Krzysztof W. Baran (ed.): *System Prawa Pracy. Tom XIV. Historia polskiego prawa pracy*, Wolters Kluwer Polska, Warsaw, 3.3.2. LATA 1918–1920. Available at: <https://sip.lex.pl/#/monograph/369494646/23?keyword=system%20prawa%20pracy%20&tocHit=1&cm=SREST> (accessed on 18.11.2022); Karl Marx (1867): Instructions for the delegates of the provisional general council. The different questions, in Karl Marx and Frederic Engels (ed.): *Volume 20 Collected Works 1864–68*, Lawrence & Wishart, Electric Book (2010), London, p. 187.

11 C001 – Hours of Work (Industry) Convention, 1919 (No.1) – art. 2.

12 Dz.U. 1920 Nr 2 poz. 7, Ustawa z dnia 18 grudnia 1919 r. o czasie pracy w przemyśle i handlu (the Act of 18 December 1919 on working time in industry and commerce).

13 Dz.U. 1920 Nr 2 poz. 7, Ustawa z dnia 18 grudnia 1919 r. o czasie pracy w przemyśle i handlu (the Act of 18 December 1919 on working time in industry and commerce) – art. 1, 10, 14, 16.

14 Dz.U. 1921 Nr 44 poz. 267, Ustawa z dnia 17 marca 1921 r. – Konstytucja Rzeczypospolitej Polskiej (the Constitution of the Republic of Poland of 17 March 1921).

15 Marek Dobrowolski, Dorota Lis-Staranowicz (2022): (Im)permanence of Polish Constitutionalism: in Search of an Optimal Vision of the State, in Lóránt Csink and László Trócsányi (ed.): *Comparative Constitutionalism in Central Europe – Analysis on Certain Central and Eastern European Countries*, CEA Publishing, Miskolc-Budapest, p. 95.

16 Dz.U. 1924 Nr 65 poz. 636, Ustawa z dnia 2 lipca 1924 r. w przedmiocie pracy młodocianych i kobiet (the Act of 2 July 1924 on the subject of juvenile and women's work).

Act tried to equalise women and juvenile positions in employment by prohibiting work in particularly hazardous or harmful conditions, night work, and overtime work; it listed work that juveniles and women were prohibited from undertaking (e.g. women were banned from working underground in mines); it prohibited the termination of employment during the puerperium period; and obligated employers who employed more than 100 women to set up a nursery in the workplace. However, changes in the conception of state-building towards a state based on social solidarity and contribution to the common good resulted in the departure under the April Constitution (23 April 1935)¹⁷ from the concept of equality of all citizens, as expressed in the March Constitution. Instead, Article 7 of the April Constitution pointed out that citizens' efforts and merits for the common good will determine their power to influence public affairs, and neither origin, religion, gender, nor nationality can be reasons for limiting such powers. It should be noted that despite attempts to equalise the positions of men and women in employment in the II Republic of Poland, this was equality in theory rather than in practice. An example that supports this statement is the so-called celibacy acts aimed at limiting or eliminating married women's access to public services. One such law was the State Civil Service Act of 17 January 1922¹⁸ which, through Article 6, sentence 2, referring to the rules of the civil laws of the time, required the consent of husbands for married women to be admitted to state service.¹⁹

The inter-war period was significant for the development of the principle of gender equality in employment, but the experience that had the greatest impact and left the most profound mark on this principle was 48 years of the Polish United Workers' Party (PZPR) rule. Moreover, this period is the least researched period within the Polish literature on equality in labour law. For these reasons, this article aims to analyse the development of the principle of gender equality in Poland during the Soviet-type totalitarian period.

II. PERIOD OF THE SOVIET-TYPE DICTATORSHIP

V. I. Lenin in one of his works wrote that

*"[t]he second and most important step (in the liberation of a woman) is the abolition of the private ownership of land and the factories. This and this alone opens up the way towards complete and actual emancipation of a woman, her liberation from 'household bondage' through the transition from petty individual housekeeping to large-scale socialised domestic services. This transition is difficult because it involves the removal of the most deep-rooted, inveterate, hidebound, and rigid order. But the transition has started, the thing has been set in motion, and we have taken a new path."*²⁰

17 Dz.U. 1935 Nr 30 poz. 227, Ustawa Konstytucyjna z dnia 23 kwietnia 1935 r. (the Constitutional Act of 23 April 1935).

18 Dz.U. 1922 Nr 21 poz. 164, Ustawa z dnia 17 lutego 1922 r. o państwowej służbie cywilnej (the State Civil Service Act of 17 January 1922).

19 Goworko-Składanek (2020): p. 45.

20 Vladimir Ilicz Lenin (1921): International working women's day, in Yuri Sdobnikov (ed.): *V.I. Lenin Collected Works Volume 32 – December 1920 – August 1921*, Lawrence & Wishart, London (1965), p. 162.

In addition, Frederic Engels, whose thought became the basis of Lenin's views, in his famous work "The origin of the family, private property and the state. In the light of the research by Lewis H. Morgan" pointed out that the first precondition for the emancipation of women is the reintroduction of the entire female population into the public industry.²¹ Taking into account the words of the two aforementioned authors, whose ideas shaped the new system of the Polish state, to a greater or lesser extent, it is relevant to consider how the principle of gender equality developed, especially in the sphere of labour, which was to define new social relations. It is also important to analyse whether the state of real socialism, by taking actions in the legal sphere and thus attempting to mould the new reality, led to the realisation of the idea of gender equality expressed in the Constitution of the Polish People's Republic.²²

1. Regendering from above (period of Stalinism and Six-year plan)

During World War, approximately 5,800,000 Polish citizens died, many of whom were men.²³ War, while on the one hand being a tragedy, also became a source of social change. In the early post-war period, women constituted the majority of the population. According to data from the Central Statistical Office, in 1946, there were 118 women per 100 men,²⁴ who became the largest reserve of the weakened working class after the war. Furthermore, many women faced the burden of supporting their families on their own, which required them to enter the labour market. Unfortunately, they were often victims of mistreatment and hostility from employers, especially in traditionally male-dominated branches of the industry. In 1947, there were approximately 120 thousand unemployed women.²⁵ For these reasons, women quickly found themselves in the spotlight of public opinion and the political forces of the time.

The coalition government that took power in 1945, the majority of which were PPR (*Polska Partia Robotnicza* – Polish Workers' Party) members, decided to initiate limited measures to equalise the position of women in post-war state and to facilitate their access to the labour market. A three-year plan (1947–1949) was introduced in 1947. Its main aims were to reconstruct the economy, create a framework for a new system, and increase workforce size. The plan involved extending medical care to pregnant women and nursing mothers and expanding the participation of the female workforce

21 Frederic Engels (1884): The origin of the family, private property, and the state. In the light of the researches by Lewis H. Morgan, in Frederic Engels (ed.): *Volume 26 Collected Works 1864–68*, Lawrence & Wishart, Electric Book (2010), London, p. 182.

22 Dz.U. 1952 Nr 33 poz. 232, Konstytucja Polskiej Rzeczypospolitej Ludowej uchwalona przez Sejm Ustawodawczy w dniu 22 lipca 1952 r. (the Constitution of Polish People's Republic of 22 July 1952) – art. 66, 69.

23 Cecylia Leszczyńska (2018): *Historia Polski w liczbach t. 5*, Zakład Wydawnictw Statystycznych, Warsaw, p. 80.

24 Główny Urząd Statystyczny, Departament Opracowań Statystycznych (2018): *100 lat Polski w liczbach 1918–2018*, GUS, Warsaw, p. 53.

25 Małgorzata Fidelis (2010): *Kobiety, komunizm i industrializacja w powojennej Polsce*, W.A.B., Warsaw, p. 68.

in professions previously carried out by men.²⁶ The three-year plan was the first act of the new authorities to lay the groundwork for gender equality policies in modern economic reality.

The leading inspiration for the three-year plan was the Soviet five-year plans (*пятилетка*). This led to the implementation in Polish reality of a distinctive policy for gender equality in employment, termed by W. Z. Goldman “*regendering from above*.” This idea was based on the movement of large groups of women into new occupations previously held by men or created and designated by the state. Gender integration was achieved through a new segregation of labour, redrawing but not erasing the boundaries between men’s and women’s work, which caused a paradox.²⁷ Despite formal equality, the overemphasis on the “*gender*” of a profession led to the perpetuation of a traditional gender hierarchy in the collective mind of society.²⁸

Many female political activists were not satisfied with the new state policies for professional equality. They stressed that the three-year plan was primarily oriented towards raising output in the area of production and did not lead to the real equalisation of women’s and men’s work. In particular, they drew attention to the need for training and education for women rather than treating them as cheap labour by assigning them to new professions. The government, to some extent, taking into account women’s demands, in the spring of 1947 initiated “*the action for economic independence of unemployed women*”, the so-called Action AZ. The Ministry of Labour and Social Welfare, cooperating with the League of Women in planning the action, focused on the most disadvantaged group of women living in geographical regions with the highest rate of unemployment, namely women over 35 with limited skills, and incapable of moving to another region because of family commitments, widows of veterans, and women with health problems.²⁹

On 21 May 1948, the Act of 28 April 1948 on the amendment of the Act of 2 July 1924 on the work of juveniles and women came into force, which was part of the policy of the time to equalise the position of women at work by emphasising their psycho-physical traits and their traditional social role as mothers. The provisions of the law primarily increased the protection of pregnant workers. Compared to the pre-war regulations, this Act increased the protection of pregnant workers by allowing women, from the sixth month of their pregnancies, to be reassigned to less strenuous work, along with remuneration no lower than the average previous remuneration for the last three months of work [art. 1(1)]; extended pregnancy leave to 12 weeks within which a 2-week break before and an 8-week break after childbirth is compulsory [art.1(2)]; implemented a protection period from termination of the contract during pregnancy and pregnancy leave and special protection covering women working on the basis of fixed-term contract or contract for the performance of a specific job, under which if

26 Dz. U. 1947 Nr 53 poz. 285, Ustawa z dnia 2 lipca 1947 r. o Planie Odbudowy Gospodarczej (the Act of 2 July 1947 on Plan for Economic Reconstruction) – art. 58 (2)a, 75.

27 Wendy Z. Goldman (2002): *Women at the gates. Gender and industry in Stalin’s Russia*, Cambridge University Press, Cambridge, p. 144.

28 Fidelis (2010): p. 70.

29 Małgorzata Fidelis: Equality through protection: The Politics of Women’s Employment in Post-war Poland, 1945–1956, *Slavic Review*, 2/2004, p. 311.

such a contract would expire within four months before childbirth, it shall be extended until the date of childbirth [art.1(4)]; and prohibited the employment of women from the fourth month of pregnancy and prevented women who have a child up to the age of eighteen months from taking up overtime work from outside their regular place of work [art. 1(7)].³⁰ However, the policy of the new authorities was about to change, putting even more priority on the idea of “*emancipation through work*” by departing to some extent from the idea of equalisation of gender in employment by protecting women, especially pregnant ones, in the labour market.

In 1948, the Polish Socialist Party (PPS) merged or rather was taken over by the Polish Workers’ Party (PPR) to form the Polish United Workers’ Party (PZPR), which began a period of the one-party rule until 1989.³¹ The year 1948 also marks the implementation of a system of state governance in Poland, known as “Stalinism”, which lasted until approximately 1955.

In 1950, a six-year plan was adopted to introduce accelerated industrialisation. The main aims of the plan were to develop a productive force, increase the prosperity of the working masses, flourish culturally, and build the foundations of socialism in Poland. The plan also envisaged a level of employment in the socialist economy of 5.7 million people, that is, an increase of 60% compared to 1949. For this purpose, women were widely drawn into production and facilitated by their professional work. Women’s participation in the socialist economy was boosted to 33.5 percent, which meant the employment of 1,230,000 women.³²

Achieving the new economic goals was, on the one hand, ambitious but on the other, probably overstated. The state undertook radical steps that have led to a significant weakening of the protective function of labour law in favour of an organisational function.³³ By the Act of 26 February 1951 on amendment of the Act on juvenile and women work,³⁴ and the Decree of Council of Ministers of 28 February 1951 on works prohibited for women,³⁵ the catalogue of works that were not allowed for women was considerably reduced. In particular, the ban on women working underground in mines and at night has been substantially abolished. On the other hand, the Act of 26 February 1951 an amendment of the Act on Juvenile and Women Work, compared to the

30 Dz.U. 1948 Nr 27 poz. 182, Ustawa z dnia 28 kwietnia 1948 r. o zmianie ustawy z dnia 2 lipca 1924 r. w przedmiocie pracy młodocianych i kobiet (the Act of 28 April 1948 on amendment of the Act of 2 July 1924 on the work of juveniles and women) – art. 1.

31 Formally speaking, there were two other political parties operating legally in Poland – United People’s Party and Democratic Party, but they were satellite parties to the PZPR.

32 Dz. U. 1950 Nr 37 poz. 344, Ustawa z dnia 21 lipca 1950 r. o 6-letnim planie rozwoju gospodarczego i budowy podstaw socjalizmu na lata 1950–1955 (the Act of 21 July 1950 on Six-year plan of economic development and building the foundations of socialism for years between 1950–1955).

33 Naumowicz (2021): 3.5. OKRES POWOJENNY I PRL (LATA 1945–1989) (accessed on 26.11.2022).

34 Dz. U. 1951 Nr 12, poz. 94, Ustawa z dnia 26 lutego 1951 r. o zmianie ustawy w przedmiocie pracy młodocianych i kobiet (the Act of 26 February 1951 on juvenile and women work).

35 Dz.U. 1951 Nr 12 poz. 96, Rozporządzenie Rady Ministrów z dnia 28 lutego 1951 r. o pracach wzbronionych kobietom (the Decree of Council of Ministers of 28 February 1951 on works prohibited for women).

legislation of 28 April 1948³⁶ extended the protection of mothers through a prohibition against pregnant women and women with children up to one year working not only overtime but also at night.³⁷

In the Stalinist era, the policy of “*regendering from above*” initiated during the three-year plan, was further developed. Women were now to undertake “*new occupations*”, that is, occupations that had traditionally been performed by men but were redesigned to be performed by women. Men who had previously carried out these jobs were re-assigned to “*more masculine*” jobs.³⁸ The party-state’s use of a strongly dichotomous division into male and female occupations indicates that it was not intended to erase the boundaries between genders in employment or achieve equality between men and women. The main premise of the Stalinist policy was the appropriate redistribution of the workforce, making use of natural gender characteristics to maximise national production. The embodiment of this approach was Resolution No. 620 of the Government’s Presidium on 17 July 1952 on increasing the employment of women in the national economy. Based on this resolution, there was the establishment of a minimum percentage of women’s employment in the workforce of the specific workplace, particularly in the engineering, chemical and construction industries; the initiation of efforts to ensure that the children of working women are provided with care from the state; the reduction of male employment in occupations that can be fully performed by women; and the reassignment of men to other types of work positions that can be performed by women.³⁹

For the realisation of the six-year plan and the policy of “*regendering from above*”, party propaganda disseminated mainly through women’s organisations and the press played a major role. This propaganda also had a significant impact on the public’s understanding of the principles of equality in employment.

The League of Women was the most important organisation promoting new occupations for women. The League was established shortly after the war in 1945 under the name “*Social-Civic League of Women*.”⁴⁰ Initially, it was mainly concerned with the training of women for a future profession—maternal and child healthcare—and helping to reunite families separated by war and occupation. Its statutory activities were not strictly political and operated independently of the party to a great extent. In its

36 Dz.U. 1948 Nr 27 poz. 182, Ustawa z dnia 28 kwietnia 1948 r. o zmianie ustawy z dnia 2 lipca 1924 r. w przedmiocie pracy młodocianych i kobiet (the Act of 28 April 1948 on amendment of the Act of 2 July 1924 on the work of juveniles and women) – art. 1(7).

37 Dz. U. 1951 Nr 12, poz. 94, Ustawa z dnia 26 lutego 1951 r. o zmianie ustawy w przedmiocie pracy młodocianych i kobiet (the Act of 26 February 1951 on juvenile and women work) – art. 1(3).

38 Fidelis (2004): p. 313.

39 M.P. 1952 Nr 73 poz. 1160, Uchwała Nr 620 Prezydium Rządu z dnia 17 lipca 1952 r. w sprawie zwiększenia stanu zatrudnienia kobiet w gospodarce narodowej (Resolution No. 620 of the Presidium of the Government of 17 July 1952 on increasing the employment of women in the national economy) – §1, §4, §5, §7.

40 Anna Marcinkiewicz-Kaczmarczyk: Rola kobiety w Polsce Ludowej w świetle treści propagandowych rozpowszechnianych przez Ligę Kobiet w latach 1946–1956, *Dzieje Najnowsze*, 2/2018, pp. 150–151.

ideological declaration, the League emphasised that the new government had introduced equal rights for women, and the organisation's task was to ensure that the declared equality was implemented.⁴¹ The League was also publishing a journal called "*Fashion and Practical Life*" (*Moda i Życie Praktyczne*),⁴² which at first occasionally, and later more frequently, next to beauty tips and recipes for "*sponge cake pudding*", included texts on women at work and their role in the new regime.⁴³ Circles of the organisation designed to gather women from different backgrounds were set up in cities, villages, workplaces, and even the army. In 1950, the political bureau of the PZPR Central Committee, seeking to bring all national organisations under its control, decided that the league's *modus operandi* had to be changed. The Social-Civic League of Women was dissolved, and an organisation with almost the same name (League of Women) but a changed scope of activities was established. League circles in workplaces were also liquidated.⁴⁴ The new League of Women was subordinated to the party and its work was based on ideological and propagandistic activities. From then on, the League was not focused on real help for women but on convincing them to fulfil party resolutions and shape their political consciousness in line with the party-state interpretation. It did so through various campaigns, occasional bulletins, or supplements in the press addressed to leaders of labour (*przodownicy pracy*), activists, and agitators.

As mentioned above, the perception of the new role of women and gender equality in employment were deeply influenced by the women's press. Its core were two magazines: "*Moda i Życie Praktyczne*" (Fashion and Practical Life) and "*Przjaciółka*" (Girlfriend). As described earlier, "*Moda i Życie Praktyczne*" tended to target highly educated women living in cities. While the weekly *Przjaciółka* was a magazine addressed to the broadest group of the female population at the time, namely, poorly educated women living in the countryside or workers.⁴⁵ Women taking up "men's jobs" were described in the press as heroines. It was also pointed out that in the new Poland, women could be workers, labour leaders, political activists, housewives, mothers, and wives. A. Kłoskowska in her research on the family model in "*Przjaciółka*" in the period 1950–1951, indicated that two-thirds of the novellas in the magazine portrayed the lives of peasant and worker families. The dominant family model in the indicated period was therefore the family originating from the "*broad masses of society*". In most cases, women are depicted in professional roles that determine their lives and families. They were considered equal to their husbands because, like them, women could actively participate in the state's production and contribute to the family's maintenance. Economic

41 Marcinkiewicz-Kaczmarczyk (2018): p. 153.

42 Urszula Ćwik (2017): Podstawowe założenia Społeczno-Obywatelskiej Ligi Kobiet w świetle «*Mody i Życia Praktycznego*» (1946–1951), in Małgorzata Dajnowicz, Adam Miodowski (ed.): *Polityka i politycy w prasie XX i XXI wieku. Prasa organizacji politycznych*, Wydawnictwo Humanica Instytut Studiów Kobiety, Białystok, pp. 51–53.

43 The article "Working women" can serve as an example – "Kobiety pracy", *Moda i Życie Praktyczne*, 1946, No. 15, p. 11.

44 Fidelis (2010): p. 123.

45 Katarzyna Florczyk (2010): Modelowy wizerunek kobiety w propagandzie okresu stalinowskiego w Polsce, in Łukasz Kamiński and Tomasz Kozłowski (ed.): *Letnia Szkoła Historii Najnowszej 2010. Refereaty*, Instytut Pamięci Narodowej, Warszawa, pp. 30–31.

equalisation led to the equalisation of interpersonal relations. Additionally, women's attractiveness was perceived through the prism of their involvement in professional work.⁴⁶ The symbol and role model in the social order of the time became Magdalena Figur, a leader of labour and the first female tractor driver.⁴⁷ Her image appeared on photographs and posters with the caption "*youth – forward to the fight for a successful socialist Polish countryside*" or "*women on tractors.*" A distinctive narrative in media coverage was that women in "male" jobs brought many positive "feminine" qualities, such as maternal and household instincts and an emotional bond with the machine.⁴⁸ In 1950, the daily newspaper "*Trybuna Ludu*" (People's Tribune) – organ of the Central Committee of PZPR, published an article under the meaningful title "*The factory is her second home.*" This article tells the story of Antonina Słowińska, a woman working in a lighting equipment factory who has come a long way from a small town to finally end up in Warsaw, a factory that she loved so much. Moreover, the woman, wanting to achieve a higher result, started working on both machines. She is also an executive member of a basic party unit and is active in the League of Women. Her only concern is that seeing how much there is still to do, she is constantly lacking time.⁴⁹ This text illustrates the specificity of the propaganda message of the time on how a liberated woman was expected to behave and by what means gender equality in employment was to be achieved.

The next step in the development of the principle of gender equality in employment was adopted by the Sejm of the Constitution of the People's Republic of Poland on 22 July 1952 modelled on the Constitution of the USSR on 5 December 1936. This Constitution brought the principle of equality between men and women to the forefront, as formulated in Article 66.⁵⁰ The first section of Article 66 stated that women in the Polish People's Republic have rights equal to those of men in all spheres of public, political, economic, social, and cultural life. The second section of this article focused on guaranteeing the implementation of gender equality. The legislature has divided these guarantees into two groups. The first group contained provisions granting women "*equal rights with men to work and pay according to the principle 'equal pay for equal work', the right to rest and leisure, to social insurance, to education, to honours and decorations, to hold public appointments.*" This regulation was intended to ensure women's fundamental civil rights. The second group of guarantees included

"mother-and-child care, protection of expectant mothers, paid holidays during the period before and after confinement, the development of a network of maternity homes, creches and nursery schools, the extension of a network of service establishments and restaurants and canteens."

46 Antonina Kłoskowska: Modele społeczne i kultura masowa, *Przegląd Socjologiczny*, 2/1959, pp. 59–60.

47 Goworko-Składanek (2020): p. 48.

48 Fidelis (2010): p. 183.

49 Fabryka to jej drugi dom, *Trybuna Ludu*, No. 68, 9 March 1950, p. 5.

50 Dz. U. 1952 Nr 33, poz. 232. Konstytucja Rzeczypospolitej Polskiej uchwalona przez Sejm ustawodawczy w dniu 22 lipca 1952 r. (the Constitution of People's Republic of Poland of 22 July 1952) – art. 66.

These guarantees were designed to enable women to combine family and professional duties and to ensure the possibility of exercising their rights.⁵¹ In the context of the discussed provisions, Article 67 of the Constitution of the Polish People's Republic, which established the protection of the state over marriage and family and gave special attention to families with many children, is of great importance. These regulations followed a model of equality known in the literature as "*compensatory equality*" (*równość wyrównawcza*), characterised by the establishment of labour and social law institutions applicable exclusively to women, which were aimed at abolishing existing inequalities identified by the legislator to be a disadvantage to this group of employees.⁵²

At the very beginning of the Stalinist period, not as much importance was given to the role of women as mothers. The reference to it in the Constitution of the Polish People's Republic⁵³ and the emphasis on maternity protection and the caring status of women in labour law indicates that the system started slowly to solidify and partly return to traditional patterns such as the woman's role as a mother.⁵⁴ Legal scholars acknowledged this turn. Wieruszewski pointed out that

*"the significance of the constitutional provisions on gender equality was determined by the biological function of the woman and her role in the family, which fundamentally limited the possibility of women participating in socio-political life. Therefore, constitutional regulations were based on the assumption that maternal function is socially important for equalising women's opportunities by placing emphasis on the development of material conditions for the realisation of the rights granted to women."*⁵⁵

Despite the constitutional regulation of equal pay and gender equality in employment, in practice, working women were disadvantaged compared to their male co-workers. Often, male supervisors were prejudiced against female workers and sent them to work under harsh conditions so that they did not meet the required production limits.⁵⁶ Furthermore, there was a common belief in the workplace that men's wages, unlike women's, were family wages, and thus, should be higher.⁵⁷ M. Fidelis, analysing the situation of the female staff of the Żyrardów textile factory in the post-war years,

51 Roman Wieruszewski: Zasada równouprawnienia kobiet w polskim systemie prawa, *Ruch Prawniczy, Ekonomiczny i Socjologiczny*, 3/1975, p. 24.

52 Artur Tomanek (2021): Rozdział 3 Prawo pracy w aktach konstytucyjnych w latach 1918–2018, in Krzysztof W. Baran (ed.): *System Prawa Pracy. Tom XIV. Historia polskiego prawa pracy*, Wolters Kluwer Polska, Warsaw, 2.5. ZASADA RÓWNOŚCI. Available at: <https://sip.lex.pl/#/monograph/369494646/16?keyword=historia%20prawa%20pracy%20&toHit=1&cm=STOP> (accessed on 28.11.2022).

53 Dz. U. 1952 Nr 33, poz. 232. Konstytucja Rzeczypospolitej Polskiej uchwalona przez Sejm ustawodawczy w dniu 22 lipca 1952 r. (the Constitution of People's Republic of Poland of 22 July 1952) – art. 66, 67.

54 Tomanek (2021): 2.5. ZASADA RÓWNOŚCI (accessed on 28.11.22).

55 Wieruszewski (1975): p. 24.

56 Fidelis (2010): p. 186.

57 Fidelis (2010): p. 260.

indicated that women received from 40 to 300 Polish zlotys for two weeks of work, while men for the same period and work received from 60 to 432 Polish zlotys.⁵⁸

On 18 May 1954, a resolution of the Presidium of the Government introduced an allowance for working mothers for the period of absence from work owing to the need for personal care of a sick child under 14 years of age.⁵⁹ In 1955, the resolution of the Presidium of the Government on 18 May 1954 was extended to include fathers.⁶⁰ Both regulations were adopted in line with the spirit of the slowly changing post-Stalin state policy regarding gender equality in employment. This policy was to consider a women's "natural" functions and their role in the family as a mothers while ensuring relative equality in marriage and opportunity to work (covering the father's ability to stay home with his sick child and receive the benefit).

In 1954, the Council of State decided to adopt ILO Convention No. 100 on Equal Remuneration. According to art. 2 (1) of the Convention –

*"Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value."*⁶¹

The obligation identified in this study confirmed and reinforced the constitutional regulation of equal pay for equal work.

2. Return to the traditional division of work (period after 1956)

After the June protest in Poznań in 1956, the time of "thaw" came (de-Stalinization). However, in parallel with political liberalisation, it also brought a desire to change the previous understanding of the principle of gender equality in employment. The slow-down of industrialisation, the resistance of society and the desire to emphasis national traditions and the "*Polish way to socialism*" caused the beginning of the process of dismissing women from new professions.⁶² Images of "heroines" working in men's jobs

58 Fidelis (2010): p. 89.

59 M.P. 1954 Nr 47 poz. 659, Uchwała Nr 293 Prezydium Rządu z dnia 18 maja 1954 r. w sprawie przyznania matkom pracującym zasiłków chorobowych za okres nieobecności w pracy z powodu choroby dziecka (Resolution No. 293 of the Presidium of the Government of 18 May 1954 on the granting of sickness benefits to working mothers for the period of absence from work due to child illness) – §1.

60 M.P. 1955 Nr 124 poz. 1614, Uchwała Nr 993 Prezydium Rządu z dnia 17 grudnia 1955 r. o uzupełnieniu uchwały z dnia 18 maja 1954 r. w sprawie przyznania matkom pracującym zasiłków chorobowych za okres nieobecności w pracy z powodu choroby dziecka (Resolution No. 993 of the Presidium of the Government of 17 December 1955 on supplementing the resolution of 18 May 1954 on the granting of sickness benefits to working mothers for the period of absence from work due to child illness) – §1.

61 C100 – Equal Remuneration Convention, 1951 (No.100) – art. 2 (1).

62 Małgorzata Fidelis (2020): Równouprawnienie czy konserwatywna nowoczesność? Kobiety pracujące, in Katarzyna Stańczak-Wiślicz, Piotr Perkowski (ed.): *Kobiety w Polsce 1945–1989. Nowoczesność, równouprawnienie, komunizm*, Universitas, Kraków, p. 126.

disappeared from the press, and labour policy started to focus on restoring the traditional division of professions and outlining a new role model for women – the “Polish mother.”⁶³ These tendencies were reflected in the next five-year plan (1956–1960).

At that time, modern economic concepts of Polish economists such as Oskar Lange, Michał Kalecki, and Edward Lipiński, which assumed the implementation of certain market elements into a socialist economy began to gain popularity. Economists have advocated increased self-reliance on enterprises, greater use of economic accounts, and decentralisation of the economic planning system.⁶⁴ Moreover, the new five-year plan involved strengthening the consumerist function of society and the development of other branches of industry, with a focus on heavy industry.⁶⁵ A new approach to economic issues entailed the need for changes in employment structure.

Women quickly ceased to be an important element of the workforce, and the process of dismissing them, especially from more prestigious and better-paid positions, began. First, the authorities decided to “*eliminate the administrative outgrowths*” by the implementation of the resolution of the Council of Ministers of January 1957 “*on the rules of dismissal, training, and employing workers in connection with the reorganization of the administration.*” This resolution provided that

“*in case of coequal professional qualifications, in dismissing an employee, the following should be taken into consideration: the employee’s family status, age, number of working persons in the family, and whether he or she owns a farm household or another workplace.*”⁶⁶

Formally, this provision applied to both men and women, but in practice, it was used primarily to dismiss women, mainly based on “*family status*” and the “*number of working persons in the family*” criteria.⁶⁷ A further resolution in February 1958 referred to a broader group of employees, as its subject was employment policy in socialised workplaces. The resolution stated that “*when it comes to dismissing an employee, their usefulness in the workplace ought to be taken into account, along with their professional skills and possessing additional sources of subsistence.*”⁶⁸ In addition, this provision, mainly because

63 Kołakowska (1959): p. 67.

64 Piotr Koryś, Maciej Tymiński: Od socjalizmu do socjalizmu. Koncepcje reform gospodarczych w PRL po wybuchach społecznych w 1956 i 1980 r., *Dzieje Najnowsze*, 4/2016, p. 127.

65 Dz. U. Nr 40, poz. 179, Uchwała Sejmu Polskiej Rzeczypospolitej Ludowej z dnia 12 lipca 1957 r. o Planie Rozwoju Gospodarczego w latach 1956–1960 (Resolution of the Sejm of the People’s Republic of Poland of 12 July 1957 on the Economic Development Plan 1956–1960) – Chapter I and II.

66 M. P. z 1957 r. Nr 6, poz. 37, Uchwała z dnia 18 stycznia 1957 r. w sprawie zasad zwalniania, przeszkalaniania i zatrudniania pracowników w związku z reorganizacją administracji (Resolution of 18 January 1957 on determining the principles of dismissal, training and employment relative to the administration reorganisation project) – §6 (2).

67 Natalia Jarska: Gender and labour in post-war communist Poland: Female unemployment 1945–1970, *Acta Poloniae Historica*, 1/2014, p. 63.

68 M. P. z 1958 r. Nr 16, poz. 100, Uchwała Nr 42 Rady Ministrów z dnia 26 lutego 1958 w sprawie zadań polityki zatrudnienia w uświadcznionych zakładach pracy (Resolution No. 42 of the Council of Ministers of 26 February 1958 on the policy tasks related to employment in socialised workplaces) – §6.

of the fragmentation of an additional source of subsistence, was used to dismiss married female workers.⁶⁹

From now on, women were no longer to perform occupations that had previously been considered as “masculine” but were to be relegated to branches of industry and professions that were compatible with their “*natural characteristics*”. As such, the authorities have considered the textile, dairy, and meat industries.⁷⁰ Furthermore, a characteristic phenomenon of the Polish employment system, in contrast to the Soviet one,⁷¹ was the implementation and promotion by the party-state of the cottage industry, which was to be a kind of the new core of women’s employment after 1956.⁷² The cottage industry was intended to enable women to work professionally on the one hand and fulfil their “natural” role in society as mothers and housewives on the other.

A subsequent sign that the system was returning to the protective and compensatory function of the principle of gender equality in employment was the restoration of the previously revoked bans on women’s work through the adoption of the Regulation of the Council of Ministers on 18 February 1959 amending the Regulation of 28 February 1951 on work prohibited for women. The Regulation reinstated the prohibition of women’s underground work in mines and established new ones in forestry and agriculture (e.g. women could no longer work as tractor drivers).⁷³

On 8 May 1961, Poland ratified the ILO Convention 111.⁷⁴ The Convention is of great significance in relation to the principle of gender equality in employment, as it introduced a definition of discrimination, which means

“any distinction, exclusion or restriction (particularly on grounds of gender) which results in or is intended to deprive women, regardless of their marital status, of the granting or exercising of human rights and fundamental freedoms in the political, economic, social, cultural, civil and other fields on equal terms with men”⁷⁵

69 Jarska (2014): p. 64.

70 Fidelis (2020): p. 127.

71 Jill M. Bystydziński: Women and socialism: A comparative study of women in Poland and the USSR, *Signs: Journal of Women in Culture and Society*, 3/1989, p. 676.

72 Dz. U. Nr 40, poz. 179, Uchwała Sejmu Polskiej Rzeczypospolitej Ludowej z dnia 12 lipca 1957 r. o Planie Rozwoju Gospodarczego w latach 1956–1960 (Resolution of the Sejm of the People’s Republic of Poland of 12 July 1957 on the Economic Development Plan 1956–1960) – Chapter I and III.

73 Dz.U. 1959 Nr 18 poz. 109, Rozporządzenie Rady Ministrów z dnia 18 lutego 1959 r. zmieniające rozporządzenie z dnia 28 lutego 1951 r. o pracach wzbronionych kobietom (Regulation of the Council of Ministers of 18 February 1959 amending the Regulation of 28 February 1951 on work prohibited to women).

74 Dz.U. 1961 Nr 42 poz. 218, Konwencja (Nr 111) dotycząca dyskryminacji w zakresie zatrudnienia i wykonywania zawodu przyjęta w Genewie dnia 25 czerwca 1958 r. [Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation adopted in Geneva on 25 June 1958].

75 Szewczyk (2017): 3.2. Konwencje i zalecenia MOP (accessed on 18.12.2022).

and obliged members to pursue a national policy aimed at eliminating all discrimination in employment.⁷⁶

The 1960s, under the influence of the new national economic concept, became known as a period of “*small stabilisation*.” There was a definite increase in the production of means of consumption, and the new force in the employment structure became intelligentsia and skilled workers. Due to economic and political changes, Poles were able to devote more attention to the sphere of private life. Citizens’ consumption expectations have begun to be clarified, including housing, technology, and fashion.⁷⁷ This looser atmosphere in society has contributed to the emergence of criticism of many aspects of the state’s functioning. One topic of discussion was the difference between the declared and actual equality for women in employment. The dominant voices in these debates were those of female sociologists researching the situation of women in the workplace.⁷⁸ In her work, Waluk pointed out that there are certain occupations that women should not perform to protect their own health and the health of future generations, but the catalogue of such jobs should not be too broad and will decrease over time with economic development.⁷⁹ In addition, the researcher indicated that the widespread belief that women have less endurance in industrial work because of their physical characteristics is only partly true because the main factor contributing to exhaustion is the double burden of work and household duties.⁸⁰ The exclusion of women from the possibility of carrying out certain professions was also strongly influenced by men’s prejudices against women being able to manage their work, for example in technical professions.⁸¹ The author criticised the approach that generalises the specific nature of women’s abilities and skills, stating that whether someone can perform a particular profession should depend on the individual’s personal aptitude.⁸²

These results illustrate, to some extent, the direction of discourse among women at the time regarding gender equality in employment.

3. The stiffening of the mother role model in the late period of the People's Republic of Poland (1971–1989)

In the following two decades in the People’s Republic of Poland, authorities continued the course of development chosen by the previous party leadership, placing more emphasis on traditional gender divisions, especially in the spheres of employment and domestic work.⁸³ The new First Secretary of the PZPR Central Committee – Edward

76 C111 – Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – art 2.

77 Aleksandra Jasińska, Renata Siemieńska (1978): *Wzory osobowe socjalizmu*, Wydawnictwo Wiedza Powszechna, Warsaw, p. 113.

78 Fidelis (2020): p. 131.

79 Janina Waluk (1965): *Placa i praca kobiet w Polsce*, Książka i Wiedza, Warsaw, p. 60.

80 Waluk (1965): p. 61.

81 Waluk (1965): p. 62.

82 Waluk (1965): pp. 64–65.

83 Fidelis (2020): p. 138.

Gierek, was portrayed as a man of progress and “*father of the nation*”,⁸⁴ open to society and expected to create policies according to new standards.⁸⁵ E. Gierek during his speeches paid a lot of attention to Polish women, as exemplified by his words during the Labour Day celebrations—1 May 1974—

*“we send words of respect and warm feelings to Polish women, we greatly appreciate your contribution to the development of the country, your contribution to the upbringing of the young generation, your care for the family home and the atmosphere of everyday life.”*⁸⁶

These words illustrate the approach of the party at the time, which wanted to present itself as a party that listened to women’s demands and fulfilled the conditions for the expansion of the welfare state.⁸⁷ To achieve these goals, the authorities used a social policy tool heavily oriented towards pronatalism.⁸⁸

On 14 January 1972, the Council of Ministers introduced into the legal system the institution of unpaid leave for working mothers caring for young children. Paragraph 1(1) of Resolution No. 13 of the Council of Ministers stipulated that a female employee who had been employed at the relevant workplace for at least 12 months could apply, at the end of her maternity leave, for an unpaid leave of up to three years to enable her to care for her child, but no longer until the child reached the age of four years.⁸⁹ Shortly after the adoption of Resolution No. 13, maternity protection was further strengthened by the extension of maternity leave to 16 weeks for the first birth and 18 weeks for multiple births or each subsequent birth.⁹⁰

In 1974, labour legislation was ordered, including provisions on the protection of women’s work through the enactment of the Labour Code (the first comprehensive labour law regulation since 1918).⁹¹ The new Labour Code was strongly ideologically oriented⁹², as reflected in the preamble – “[*w*ork in the People’s Republic of Poland, in the state of the working people, is a fundamental right, duty and matter of honour for every citizen.”⁹³

84 Piotr Perkowski: Wedded to Welfare? Working Mothers and the Welfare State in Communist Poland, *Slavic Review*, 2/2017, p. 476.

85 Adrian Korfenal: Wizerunek I sekretarza Edwarda Gierka kreowany przez propagandę reżimu komunistycznego na łamach dziennika “Trybuna Ludu”, *Świat Idei i Polityki*, 1/2020, p. 308.

86 Edward Gierek: Speech on the celebration of the 1st May 1974 (record), 1:30 – 1:50. Available at: <https://www.youtube.com/watch?v=BAh-aSwXh-g&t=373s> (accessed on 21.12.2022).

87 Perkowski (2017): p. 476.

88 Perkowski (2017): p. 476.

89 M.P.1972.5.26, Uchwała Nr 13 Rady Ministrów z dnia 14 stycznia 1972 r. w sprawie bezpłatnych urlopów dla matek pracujących, opiekujących się małymi dziećmi (Resolution No. 13 of the Council of Ministers of 14 January 1972 on unpaid leave for working mothers caring for young children) – §1(1).

90 Dz.U.1972.27.190, Ustawa z dnia 6 lipca 1972 r. o przedłużeniu urlopów macierzyńskich (Act of 6 July 1972 on the extension of maternity leave) – art. 1.

91 Goworko-Składanek (2020): p. 48.

92 Ludwik Florek: Ewolucja Kodeksu Pracy, *Studia Iuridica Lublinensia*, 3/2015, p. 30.

93 Dz. U. Nr 24, poz. 141, Ustawa z dnia 26 czerwca 1974 r. Kodeks pracy (Act of 26 June 1974 Labour Code) – Preamble.

One of the basic principles of labour law expressed in the Code's preamble was the principle of equality of all people of labour, prescribing equal treatment for all working people and granting everyone the same rights to perform the same duties.⁹⁴ Unfortunately, this principle was not formulated *expressis verbis* in any further provisions of the Code. However, the Code included Section 8, which introduced special protection of women's work, which can be seen as a reference to the previously mentioned principle of equality. The Labour Code provisions on the protection of women's work focused primarily on the restriction of employment, particularly arduous or harmful work and maternity aspects in the context of employment.⁹⁵

Further legislation implementing the paternalistic approach of the authorities to social and employment policy was the Decree of the Minister of Labour, Wages, and Social Affairs on 31 May 1974 on family allowances and the Act of 17 December 1974 on cash benefits from social insurance in the event of sickness and maternity. The first act increased benefits for families with many children and low incomes,⁹⁶ whereas the second unified and organised provisions on cash benefits in the event of sickness and maternity.⁹⁷

On 21 February 1976 an amendment to the Constitution of the People's Republic of Poland took place, modifying Article 69 concerning the principle of equal rights of all citizens by adding five new features which cannot be the reason for discrimination:⁹⁸ birth, education, profession, social position, and gender.⁹⁹ Moreover, while transferring the former art. 66 to art. 78, the constitutional amendment added paragraph 3 stating that "[t]he People's Republic of Poland shall strengthen the position of women in society, especially mothers and working women."¹⁰⁰ These changes illustrate the development of the principle of gender equality at the constitutional level and demonstrate that there was still a strong emphasis on this issue in People's Poland, even though the idea of equality between men and women was oriented towards the traditional division of roles in society and was not entirely reflected in reality.

The last piece of legislation under the Soviet-type dictatorship rule with a real impact on the development of the idea of gender equality in employment was the Decree

94 Dz. U. Nr 24, poz. 141, Ustawa z dnia 26 czerwca 1974 r. Kodeks pracy (Act of 26 June 1974 Labour Code) – Preamble.

95 Dz. U. Nr 24, poz. 141, Ustawa z dnia 26 czerwca 1974 r. Kodeks pracy (Act of 26 June 1974 Labour Code) – art. 176 – art. 189.

96 Dz.U.1974.21.127, Rozporządzenie Ministra Pracy, Płac i Spraw Socjalnych z dnia 31 maja 1974 r. w sprawie zasiłków socjalnych (Decree of the Minister of Labour, Wages and Social Affairs of 31 May 1974 on social allowances).

97 Dz.U. 1974 Nr 47 poz. 280, Ustawa z dnia 17 grudnia 1974 r. o świadczeniach pieniężnych z ubezpieczenia społecznego w razie choroby i macierzyństwa (the Act of 17 December 1974 on cash benefits from social insurance in the event of sickness and maternity).

98 Tomanek (2021): 2.5. ZASADA RÓWNOŚCI (accessed on 04.01.23).

99 Dz. U. z 1976 r. Nr 7, poz. 36, Konstytucja Polskiej Rzeczypospolitej Ludowej uchwalona przez Sejm Ustawodawczy w dniu 22 lipca 1952 r. (the Constitution of Polish People's Republic of 22 July 1952) – art. 67(2).

100 Dz. U. z 1976 r. Nr 7, poz. 36, Konstytucja Polskiej Rzeczypospolitej Ludowej uchwalona przez Sejm Ustawodawczy w dniu 22 lipca 1952 r. (the Constitution of Polish People's Republic) – art. 78(3).

of the Council of Ministers on 17 July 1981 on parental leave. The Decree introduced the possibility for female workers to take parental leave for up to three years for the personal care of a child up to the age of four.¹⁰¹ In addition, the regulation introduced a progressive solution for the time, enabling fathers of children to use this kind of parental leave.¹⁰² However, fathers were treated by the legislature as additional or even emergency persons who were able to take parental leave only under certain circumstances. Therefore, the positions of women and men in employment and those related to the parental sphere were not equal, and the main burden of parenting continued to fall on the shoulders of working mothers.

III. CONCLUSION

The political transformation began after 1989 following the collapse of Poland's totalitarian system. Part of the transformation in the economic sphere was the so-called "*shock therapy*", whose form and the instruments by which it was introduced had little to do with the demands of Solidarity and the expectations of the majority of Poles.¹⁰³ The neoliberal economic model required the deregulation of labour law and led to a wave of bankruptcy, mass unemployment,¹⁰⁴ and uncontrolled privatisation. To facilitate faster restructuring of enterprises, the legislature reduced the protection of the permanence of the employment relationship.¹⁰⁵ In 1989, Article 177 § 4 of the Labour Code was amended according to which, due to the liquidation or declaration of insolvency of the workplace, the employment contract of an employee who is pregnant or on maternity leave may be terminated with notice.¹⁰⁶ There has also been a change in the social policy model. Numerous social benefits, including those for mothers, were reduced.¹⁰⁷ All these actions led to a situation in which women were once again the weakest element of the labour market. Moreover, many Polish women who decided to "stay at home" also had to struggle with their husbands' professional problems, which

101 Dz.U. 1981 Nr 19 poz. 97, Rozporządzenie Rady Ministrów z dnia 17 lipca 1981 r. w sprawie urlopów wychowawczych (the Decree of the Council of Ministers of 17 July 1981 on parental leave) – §1(1).

102 Dz.U. 1981 Nr 19 poz. 97, Rozporządzenie Rady Ministrów z dnia 17 lipca 1981 r. w sprawie urlopów wychowawczych (the Decree of the Council of Ministers of 17 July 1981 on parental leave) – §1(3).

103 Perkowski (2017): p. 479.

104 Teresa Liszcz: Zmiany w polskim ustawodawstwie pracy w latach 1989–1993, *Annales UMCS*, 15/1994; and Główny Urząd Statystyczny: *Stopa bezrobocia rejestrowanego w latach 1990–2022*, GUS, Warsaw, 2022.

105 Naumowicz (2021):, 3.6. OKRES TRANSFORMACJI (LATA 1989–2004) (accessed on 05.01.2023).

106 Dz.U. 1990 Nr 4 poz. 19, Ustawa z dnia 28 grudnia 1989 r. o szczególnych zasadach rozwiązywania z pracownikami stosunków pracy z przyczyn dotyczących zakładu pracy oraz o zmianie niektórych ustaw (the Act of 28 December 1989 on special rules for termination of employment relations with employees for reasons related to the workplace and on amendments to certain acts) – art. 20 (2).

107 Perkowski (2017): p. 479.

is often overlooked in the discussion on the situation of women of that period. The transition period was one of the most difficult periods in the history of Polish workers, regardless of gender.

However, since the early 1990s, negotiations on Poland's accession to European Communities had been ongoing. The Polish desire to join the European Community resulted in the need to adapt its labour laws to new standards.¹⁰⁸ Thus, by 24 August 2001 an entire chapter on the equal treatment of women and men was added to the Labour Code.¹⁰⁹ This regulation marked a new path toward the issue of gender equality in employment and became the basic legislation regulating this subject.

The principle of gender equality in employment has a dual function: protection and equalisation. Its development over the period analysed in this article has proceeded by balancing these two functions, once placing more emphasis on one and once on the other, as reflected in the described legislation. During the inter-war period, influenced by the demands of the working class, the focus was on protecting women. After the war, equality between men and women in employment became one of the main ideas of the new totalitarian state. However, it has been implemented in different ways. At the beginning of the Polish People's Republic, gender equality in employment meant assigning women to new occupations, that had previously been performed by men, the so-called "*regendering from above*." Subsequently, after protest in Poznań in 1956, the time of political "thaw" brought a desire to change the previous understanding of the principle of gender equality in employment. Labour policy started to focus on restoring the traditional division of professions and outlining a new role model for women – the "*Polish mother*." The last two decades of the dictatorship have been characterised by an even greater commitment to women's traditional roles in society, with an emphasis primarily on social policies through the expansion of the social benefits system intended to relieve the burden on families and enable women to remain at home. By contrast, during the transition period, gender equality in employment was set aside, and women became one of the first victims of the new economic system, losing their jobs and social benefits. However, this state of affairs could not last long due to Poland's ambition to join the European Community, and gender equality has once again become one of the most important issues in labour law, which is particularly evident today.

108 Naumowicz (2021);, 3.6. OKRES TRANSFORMACJI (LATA 1989–2004) (accessed on 05.01.2023).

109 Dz. U. Nr 128, poz. 1405 z późn. zm., Ustawa z dnia 24 sierpnia 2001 r. o zmianie ustawy – Kodeks pracy oraz o zmianie niektórych innych ustaw (the Act of 24 August 2001 on amending the Act – Labour Code and on amending certain other acts) – art. 1 (5).