



European network of legal experts in gender equality and non-discrimination

FLASH REPORT

Country:	Poland
Title:	Changes to the provisions related to the Office of the Government Plenipotentiary for Equal Treatment
Date:	08 May 2020
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<u>Context</u>	
Issue at stake:	Relocation of the Office of the Government Plenipotentiary for Equal Treatment within the governmental administrative structure: from the Chancellery of the Prime Minister to the Ministry of Family, Labour and Social Policy
Grounds of discrimination:	All grounds, Sex
Field of application:	All fields
Source:	National legislation
Applicable law:	Law of 23 January 2020 amending the act on government departments and certain other laws (JoL 2020 Item 284), among others the Law on the Implementation of some EU Provisions on Equal Treatment (<i>Ustawa o wdrożeniu niektórych przepisów Unii Europejskiej w zakresie równego traktowania</i>) of 3 December 2010, consolidated text (JoL 2016 Item 1219) with amendments (hereafter ETA).

Content

Law development: On 20 February 2020 the Law amending Article 20 of the ETA, concerning the location of the Office of the Government Plenipotentiary for Equal Treatment within the governmental administrative structure, enters into force. This office has been moved from the Chancellery of the Prime Minister to the Ministry of Family, Labour and Social Policy. This amendment was accompanied by a personnel change regarding the post of the Plenipotentiary.¹

According to Article 18 of the 2010 ETA, the 'Performance of tasks related to the implementation of the principle of equal treatment' shall be entrusted to the Government Plenipotentiary for Equal Treatment (besides the Commissioner for Human Rights (RPO)). While the RPO is an independent body, the Plenipotentiary is a body in charge of non-discrimination policies and the coordination of governmental efforts. This is the reason why the status of Plenipotentiary does not meet the requirements of an equality body in the meaning of EU law. The Plenipotentiary has, however, several important competences in the field of equal treatment. It prepares and presents to the Council of Ministers the National Programme of Activities for Equal Treatment (*Krajowy Program Działań na rzecz Równego Traktowania*) and then reports on its execution annually. Other competences

¹ This function has been entrusted to the deputy Minister of the Ministry, Anna Schmidt Rodziewicz – a sociologist who graduated from the Catholic University of Lublin, and is also deputy to the Parliament. <https://www.gov.pl/web/rodzina/anna-schmidt-rodziewicz>.

include preparing draft laws related to equal treatment and preparing opinions about such drafts. It also has several analytical and monitoring competences. The Plenipotentiary is responsible for the promotion of equal treatment; international cooperation; and implementing projects that support equal treatment and counteract discrimination.

Key points of analysis: During the last 20 years of its existence in this position, the location of the Plenipotentiary, as well as its name, location and competences, has been subject to frequent changes. The location in 2001 of this Office (named initially as Plenipotentiary on the equal status of men and women, renamed in 2008 as Government Plenipotentiary for Equal Treatment) in the Chancellery of the Council of Ministers was connected, among other things, with the implementation of a gender mainstreaming policy. After the parliamentary elections in 2015, the office of the Plenipotentiary was renamed again as 'Plenipotentiary for Civil Society and Equal Treatment'. This meant merging two institutions (the Government Plenipotentiary for Civil Society and the Government Plenipotentiary for Equal Treatment) into one and entrusting one person with the responsibilities of these two institutions.

The current change of the ETA leads to re-division of these two institutions. After the described changes in the ETA, only the Government Plenipotentiary for Civil Society remains within the Chancellery of Council of Ministers, and the Government Plenipotentiary for Equal Treatment moves to the Ministry of Family, Labour and Social Policy.

It is currently difficult to assess the importance of this change in terms of implementing anti-discrimination policy, in particular concerning the latter. Experience shows that the way this office functions did not depend on its location, but mainly on the individual knowledge about discrimination, competences and willingness to act of the persons occupying it. It is, however, noteworthy that the transfer of this office from the Chancellery of the President of the Council of Ministers to one of the ministries significantly lowers its rank.

Internet link source:

<http://orka.sejm.gov.pl/Druki9ka.nsf/0/6232C3AAA6673633C12584F60038F398/%24File/158-A.pdf> (Parliamentary document 158a);
<https://www.rpo.gov.pl/pl/content/czym-w-2018-r-zajmowa%C5%82-sie-pelnomocnik-rzadu-ds-rownego-traktowania>.