

FLEXIBILITY OF THE POLISH LABOUR MARKET VERSUS OCCUPATIONAL ACTIVITY AND SOCIAL SECURITY OF THE DISABLED AND THEIR FAMILIES

FLEXIBILITA POLSKÉHO TRHU PRÁCE VERZUS PRACOVNÁ AKTIVITA A SOCIÁLNA OCHRANA OSÔB SO ZDRAVOTNÝM POSTIHNUTÍM A ICH RODÍN

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Abstract

Due to the role of labour in economic development processes and in the shaping of the population's living conditions, efficient working of labour markets is deemed of particular significance. Their efficient functioning is permanently endangered, therefore governments curb their influence on developing collective employment relationships, allowing labour markets to adjust to the changes in the outside environment. The resulting benefits are accompanied by negative consequences in the form of risks to the labour market equilibrium and to social security of the population, especially the weak and disadvantaged groups. To counterbalance the risks, the *flexicurity* strategy is employed. This paper is an attempt at diagnosing the dilemmas concerning flexicurity's impact on professional careers and social security of disabled persons and caregivers of disabled dependants.

Abstrakt

Vzhľadom na úlohu práce v ekonomických rozvojových procesoch a na utváranie životných podmienok obyvateľstva, efektívne fungovanie trhov práce je považované za osobitne významné. Ich efektívne fungovanie je trvalo ohrozené, a preto vlády obmedzujú vplyv na rozvoj kolektívnych pracovných vzťahov, aby sa trhy práce prispôbili zmenám vo vonkajšom prostredí. Výsledné výhody sú sprevádzané negatívnymi následkami v podobe rizík rovnováhy na trhu práce a na sociálne zabezpečenie obyvateľstva, najmä slabých a znevýhodnených skupín. Stratégia flexiistoty je zamestnaná na vyváženie týchto rizík. Tento článok je pokusom o diagnostiku dilem týkajúcich sa vplyvu flexiistoty na profesionálnu kariéru a sociálne zabezpečenie zdravotne postihnutých osôb a ich opatrovateľov.

INTRODUCTION

Work, in its economic dimension, is a very special commodity which, as other goods and services, has its own market and value determined by supply and demand. Supply is created by people seeking employment, while demand is created by enterprises and institutions offering job vacancies.

Thus, indicators of an efficient and dynamically functioning labour market are intense transfers of its participants between the areas of employment, unemployment and economic inactivity, but also the prerequisite for such transfers – a relative ease of finding a job. Such a market gives workers a sense of employment stability or of an ease of changing jobs, while

the unemployed are not too worried about losing a job because they can find a new one relatively quickly.

Labour market equilibrium, however, is a very fragile value, facing constant risks from such factors as economic stagnation or recession, unfortunate legal regulations, or changes in the demographic structure leading to the aging of societies. Upsetting the balance on the demand side results in unemployment, reduced availability of employment or decreased employment stability, and in consequence in lowering income and increasing poverty; unsettling the equilibrium on the supply side brings about increased claims and demands, directed at employers, as to wages and social benefits, weakening of work discipline etc.

An effective means to restore the upset balance is labour market flexibility, or *an ease with which employees adapt to companies' needs, enterprises create new jobs and how soon after a period of slowdown in economic activity the unemployment rate drops*.¹

However, flexibility of the labour market is a much more complex issue than the above definition would suggest. Taking into account how multifaceted a question it is, it must be noted that in its practical dimension this category brings along, beside numerous beneficial effects, also certain risks. Employment security and social security may be endangered, particularly of the weakest, marginalized participants of labour market. This group includes the disabled and their family members (in particular those looking after disabled dependants), whose percentage in the total population of Poland (and other countries) is rising steadily. Due to these risks, there is a need to search for a balance between de-etatization, i.e. liberating the labour market from the administrative influences of the state, and protection of economic and social security of employees. *"What is needed are policies for sustainable, equitable, and democratic growth. This is the reason for development. Development is not about helping a few people get rich ... Development is about transforming societies, improving the lives of the poor, enabling everyone to have a chance at success..."*² This in turn implies a need to create multi-layered strategies for reforming the labour market.

An example of such a strategy aiming at balancing the two opposing factors, i.e. risks posed by making the labour market more flexible, and security, especially of the weaker entities, is the *flexicurity* model (flexible+security).

The aim of the present paper is to discuss theoretical aspects of the Polish labour market flexibility and the flexicurity strategy that is being implemented in Poland. Also, an attempt has been made here to identify the dilemmas posed by flexicurity in the context of its impact on the employment availability and stability for the disabled and their families (especially family members looking after disabled dependants) and on their social security.

1 FLEXIBILITY OF THE POLISH LABOUR MARKET – THEORETICAL ASPECTS

The transition to market oriented economy (1989) initiated broad changes in the functioning of the Polish labour market. As a result of the structural transformation, the number of jobs declined dramatically, and unemployment rose as did, in consequence, poverty. Many enterprises collapsed, while the remaining and newly created ones had to meet the requirements of market economy. This situation constituted a challenge for the socio-

¹ <http://www.nbportal.pl/pl/commonPages/EconomicsEntryDetails?entryId=67&pageId=608>

² Stiglitz J.E. *Globalization and Its Discontents*. New York, London: W.W. Norton, 2002, p. 251-252 [Polish edition: Globalizacja. Warszawa: Wydawnictwo Naukowe PWN SA, 2007. ISBN 978-83-01-14205-6; p. 222.]

economic policy of the state. It also made the government change its approach to the labour market, improving its efficiency by reducing the government's influence on shaping the collective employment relationships. Deregulation covered the social security system (in particular unemployment benefits), legislation concerning the protection of employment relationship (determining the rights of a dismissed employee in terms of the notice period, severance pay, holiday leave, days off for job seeking) and arrangements concerning minimum wage and trade unions' rights.³

These actions increased flexibility of the labour market. Making it easier for companies to adjust to the changing environment, they increased chances of reaching labour market equilibrium which remains closely related to the flexibility of supply and demand for employment and to wages at the micro-level.⁴ Encouraging employment growth and entrepreneurship development, they also had a positive effect on economic growth.

The basic pillars of flexibility of the Polish labour market are the flexibility of employment, of working time, of work supply and of wages.⁵ The flexibility of employment mostly refers to the workplace and working hours as well as nonstandard forms of employment and remuneration.⁶ Thus, it offers many new opportunities to the participants of the labour market.

Flexibility of employment lets companies adjust the number of employees to the changing economic conditions in terms of production, its profitability, labour productivity and real wages. New possibilities are also provided by nonstandard (other than the so-called employment relationship, or employment contract) forms of employment. These are civil law contracts: contractual agreement, contract of commission (for specific work), contract of mandate. They are very popular with employers because the contracted party is not subordinated to the contracting party and has a lower level of labour rights and protection as compared to a worker on an employment contract, which lowers the costs of labour. This is also true for a form of employment consisting in performing work for another entity as a self-employed party.

Flexibility of working time is about departing from standards, which in the periods of economic downturn lets companies maintain employment at the same level, without layoffs. It also allows to increase the number of workers within the existing labour resources and enables people who cannot work in the standard working hours to find employment. Traditional organization forms of flexible working time include: working shifts, flexible hours, seasonal work, overtime and part-time work; the new ones are: job sparing (dividing up a workplace position so that more than one person can be employed for one job vacancy), work sparing (reducing working time so that the previous level of employment can be maintained) and trust-based working time (workers manage their working time themselves and are assessed solely on the basis of the effects of their work).

³ Wiśniewski Z. Teoretyczne podstawy rynku pracy [in:] Wiśniewski Z., Dolny E., Maksym M., Meller J. (eds.) *Polityka rynku pracy wobec integracji z Unią Europejską*. Warszawa: Instytut Pracy i Spraw Socjalnych, 2001. ISBN 978-83-89063-42-7; p. 10-11.

⁴ Wiśniewski 1999 as quoted in: Bronk A. *Inkluzywne i ekskluzywne oblicza elastycznych form zatrudnienia* [in:] Piątek K., Karwacki A. (eds.) *Aktywna polityka społeczna z perspektywy Europy socjalnej*. Toruń: Wydawnictwo Edukacyjne Akapit, 2007. ISBN 978-83-89163-25-7; p.132.

⁵ Kryńska 2001, Wiśniewski 1999 as quoted in: Bronk, op.cit...p. 132; European Commission, 2006.

⁶ Hajn Z. *Elastyczność popytu na pracę w Polsce. Aspekty prawne* [in:] Kryńska E. (ed.) *Elastyczne formy zatrudnienia i organizacja pracy w Polsce*. Warszawa: IPiSS, 2003. ISBN 83-87890-42-1, p. 76-80; Wrątny J. *Nietypowe formy zatrudnienia w perspektywie polskiego prawa pracy* [in:] Frieske K.W. (ed.) *Deregulacja polskiego rynku pracy*. Warszawa: IPiSS, 2003. ISBN. 83-87890-43-X, p.118-121.

Flexibility of labour supply concerns the susceptibility of labour supply to changes of factors determining its size (e.g. wages). It allows labour supply to adjust to changes in the structure of labour demand and remains closely related to workforce mobility in terms of both location and occupation or qualifications. Flexibility of the location of performing work duties concerns taking up a job in another town, changing a workplace within the same company or e-working, i.e. performing work at home or at a telecentre (e-work, teleworking).

Wage flexibility makes it possible to adjust wages to the situation on the labour market, labour productivity and production profitability. This type of flexibility is affected by the power of influence of trade unions, the level at which collective bargaining takes place and the companies' remuneration strategies as well as the extent of the state's interference in determining wages and salaries (especially the government's influence on determining the level of minimum wage). Wage flexibility can also be manifested as nonstandard forms of remuneration, i.e. royalties, profit sharing, commissions and postponed remuneration (part of due payment for the work done is transformed into entitlements for future benefits, e.g. retirement benefits), investment remuneration (workers invest part of their remuneration into their company) as well as combined remuneration (with public funds covering the pay in part or in total) and perks (equivalent to part of the remuneration).

2 FLEXICURITY AS AN INTEGRATED STRATEGY TO INCREASE FLEXIBILITY AND SECURITY OF THE POLISH LABOUR MARKET

The actions aiming at balancing the labour market and making it more flexible were thoroughly systematized after Poland's accession to the European Union in 2004.

One of their determinants is the European strategy of flexicurity, recommended by the European Commission to all the member states as an instrument for achieving the goals of the Lisbon Strategy in terms of increasing the number of "good jobs."

Flexicurity is a systemic approach. Its essence is to create conditions that would make it easier for labour market entities to take action to achieve balance between the market's flexibility and security,⁷ and to ensure that citizens have a high level of employment stability, while employees and employers participate in the benefits brought about by globalization.⁸

The flexicurity strategy changes the way labour market problems are solved and how a career path is perceived. Flexibility is a new quality. In the light of the strategy it means an individual's opportunities to smoothly adapt to changes in their careers from the moment of ending one's education to retiring (including the stages of starting work, changing jobs and recommencing work after periods of inactivity and unemployment).⁹ The notion of "market security" has also acquired a new meaning. "Job security" has been replaced with "employment security," which means that in an individual's professional life retaining one

⁷ Wiltshagen T., Tros F. The concept of „Flexicurity”. A new approach to regulating employment and labour markets. Tilburg University Flexicurity Paper 2003-4, p. 4.

⁸ Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 27 June 2007: European Commission, Towards common Principles of Flexicurity ..., as quoted in: Kryńska E. Podstawowe cele i kierunki polityki rynku pracy w dokumentach programowych Unii Europejskiej i Polski [in:] Kryńska E. (ed.). Flexicurity w Polsce diagnoza i rekomendacje. Raport końcowy z badań. Warszawa: Ministerstwo Pracy i Polityki Społecznej, Departament Rynku Pracy, 2009. IBN 978-83-7545-141-2, p.14.

⁹ Kryńska E. Podstawowe ..., op.cit., p.13; The European Commission. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 27 June 2007: Towards common Principles of Flexicurity. Brussels, 27 June 2007, p. 6.

job is no longer what matters. What becomes more important are the skills necessary for professional development and obtaining new positions.

Flexicurity bases on the consistent functioning of four pillars, namely: availability of suitable (i.e. flexible and reliable) contractual arrangements, active labour market policies, access to credible lifelong learning systems and to modern social security systems.¹⁰

Availability of flexible, reliable and predictable (from the perspective of all participants of the labour market) *contractual arrangements* is ensured by means of deregulations in the area of labour law, collective agreements and work organization. A relatively strong emphasis is put on the relation between labour productivity and remuneration for performing given work.

Availability of flexible, reliable and predictable contractual arrangements is necessary for enabling the use of flexible forms of employment as provided by law, in a way that combines labour flexibility with reducing labour market segmentation and lowering the level of unregistered employment.

Meeting the demands that labour law faces in this respect is a serious challenge to lawmakers. Solutions need to be developed that would reconcile the often contradictory interests of employers and employees. Such solutions are difficult to find and we still face many challenges in this area, as shown for instance by the results of a survey carried out by a research company Dom Badawczy Maison in 2012 (“Obstacles to running a business”). As many as 69% of the polled employers said they were not content with the existing solutions in this area, pointing to high labour costs as the main obstacle to employing workers,¹¹ with the said costs amounting to 38% of the value of remuneration even when paying statutory minimum wage.¹²

The second pillar – Active Labour Market Policy (ALMP) leads to employment growth, supporting labour market participants in coping with fast changes, helping prevent and fight unemployment and shorten the periods of unemployment as well as making it easier for workers to change jobs. The scope and forms of labour market policy in Poland are defined by the Act on promoting employment and on labour market institutions of 20 April 2004¹³ (comprising the active and passive part). There are four basic labour market services: job placement, job counselling, helping active job-seeking and organizing training courses. These are funded mostly by the Labour Fund and carried out mainly by public employment services (there are also private employment agencies operating in Poland). An important role is played by academic career centres and social economy entities including social cooperatives, social integration centres and clubs as well as occupational therapy workshops and reemployment support centres, mutual insurance companies and the so-called hybrid organizations such as local partnerships.¹⁴

ALMP focuses on increasing the demand for labour mostly by co-creating new jobs and improving the functioning of the labour market in terms of job counselling, job placement and training. Under ALMP, action is taken to support individuals in coping with the changes in the labour market, especially in the periods of unemployment and changing jobs. The ALMP

¹⁰ Council of the European Union. Press Release 2733rd Council Meeting Employment. Social Policy. Health and Consumer Affairs Luxembourg. 1-2 June 2006, p. 17; European Commission. Towards Common Principles of Flexicurity..., op.cit., p. 12.

¹¹ See: Budrewicz P. Elastyczny rynek pracy. Warszawa: Związek Przedsiębiorców i Pracodawców, 2012. ISBN 978-83-63582-00-, p.14.

¹² Ibid.

¹³ Journal of Laws 2004, no. 99, item 1001, as amended.

¹⁴ Kukulak-Dolata I., Instytucje rynku pracy [in:] Kryńska E. (ed.) Flexicurity..., op.cit., p. 54-76; Sobocka-Szczapa H., Ekonomia społeczna [in:] Kryńska E. (ed.) Flexicurity..., op.cit. p. 76- 91.

instruments include demand-oriented tools (training courses, intervention works, public works, socially useful works, on-the-job training for adults, internships, funding for creating jobs) and supply-oriented tools (loans for financing training, scholarships when continuing education, reimbursement of transportation and accommodation costs, an allowance for the unemployed taking up a job that does not pay minimum wage). The ALMP objectives are also fulfilled by means of special labour market programs addressed mainly to people in an exceptional situation. ALMP also includes actions oriented at meeting social policy demands concerning the provision of income and prevention of social exclusion (this refers, among others, to the disabled and their family members).

The third pillar of the flexicurity strategy is the *availability of a credible lifelong learning system* (LLL) which constitutes a condition for providing the society with opportunities of continual adjustment to labour market requirements and maintaining one's employability.

In 2013, the Council of Ministers adopted a strategic document entitled "The Perspective of Lifelong Learning."¹⁵ In the adopted strategy, basing on a thorough diagnosis of learning at subsequent life and career stages (starting from childhood and continuing well into the mature age), major opportunities and challenges to lifelong learning were determined and a forecast of supply and demand trends in this area up to 2020 was drawn up. On this basis, the strategic goal was identified and directions of government's intervention necessary to achieve these objectives were determined.¹⁶

Implementation of the strategy will probably take many years. It seems, however, that its interdisciplinary and holistic approach to lifelong learning is a real chance for improving the quality of human capital in Poland and enhancing its flexibility in the context of labour market challenges.

The fourth element of flexicurity is a *modern social security system*, concerning the disabled and their families, the elderly, the unemployed etc. Modernity is seen through the prism of a structure based on pro-development solutions. Social objectives, referring to supporting individuals in difficult situations, ought to be combined with goals of reemployment support. To achieve the latter, conditions should be created for individuals to acquire skills enabling them to adapt to changes taking place during a lifecycle, necessary to retain mobility on the labour market. Such a structure makes it possible to protect an individual in case of risks, which lets him or her perceive the changes related to labour market flexibility in terms of potential benefits and contributes to improving the standard of living. It also prevents becoming dependent on social welfare and increasing public funding for social purposes, which ultimately favours economic development. Poland has been continually working on modernizing its social security systems. However, the assessment of the effectiveness of this effort shows that we still face many challenges in this area.

Touching upon the topic of implementing the EU flexicurity strategy in the domestic labour market policy, it should be emphasized that the canons and pathways indicated by the EU have been adjusted to Poland's actual circumstances and capabilities.¹⁷

¹⁵ <https://www.premier.gov.pl/wydarzenia/decyzje-rzadu/uchwala-w-sprawie-przyjecia-dokumentu-strategicznego-perspektywa-uczenia.html>

¹⁶ More on the subject: Międzyresortowy Zespół ds. uczenia się przez całe życie. Perspektywa uczenia się przez całe życie. Warszawa, August 2013 – http://brjk.amu.edu.pl/_data/assets/pdf_file/0003/189750/LLL_2013.pdf (15 March 2014)

¹⁷ Rybicka E. Europejscy partnerzy społeczni uzgadniają stanowisko w sprawie elastyczności i bezpieczeństwa zatrudnienia, *Dialog*, 2007, no. 4, p. 25-26; European Commission. Toward Common Principles..., op.cit. p. 28-35; and 16-22.; Sořta. W. 2008 Analiza fungovania komunálnych podnikov v štatoch Európskej únie – príspevok na medzinárodnú vedeckú konferenciu AIESA – budovanie spoločnosti založenej na viadomostiach. Bratislava. Ekonomická univerzita 19 – 21. 11. 2008 CD ROM. ISBN 978-80-8078-233-7.

Flexicurity has an undisputed role in balancing the Polish labour market, having a positive effect on building human capital, improving individuals' abilities to take up jobs and reducing the risk of poverty.¹⁸ It also creates an opportunity to counteract the effects of economic crisis.¹⁹ When touching upon the issue of implementing this strategy in Poland, however, one should remember that regardless of the fact that this process is supported by the EU, with financial instruments among others, Poland differs largely from other member states in terms of the level of the strategy's goals achievement (in 2009 Poland was counted among countries that still had the full implementation before them).²⁰ Undoubtedly, this has to do with Poland's historical background (relatively young democracy and market economy) and socio-economic conditions as well as cultural factors. Taking into account the changes concerning economic landscape, labour market, human capital and the standard of living in Poland (and in other EU member states)²¹ and assessing the efficiency and effectiveness of the active labour market policy and social security systems between 2009 and 2013, it can be said that after 2009 there were a number of positive changes in the flexicurity implementation process. The fact remains, however, that we are still among the countries that have yet many challenges to overcome as far as flexicurity implementation is concerned. Some of the challenges are about creating favourable conditions for raising the level of employment and social security of the disabled and members of their families (households) looking after disabled persons who due to the type, degree or consequences of their disability are dependent on their caregivers (further on referred to as caregivers of disabled dependants).

3 THE DISABLED AND THEIR CAREGIVERS – OCCUPATIONAL ACTIVITY AND SOCIAL SECURITY IN THE CONTEXT OF GROWING FLEXIBILITY OF THE POLISH LABOUR MARKET

In order to achieve the aim of the present paper, the following question must be answered: what are the benefits of and risks to economic activity and social security of the disabled Poles and of caregivers of disabled dependants resulting from the flexibility of the Polish labour market and does the current level of implementation of the flexicurity strategy offer solutions for these groups that would ensure they could make use of the said benefits while retaining economic and social security?

A survey of solutions shaping the *flexibility of the Polish labour market* shows that they offer the disabled *new opportunities for obtaining employment and income*. These opportunities are created by:

- flexible forms of employment, in particular performing work for a contracting party as a self-employed contractor. This is related to the fact that establishing and running economic activity (i.e. becoming self-employed) by the disabled is subsidized with public funding. At present, special opportunities in this area are expected to rise with the development of social economy, in particular social cooperatives which are formed and operate with the support of a number of financial instruments and social clauses,²²

¹⁸ Kryńska E. Podstawowe ..., op.cit., p.14.

¹⁹ EMCO Reports. Monitoring and analysis of flexicurity Policies. Report Endorsed by EMCO on 24 June 2009. <http://ec.europa.eu/social/main.jsp?catId=102&langId=pl>.

²⁰ Kryńska E. Podstawowe cele..., op.cit., p.13.

²¹ Based on the EUROSTAT data.

²² More on the subject: Act on social cooperatives of 27 April 2006, Journal of Laws of 2006, no. 94, item 651; Rymsza M. Rehabilitacja zawodowa osób niepełnosprawnych a zatrudnienie socjalne w sektorze gospodarki społecznej: problem dualności systemów wsparcia [in] Aulaytner J. et al. (ed.) Polityka aktywizacji w Polsce. Usługi reintegracji w sektorze gospodarki społecznej. Warszawa: Wyższa Szkoła Pedagogiczna TWP, 2011. ISBN 978-83-61121-50-3, p.180-196.

- supply flexibility in terms of workplace. E-employment plays a significant role here,²³ eliminating the problem of reduced spatial mobility of the disabled that results from architectural barriers and lower adaptive capabilities of the disabled as compared to able-bodied workers (when certain specified requirements are met, creating a workplace for a disabled person, remuneration and the like are subsidized with public funding),²⁴
- flexibility of working time. It seems the so-called trust-based working time can play an important role, with the work's effects being the subject of evaluation. When it is the worker who is responsible for managing the time of performing a given task, disabled employees can organize their work in a way that takes into account their capabilities and functional limitations (this form of flexibility can also be the basis for developing solutions that would eliminate one of the barriers limiting the access to gainful employment for the disabled – namely, as seen by employers, excessive demands they are faced with in terms of work organization and entitlements for disabled employees²⁵),
- flexibility of remuneration, mostly so-called combined wages (with a share of public funding to cover the higher costs of employing the disabled), and other forms.

Negative effects of the flexible labour market on social groups that are the subject of this paper can be observed in:

- its limited accessibility, as evidenced by the low level of economic activity and low employment rate of the disabled that has not changed significantly for many years now (in 2013 it was 21%, having risen by only 3,6 pp since 2004),²⁶
- endangered social security, as evidenced by the low standard of living and growing risk of poverty for households with disabled children.²⁷

In order to reduce the negative effects the flexible labour market has on economic and social security of the aforementioned groups, solutions taken up within all the areas of the *flexicurity* strategy are to be used. Their evaluation, in the light of economic conditions and living standards of the disabled and their families, leads to a conclusion that so far no effective methods have been developed to solve many of the problems in this area, which means efforts to do so need to be continued.

Many challenges are about *ensuring availability of flexible, reliable and predictable* (from the perspective of all participants of the labour market) *contractual arrangements*. This concerns, among others, legal regulations determining the principles of the quota system for supporting the employment of the disabled. Not questioning the validity of using financial instruments to support the employment of disabled people, a change in the amount of the relevant subsidies and the way they are granted seems well-founded. The reasons are social and economic aspects related to the low efficiency and effectiveness of the quota system. What raises

²³ More on the subject: Act on social cooperatives of 27 April 2006, Journal of Laws of 2006, no. 94, item 651; Rymśa M. Rehabilitacja zawodowa osób niepełnosprawnych a zatrudnienie socjalne w sektorze gospodarki społecznej: problem dualności systemów wsparcia [in:] Aulaytner J. et al. (ed.) *Polityka aktywizacji w Polsce. Usługi reintegracji w sektorze gospodarki społecznej*. Warszawa: Wyższa Szkoła Pedagogiczna TWP, 2011. ISBN 978-83-61121-50-3, p.180-196.

²⁴ Olszewski M., *Promowanie elastycznych form zatrudnienia osób niepełnosprawnych w Polsce i w Unii Europejskiej* [in:] A. Kurzynowski (ed.) *Pomoc społeczna odpowiedź na problemy społeczne?*, Radom: Wyd. WSNSiT, 2010, ISBN 978-83-927273-1-6, p. 155-166.

²⁵ More on the subject: J. Borek. *Kluczowa rola gminy w aktywizacji zawodowej i integracji społecznej osób niepełnosprawnych*. Raport wewnętrzny PFRON. Warszawa, 2008.

²⁶ GUS. BAEL z lat 2004, 2013.

²⁷ Main Statistical Office. *Poverty in Poland in 2012* (based on the research on households' budgets). Materials for press conference on 29 May 2013, p. 2.

reservations is the pejorative overtone – going against anti-discrimination law – of the term *quota*, which being synonymous with functional limitations, perpetuates the stereotypes concerning professional capabilities of the disabled. In the light of research results, financial instruments are the strongest argument for employers persuading them to employ disabled people.²⁸ Since the addressees of financial support, in the case of paid employment, are the employers, there is a risk of overusing this instrument as a factor for lowering labour costs. So far, the principles of estimating reimbursement of increased labour costs of the disabled (remuneration + premiums) have not been optimized. The criterion here is the level of disability and its selected causes (the so-called special conditions) but the requirements of a specific workplace and nature of the job are not taken into account. What seems to need careful consideration are the solutions regulating the issues of requirements towards the employers who get subsidies for equipping the workplace on the grounds of employing disabled persons. Given that the value of these subsidies is about 15 times the amount of average pay (March 2014 – about 13,687 euros)²⁹ and the employer is obliged to employ a disabled person (whose remuneration and insurance premiums are additionally refunded based on the adopted criteria) for 3 years only, this solution seems quite costly, especially in the context of the briefness of its effect on the career and living standards of the disabled employee. Moreover, the following question arises: which of the labour market entities participates more in the benefits of this solution – the employer or the disabled employee?

Another subject of dispute are the requirements for employers who employ disabled persons, concerning working conditions and the benefits package (shortened working time, additional leave etc.)³⁰

The *active labour market policy* solutions also need some improvement. Changes should be made to the methods and forms of functioning of the public employment services which have been grossly ineffective for years. There is a need to develop employment counselling. It seems valid to raise the requirements for entities carrying out programs of employment support for the disabled concerning their adjustment to the labour market demands (as justified by the relatively low effectiveness of these programs – about 30% – and financial efficiency).³¹ As for the current forms of support for caregivers of disabled dependants (e.g. training courses), it seems necessary to take into account the needs concerning the provision of care for the disabled in their charge. Since short-term financial support does not solve the problem on the systemic level, the efforts in this area are a challenge to ALMP, social security and labour law.

There are also challenges concerning the *availability of credible lifelong learning system* for the disabled and caregivers of disabled dependants. In case of disabled persons, these challenges refer to putting a stronger emphasis on integrated education, the institution of school job counsellor, whose help seems necessary for choosing the path of professional development by people with different disabilities, and integrating education with labour market needs (due to reduced spatial mobility and adaptive capabilities of the disabled, this means in particular their integration with the local and regional market). As for caregivers of disabled dependants, the problems that need solving concern their diminished – as compared

²⁸ Borek J., Kluczowa rola..., op.cit.

²⁹ The Office of the Government Representative for Disabled Persons, available at: <http://www.niepelnosprawni.gov.pl/zatrudnienie-osob-niepelnospraw-zwrot-kosztow-wyposazenia-stanow/> (as of 15.03.2014)

³⁰ Borek J., Kluczowa rola..., op.cit.

³¹ More on this subject: District Employment Office (PUP) in Radom – conclusions drawn from programs carried out from 2007 to 2013 by District Employment Office in Radom (“Inicjatywa,” “Aktywni na rynku pracy,” „Nowa szansa.”)

to others – development opportunities, resulting from their difficult financial situation and the necessity of providing constant care. It seems an opportunity for solving these problems would be providing members of this group with a better access to free of charge forms of e-learning and, in the area of social security, expanding the availability of day care services (e.g. in case of people with more severe disabilities – family day care homes, for those with mild disabilities – community self-help centres).

Modern social security systems are another challenge. Solutions in the area of social security that require to be modernized are those concerning the special attendance allowances. These are directed at a parent or next of kin who gives up employment in order to provide care for a dependent child whose disability started before the age of 18 or, in case of students, before the age of 25. At the end of 2013, the amount of this allowance was about 148.7 euros (+ about 48 euros of government bonus). The allowance is also addressed to lineal relatives who give up work in order to provide care for a person with disability that started after the age of 25 (allowance in the amount of about 124.7 euros), provided that the monthly income per person in both families is not higher than about 149.4 euros.³² The condition for receiving the allowance is giving up one's job; taking up employment amounts to losing the right to receive it. This solution, discriminating against the said groups in terms of work accessibility, with the low value of the allowances and equally low value of disability pensions received by persons in their care (e.g. as of 1 April 2013, social pension was about 170 euros), poses a potential threat to social security of families with a disabled person and implies a need for change. From both social and economic perspective, it seems valid to alter the legal regulations so that opportunities would open for the recipients of the said allowances to take up employment.

Another example of “outdated” forms of social security are solutions regulating the issues of income of the disabled who receive pensions. Exceeding the limits determining the maximum income from work that disabled persons receiving pensions can obtain results in reducing or even suspending their pension.³³ With complicated procedures and stricter criteria for obtaining disability pensions, it seems these provisions discourage potential employees from seeking work and threaten them with social marginalization.

The relatively low value of pension benefits, combined with higher costs of living for the disabled and a growing need for caregiving services, resulting from the aging of the Polish society, as well as relatively high, as compared to allowances, costs of living in public residential care homes (March 2014 – about 720 euros)³⁴ also show that both of the above stated solutions can contribute to increasing public spending on social purposes (which is an argument for developing a network of family care homes where the costs are much lower).

Another consequence of the existing solutions is the loss of potential budget revenues due to a growing “grey economy” where the recipients of allowances may potentially end up since taking up registered employment by them would mean losing the entitlement to the allowance. The said solutions ought to be disputed also because they can be viewed as discrimination (income segmentation of employees).

³² Elżbieta Seredyn. List otwarty Ministra Pracy i Polityki Społecznej z dnia 10 września 2013 r. [Open Letter from the Minister of Labour and Social Policy of 10 September 2013] as quoted in: www.senat.gov.pl (15.03.2014); <http://www.mpips.gov.pl/wsparcie-dla-rodzin-z-dziecmi/swiadczenia-rodzinne/rodzaje-i-wysokosc-swadczen-rodzinnych-kryteria-uzyskania-test-swadczenia-pielegnacyjne/swiadczenie-pielegnacyjne/> (15.03.2014);

³³ Zakład Ubezpieczeń Społecznych. Państwowy Fundusz rehabilitacji Osób Niepełnosprawnych. Informator dla osób niepełnosprawnych [Social Insurance Institution. State Fund for Rehabilitation of Disabled Persons. A Guide for Disabled Persons]. Warszawa 2013. p.12-13.

³⁴ Source information – District Center for Help for Families (Powiatowe Centrum Pomocy Rodzinie) in Radom

The problems indicated here show that the area of contractual agreements, providing the groups described here with an opportunity to use the flexible forms of employment stipulated by law in a way that combines labour flexibility with a reduction of labour market segmentation and unregistered employment, is not yet fully available to them. At the same time, it should be emphasized that only a few problems that pose a challenge to the flexicurity strategy implemented in our country have been presented here. There are many more, and identifying them and attempting to solve them should be based on a holistic approach to the pillars of the flexicurity strategy and be handled by interdisciplinary teams since these problems are interrelated and often concern more than one, or even all of the strategy's pillars.

CONCLUSION

Disabled persons and caregivers of disabled dependants face numerous problems. The issues are a consequence of the type and extent of functional limitations, the severity and frequency of disability symptoms, low level of education as well as the scale and scope of responsibility for providing help and supporting disabled dependent family members in their everyday lives, and many other barriers. These factors reduce spatial and temporal mobility of the disabled and their caregivers, which implies problems with their access to lasting employment and reduced opportunities for obtaining satisfactory income from work.

When discussing career and social problems of the disabled and families with a disabled dependant in the context of the Polish labour market flexibility and the flexicurity strategy, it should be emphasized that these problems will grow more significant with time. The reasons include a relatively high percentage of people certified as disabled and families with a disabled person in Poland's total population (in 2011 that number was 3,133,200³⁵ which means that almost one twelfth of Poles were disabled at that time) and transformations of Poland's demographic structure that will result in reducing the percentage of working age population (whose work affects the level of GDP and the related capacity for development of the country and for fulfilling social needs). This phenomenon will be accompanied by the growth of post-working population and, in consequence, an increase of public spending on social security benefits (pensions, welfare, caregiver services).³⁶

This implies a need for creating conditions that would encourage the groups described here to take responsibility for their own lives – to a maximum possible degree. This remains closely related to their occupational activity and the earned income level.

Therefore, the state faces a challenge of making it possible for the disabled and their caregivers to participate broadly in the benefits resulting from employment and from labour market flexibility, which would improve their living conditions as well as contribute to economic growth. As the analysis of the solutions directed at the groups constituting the subject of this paper shows, we still face numerous challenges concerning each of the pillars of the European strategy of flexicurity that is now implemented in our country. This means that flexicurity implementation in Poland will take many more years.

³⁵ <http://www.niepelnosprawni.gov.pl/niepelnosprawnosci-w-liczbach/-dane-demograficzne/> (20.03.2014)

³⁶ More on the subject: Esping-Andersen G. Społeczne podstawy gospodarki postindustrialnej. Warszawa: Wyższa Szkoła Pedagogiczna TWP, 2011. ISBN 978-83-61121-24-4; Grewiński M. Wielosektorowa polityka społeczna. O przeobrażeniach państwa opiekuńczego. Warszawa: Wyższa Szkoła Pedagogiczna TWP, 2009. ISBN 978-83-61121-09-01

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