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NEWS REPORT

Country:	Poland
Title:	Modification of Labour Code provisions dealing with jobs prohibited for women
Date:	8 September 2016
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<u>Context</u>	
Issue at stake:	Limitation of the scope of general prohibition to employ women for works particularly burdensome and detrimental for their health, to the pregnant women and breastfeeding mothers.
Ground of discrimination:	Sex
Source:	Legislation
Field:	Employment
Applicable law:	Law of 22 June 2016 amending the Labour Code and some other laws (JoL of 19 June 2016, Item 1053).

Context

Law development: The Law of 22 June 2016 amending the Labour Code and some other laws (JoL of 19 June 2016, Item 1053) entered into force on 3 August 2016. It transposes the Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (Recast).

In the light of the introduced changes, the provision of Article 176 LC providing for a general prohibition to employ women for works particularly burdensome and detrimental for their health now applies only to women who are pregnant or breastfeeding. It also applies to works, which may negatively influence women's health, pregnancy or the breastfeeding process (sec. 1). The amended provision in Section 2 also includes a legal delegation for the Council of Ministers to issue an Ordonnance, specifying which works are to be encompassed by the prohibition, with specific instructions in this regard (the former wording of Article 176 did not include any instructions at all).

Recognizing the new division of Article 176 into two sections, Article 179 LC was accordingly modified, as well as Article 48 Section 9 of the Law of 21 November 1967 on the general obligation to protect the Republic of Poland (Unifies text: JoL of 2015, item 827, with later amendments) and Article 65 Section 2 of the Law of 11 September 2003 on professional military service (Unified text: JoL of 2014, item 1414 with later amendments).

Key points of analysis: Before the amendment, Article 176 LC applied to all women. Furthermore, the Ordinance of the Council of Ministers of 10 September 1996 (JoL 1996, No 114, Item 545), issued according to the delegation included therein, provided for

separate listings of works that were considered as particularly burdensome or detrimental to health, with respect to all women in general and to women who were pregnant or breastfeeding. The European Commission in 2014 had raised objection to such wording of Article 176, claiming that a prohibition referring to all women constitutes an obstacle in equal treatment of women and men, particularly with respect to access to employment.

Internet link source: <http://isip.sejm.gov.pl/DetailsServlet?id=WDU20160001053>, accessed 30 July 2016.