**The questionnaire regarding**

**policy coherence in government action to protect against**

**business-related human rights abuse.**

1. ***Has your government made an explicit political commitment (e.g. in government programmes, strategic documents) to ensure policy coherence across government departments in line with the Guiding Principles? If yes, please provide information****.*

The document “Polish National Action Plan for the Implementation of the United Nations Guiding Principles on Business and Human Rights 2017-2020” (NAP) was adopted by the Council of Ministers on 29 May 2017.

<https://www.gov.pl/web/dyplomacja/krajowy-plan-dzialania-na-rzecz-wdrazania-wytycznych-onz-dotyczacych-biznesu-i-praw-czlowieka-2017-2020>

1. ***Has your Government operationalized the political commitment into a policy and institutional framework to promote business respect for human rights, (e.g. National Action Plan on Business and Human Rights or a chapter on business and human rights in a human rights action plan, or any other policy frameworks to promote responsible business conduct in line with the Guiding Principle)? If so, please indicate:***

***a) areas identified requiring specific attention to strengthen coordination;***

***b) specific mechanisms/structures to facilitate coordination and align actions of different ministries and policy areas to promote responsible business conduct (e.g. inter-ministerial groups, multi-stakeholder thematic working groups, inter-agency entities, etc.)?***

The development of the NAP involved the participation of the ministries of: Foreign Affairs, Economic Development (at present *The Ministry of Investment and Economic Development* and *The Ministry of Entrepreneurship and Technology*); Finance; Family, Labour and Social Policy; Justice, Digital Affairs; Sport and Tourism; Interior and Administration, as well as Chancellery of the Prime Minister and the Government Plenipotentiary for Equal Treatment, the Government Plenipotentiary for Civil Society, the National Labour Inspectorate, the Public Procurement Office and the Commissioner for Human Rights. Consultations with a wide range of stakeholders, primarily with employers’ organisations, trade unions, and NGOs, facilitated an evaluation of the issues from different perspectives and the collection of specific recommendations for the NAP.[[1]](#footnote-1) The document was forwarded to the Social Dialogue Council and passed through a public consultation process by making its content available on the website [www.konsultacje.gov.pl](http://www.konsultacje.gov.pl/)

Ministries and institutions involved in the NAP implementation are responsible for preparing the review – an interim report prepared by the end of 2018 and the final report to be prepared by the end of 2020. The Ministry of Foreign Affairs has assumed the role of coordinator of the process.

Areas requiring specific attention: main challenges and priority actions planed accordingly to the pillars of the UNGPs: Pillar I – State duty to Protect, Pillar II – Corporate responsibility to Respect, Pillar III – Access to Remedy:

Polish NAP was created on the basis of the three pillars of the UNGPs:

Pillar I – State duty to Protect:

1.The need for changes in the sphere of the law and awareness to improve the situation of people who reveal abusive practices;

2. The phenomenon of forced labour;

3. Introduction of legislation related to the prevention of sexual exploitation of minors in hotel facilities;

4. Extension of the right of workers to organise onto individuals performing paid work but not mentioned in the provisions of the Act (in particular contractors or self-employed individuals);

5. Issues related to hate speech or incitement to violence, as well as the use of unauthorised technical restrictions on freedom of speech in social media.

### 6. The improvement of the conditions of temporary employment.

### 7. Employment agencies.

### 8. Addition of principles in administrative proceedings:

Friendly interpretation of the law (in dubio pro libertate);

The principle of proportionality, impartiality, and the principle of equal treatment;

Uniform standards for the imposition of administrative penalties;

Shortening and streamlining class actions to make it possible to adjudicate more cases in class actions, including the claims of entrepreneurs.

Pillar II – Corporate responsibility to Respect:

1. Implementation of the UN Sustainable Development Goals (2030 Agenda).

2. Dialogue and exchange of knowledge and experience in implementing CSR.

3. Non-financial reporting: implementation of Directive 2014/95/EU.

4. Investment strategy and an ideal investor’s profile.

5. Corporate social responsibility in companies with State Treasury shareholding.

6. UNGPs in the operations of the Export Credit Insurance Corporation.

7. Social entrepreneurship as an instrument for creating high-quality jobs for individuals at risk of poverty and social exclusion. Equal opportunities for people with disabilities.

## 8. Education and wide dissemination of UNGPs and CSR/RBC standards, including responsible supply chains and respect for human rights. These actions should be addressed both to direct producers and companies in the supply chain, as well as to consumers.

Pillar III – Access to Remedy:

Activities to ensure access to court and out-of-court remedies with special emphasis on the following questions and instruments.

1. Freedom of association and the right to collective bargaining.

2. National Labour Inspectorate (PIP): an institution that oversees business and human rights;

3. OECD National Contact Point;

4. The Committee for Matters of the European Court of Human Rights;

5. Mediation

1. mechanisms/structures to facilitate coordination and align actions of different ministries and policy areas to promote responsible business conduct:

Poland treats the issue of responsible business conduct seriously. The main structure to facilitate coordination and align actions of different ministers and stakeholders is the Advisory Board for Sustainable Development and Corporate Social Responsibility. The Advisory Board was appointed by the Minister of Investment and Economic Development is an auxiliary body to the Minister of Investment and Economic Development and was created under the Minister’s Order in May 2018.

The work of this body is also continuation of the efforts of the Polish government administration to promote responsible business conduct since 2009, when the first Advisory Board for CSR was established. The form and scope of the cooperation within the CSR Advisory Board have changed over the years. In 2018, a wide dialogue platform involving representatives of different parts of the society was renewed for joint actions to improve the ethical standards of operations conducted by enterprises.

Details about the work of the Advisory Board for Sustainable Development and CSR are provided in answer to the questions 4, 5 and 6.

In addition to the initiatives taken by the Advisory Board, the OECD National Contact Point for responsible business conduct (OECD NCP) operates in the Ministry of Investment and Economic Development. The role of the OECD NCP is primarily the promotion of the OECD Guidelines for Multinational Enterprises, as well as its sectoral documents in the field of RBC. The role of the OECD NCP is also to consider possible notifications of violations of the OECD Guidelines for Multinational Enterprises (specific instances). This unique grievance mechanism of the OECD NCP is playing also important role in the context of UN Guiding Principles on BHR. In Polish NAP the OECD NCP is also included at the monitoring part to assess how many cases the OECD NCP is receiving regarding the human rights violations.

1. ***Does the NAP or other policy framework address the need for State-owned enterprises, trade and investment promotion entities (e.g. export credit agencies, special economic zones etc.) and public procurement agencies to intergrate respect for human rights specifically and promote responsible business conduct generally in relevant policies and operations? If yes, please provide information.***
2. “Polish National Action Plan for the Implementation of the United Nations Guiding Principles on Business and Human Rights 2017-2020” underlines the need for State-owned enterprises, trade and investment promotion entities and public procurement agencies to integrate respect for human rights specifically and promote responsible business conduct in relevant policies and operations.
3. *Guidelines for the State Treasury shareholding companies preparing 2018 financial statements as an element that builds the credibility of enterprises in the area of corporate social responsibility, including respect for human rights.*

In accordance with the Act of 16 December 2016 on the Rules for State-Owned property (in force since 1 January 2017) ownership rights in relation to the State Treasury shareholding companies were taken over by the Prime Minister, who also coordinates the state's ownership policy and strives to ensure a uniform manner of exercising rights attached to shares held by the State Treasury, in the event of their transfer to other entities.

As part of the above-mentioned competences, in September 2018, the Prime Minister approved the Guidelines for the State Treasury shareholding companies preparing 2018 financial statements for 2018, with one of the chapters being devoted to the transparency of non-financial reporting.

The document was published in the Public Information Bulletin of the Chancellery of the Prime Minister and sent to the entities which supervise the State Treasury shareholding companies.

1. *Good practices in corporate social responsibility in the State Treasury shareholding companies.*

On 29 March 2019, an amendment to the Act of 16 December 2016 on the Rules for State-Owned Property Management came into effect, thus enabling the Prime Minister to publish good practices for the State Treasury shareholding companies, among others in the field of corporate social responsibility, and providing for a requirement for the management body to submit to the general meeting (in public companies optionally to the supervisory body) reports on their application together with the management body's report on the company's activities for the previous financial year.

This requirement will apply to entities in which the State Treasury has a dominant position.

As part of the above-mentioned competences, the Prime Minister plans to issue Good practices in corporate social responsibility in the State Treasury shareholding companies, which will also address the issue of respect for human rights. The document will be published in the Public Information Bulletin of the Chancellery of the Prime Minister.

1. *National Action Plan for Sustainable Public Procurement for 2017-2020.*

In addition to providing appropriate solutions, the achievement of social policy objectives through public procurement requires extensive educational activities aimed at promoting social public procurement among participants in the public procurement market. The Public Procurement Office carries out activities aimed at promoting social issues in public procurement, primarily as part of the National Action Plan for Sustainable Public Procurement for 2017-2020, which is the fourth strategic document of this type prepared by the Office. These activities primarily include: organisation of training and conferences on social public procurement, preparation of publications discussing the existing legal solutions and presenting examples of good practices related to the application of social aspects in public procurement procedures.

1. *The investment support system under the Act on Supporting New Investments dated 10 May 2018 (Journal of Laws of 2018, item 1162) and the amendment to the Programme for Supporting Investments of Major Importance to the Polish Economy for the Years 2011–2023.*

The government’s investment policy and new investment support instruments, which have been put in place, take into account the perspective of the UN Guiding Principles on Business and Human Rights as a basic paradigm for the principles of granting state aid. To this end, pursuant to the Regulation of the Council of Ministers of 28 August 2018 on state aid granted to certain entrepreneurs for the purpose of implementing new investments, detailed social criteria for investment projects were introduced, to be supported on the terms provided for in the Act on Supporting New Investments dated 10 May 2018. The new support instruments provide, among others, that in addition to quantitative criteria regarding the value of investments and job creation, support will be targeted at investors who will contribute to the development of regions in the social area, environmental protection, work culture and vocational education. Investors who provide or plan to provide highly paid (services) and specialised (industry) jobs under contracts of employment will be supported in a specific manner, which is in line with the ILO Declaration or the Philadelphia Declaration. In addition, the criteria provide for the possibility of obtaining public aid if the investor contributes to ensuring employee’s personal development and full use of employees’ potential. The new instruments of support for investments put in place by the Polish Government are designed to create a positive impact on regional communities and the immediate business environment, thereby contributing to the implementation of the UN Guiding Principles on Business and Human Rights and, generally, the achievement of the Sustainable Development Goals.

1. ***Where a coordination mechanism/structure exists, please describe the composition, role(s) and assigned responsibilities of entities involved. What are some main experiences and lessons learned from this mechanism, including specific examples of how it has helped improve policy coherence to strengthen government action to promote responsible business conduct in line with Guiding Principle?***

The Advisory Board for Sustainable Development and Corporate Social Responsibility, appointed by the Minister of Investment and Economic Development is an auxiliary body to the Minister of Investment and Economic Development, created under the Minister’s Order in May 2018.

The basic function of the Advisory Board is to create space for dialogue and exchange of experiences between the public administration, social partners, NGOs and the academic environment in the field of corporate social responsibility as well as responsible business conduct (CSR/RBC). In addition the Advisory Board also issues recommendations concerning the CSR/RBC policy implementation, in particular taking into account the objectives of the Strategy for Responsible Development – a strategic national policy document.

The Advisory Board operates through its Working Groups that meet at least once a month. Membership in Working Groups is open and voluntary. Members of the Working Group share their expertise and good practices. The Ministry of Investment and Economic Development supports the effective implementation of tools and instruments developed by the Working Groups. The Advisory Board has appointed 5 Working Groups:

1. Working Group for consumer affairs
2. Working Group for innovation in sustainable development and CSR/RBC
3. Working Group for social responsibility of universities
4. Working Group on social responsibility of public administration
5. Working Group for relations with persons providing work

The three Working Groups are focused on developing specific support tools for enterprises, in the areas of:

1. business and human rights (proposals for clauses to business cooperation agreements with employment agencies, temporary work and subcontractors, as well as recommendations for developing due diligence procedures in the areas of health and safety)
2. implementing the circular economy concept (a practical handbook showing the opportunities and benefits and the possibility of financial support for projects aimed at implementing circular economy in the enterprise)
3. developing innovations for sustainable development and CSR (workshops for entrepreneurs).

As part of the other two working groups:

1. a catalogue of good practices of public administration social responsibility is being prepared,
2. good practices of university social responsibility will be collected.

All activities of the Working Groups also concern aspects of human rights. Interesting example about the lessons learned from functioning of the Working Groups in practice could be the activity of the Working Group for relations with persons providing work. Members of this Group are divided into three task-teams to develop the publications and elaborate recommendations. The effects of their work will include:

1. Recommendations for legislative changes – development of a draft definition of forced labour to be incorporated in Polish Criminal Code, which will be a contribution to the work of the Ministry of Justice.
2. Development of tools for enterprises to mitigate the risk of forced labour which may arise within the framework of cooperation with employment agencies, temporary work agencies, subcontractors and in the supply chain – publication of a guide and questionnaires for companies.
3. Publication of “a safe work guide” which will address issues of psychosocial hazards and will give examples of good CSR practices of companies in the area of employment policy.
4. ***Does the coordination mechanism/structure allow for the participation of representatives of other stakeholders, including business and civil society organisations? If so, please explain the modalities of such participation.***

Yes. The Advisory Board consists of representatives of government administration, social partners, employers' organizations, trade unions, industry and sectoral associations, academia as well as civil society organizations. In total, nearly 70 representatives of different institutions and organizations participate in the Advisory Board work.

1. ***What is the role of the coordination mechanism/structure in monitoring the implementation and effectiveness of the policy framework to promote responsible business conduct and to ensure policy coherence across monitoring and evaluation efforts?***

The Advisory Board for Sustainable Development and Corporate Social Responsibility is the main governmental body dedicated to the issue of CSR/RBC including Business and human rights. The thematic areas for the Advisory Board work result from the most current socio-economic challenges of Poland as well as from the current directions of key public policies.

The assumption of a broad representation of government bodies and public institutions in the Advisory Board work is to maintain the consistency of the thematic issues addressed with the priority directions of the country's development. The main tasks of the Advisory Board include:

1. conducting a dialogue, exchange of experience and good practices between public administration, business, social and economic partners in the field of sustainable development and CSR/RBC,
2. promoting the principle of social solidarity and responsible business conduct,
3. shaping the relationship between the competitiveness of the economy, care for the natural environment and the quality of life by developing recommendations on the directions of implementing CSR/RBC principles in public policies for the purposes of effective implementation of the Strategy for Responsible Development objectives,
4. dissemination of the concept of social responsibility in public administration.
5. ***Does the Parliament play any role in overseeing the implementation of the policy framework/action plan to promote responsible business conduct? If yes, please explain how.***

No

1. ***Does your government build the capacity of staff working in governmental departments and agencies in charge of business and human rights-related issues? If yes clarify any relevant aspects, including training curricula, how often and by whom they are conducted***

1) On 2 October, 2017 the Ministry of Economic Development, the Ministry of Foreign Affairs and the Polish Institute for Human Rights and Business hosted a conference on the execution of the *Polish National Action Plan for the Implementation of the United Nations Guiding Principles on Business and Human Rights 2017-2020.*The conference entitled “*UN Guiding Principles on Business and Human Rights: execution of the Polish National Action Plan*” was the first meeting primarily targeted at members of the public administration, but also at representatives of business and non-governmental organisations, of the objective of which was to present the issues of the Polish NAP in a complex manner, as well as to provide an arena for collective discussion on the most effective methods for implementing the NAP on BHR, potential partner activities, and necessary legislative action that will ensure that the UNGPs will be fully effectuated.

2) Information on the UNGPs was sent by the Ministry of Foreign Affairs to all embassies, consulates and Polish Institutes.

3) UNGPs have been systematically disseminated during training in business and human rights provided by the Ministry of Foreign Affairs for heads and employees of embassies, consulates-general, and Polish Institutes.

4) The Ministry of Investment and Economic Development is grasping each opportunity to disseminate UNGPs. Printed copies are also handed out to the participants of working groups meetings, participants of conferences, seminars. UNGPs are also available for everyone on racks set in several places in the ministry building.

5) There is a special section on the website of the Ministry of Investment and Economic Development dedicated to the topic “Business and Human Rights”

(<https://www.miir.gov.pl/strony/zadania/wsparcie-przedsiebiorczosci/spoleczna-odpowiedzialnosc-przedsiebiorstw-csr/biznes-i-prawa-czlowieka/>)

6) UNGPs have been published on the Public Benefit Committee Chairman’s website, where information about activities of the Plenipotentiary for Civil Society is also available <https://pozytek.gov.pl/krajowy-plan-dzialania-na-rzecz-wdrazania-wytycznych-onz-dotyczacych-biznesu-i-praw-czlowieka-na-lata-2017-2020/>

1. ***Please indicate if any coordination mechanism exist to promote implementation of the 2030 Sustainable Development Agenda. If so, is there any linkages made to encourage policy coherence in promoting responsible business conduct in line with the Guiding Principles as part of the efforts to engage the corporate sector to contribute towards the Sustainable Development Goals?***

Coordination of the implementation of the 2030 Agenda for sustainable development at the national level has been entrusted to the Ministry of Enterprise and Technology, which closely cooperates in this respect with all ministries, central institutions and a wide range of stakeholders, including the private sector.

As regards the external dimension of the implementation of the 2030 Agenda, coordination is related to close cooperation with the Ministry of Foreign Affairs – responsible for development cooperation, and ensuring coherence of its priorities with the Sustainable Development Goals.

As part of the process of implementing the 2030 Agenda, Poland has developed solutions that can be considered as good practices/experiences, including a participatory model of cooperation. The applied practices of integrating various environments around the challenge of implementing the 2030 Agenda and SDGs increase the sense of their shared responsibility for the success of transformational changes towards the sustainable development of the country. Ultimately, active participation of stakeholders in the creation of public policies increases their confidence and willingness to dialogue for the purpose of developing common solutions.

The Partnership for the implementation of SDGs in Poland was initiated in June 2017 and since then extended every year. The initiative increases the awareness of the wider group of stakeholders of the existence of sustainable development goals, their significance for particular social groups and the need for cooperation in their effective achievement. The signatories of the Partnership are an example of active involvement and responsible implementation of the principles of sustainable development in the whole organization, being a valuable source of inspiration for others.

The partnership is based on three basic principles - openness to cooperation, voluntary participation and cooperation declaration. So far, more than 125 entities have entered the initiative, and the partnership has resulted in over 170 commitments, in which the signatories confirm the implementation of specific actions aimed at achieving selected sustainable development goals. Most signatories are representatives of the business community. Enterprises and business environment institutions in Poland are characterized by growing market maturity and awareness of their impact on the environment and more and more often engaged in shaping the public debate, actively participating in efforts to adapt the Polish economy to new trends and development challenges. Hence, the partnership enjoys great interest from different communities. The abovementioned projects often concern the fulfilment of more than one of the 2030 Agenda SDGs. The main goals are usually SDG 4 - good quality of education, as well as SDG 12 - responsible production and consumption. Many commitments also underline the importance of SDG 8 – inclusive growth and descent work and concern among others activities aimed at improving health and safety in the workplace for employees. Polish companies are also taking a number of measures to contribute to climate protection, thereby complying with SDG 13.

The activity of the National Forum of Stakeholders of the 2030 Agendais also of significant importance. The Forum is an innovative platform for cooperation and multi-sectoral partnership in the field of sustainable development. This initiative aims to create a space for substantive debate, exchange of experience and good practices in the implementation of specific projects. The development of this form of cooperation is aimed at long-term programming of better-quality activities and undertaking effective initiatives through joint development planning. This initiative increases the participation of economic and social environments, including partnership signatories, in the debate on global challenges and references to national realities.

1. ***Can you give examples of lesson learned from other areas that have helped enhance coherence between social or environment policy implementation and policies focused on shaping business practice?***

An example of such activities that support the increase of coherence between the implementation of social or environmental policy implementation and policies aimed at shaping business practice can be Polish governmental Accessibility Plus programme. The Accessibility Plus program for 2018-2025 was adopted by the Council of Ministers on July 17, 2018. Its goal is to improve the quality of life by providing citizens with equal opportunities in achieving social status, the ability to function independently and participate in various spheres of life. This is to be served by the improvement of the accessibility of public space, products and services in the aspect of architecture, information and communication. The program requires the involvement of the entire government party, but also local governments, entrepreneurs and social organizations. Activities in the program will be implemented in 8 areas: architecture, transport, education, health care, digitization, services, competitiveness and coordination. About 23 billion PLN was allocated to the Program in the perspective of 2018-2025. The sources of financing are mainly European funds, public domestic funds (state budget, local government).

One of the most crucial areas that the programme is focused on is competitiveness of economy, based on accessibility as a tool and competitive advantage for companies that are tending to provide accessibility in their products, goods or services. Looking at the technological development it is easy to notice that new technologies and assistive technologies are the key one to provide accessibility for the aging society and disabled people. That is why the first initiatives in this area of programme has been launched. It covers: the *Vouchers for innovations* competition enables the scientific unit for small and medium enterprises to develop a new or significantly improved product (product, service), technology or design project for solving the problems of people with disabilities. The main goal of the project is to develop cooperation between the science and business sectors. *Design for entrepreneurs* competition is aimed at supporting a project consisting in the design and implementation of a new product that implements the idea of ​​accessibility. It is addressed to entities that have an innovative idea, but they lack the means to implement it.

As part of the *Market research* competition, support will be given to companies that develop innovative products based on research and development. The aim of the competition is to support the competitiveness of enterprises and encourage development based on innovative technological processes. The *Fast path* competition offers support for consortia (consisting of at least one enterprise and one scientific unit) in which the enterprise is the leader. The support is directed to entities conducting experimental research and development works, as a result of which innovative products or technologies will be introduced to the market. About 20 million have been allocated to all competitions.

Another example of activities to enhance coherence between social or environment policies implementation and policies focused on shaping business practice may be promotion of the OECD responsible business conduct guidances including translation them into Polish.

Conference *"Responsible business - responsible development. Due diligence in supply chains. Standards and practice”* was organized in June 2018. During the conference issues related to due diligence in supply chains were discussed. An important element of the conference was the announcement of the Polish language version of *the OECD Guidance for responsible supply chain in garment and footwear sector*. This document introduces a well-defined concept of due diligence expressed in accordance with the OECD Guidelines for Multinational Enterprises. During the conference, *the OECD Guidelines on due diligence in the field of responsible business conduct* were also presented.

Also the meeting for financial sector representatives was organized in May 2019 r. The purpose of the meeting was to encourage participants to more active cooperation in the field of promoting standards of responsible business conduct in the financial sector. The participants learned about the OECD document *“Responsible business conduct for institutional investors. Key considerations doe due diligence under the OECD Guidelines for Multinational Enterprises”* as well as about the direction of European Union works in sustainable finance. The meeting was attended by nearly 90 people, including the presidents and directors of financial sector organizations and financial enterprises. The meeting was positively evaluated by speakers and representatives of the sector. In the opinion of an OECD expert who attended the meeting, it had a great educational value.

The main lesson learned from above activities is that education and cooperation between different groups of stakeholders are crucial. The development of CSR/RBC implementation and definite increase of RBC awareness in business practices can be observe, however the practical tools are still needed.

1. **Polish Institute for Human Rights and Business (PIHRB)** an independent think tank offering advanced expertise in Human Rights and Business, labour law and relations, social unrest, stakeholder engagement and Corporate Social Responsibility (CSR), as well as educational and awareness raising programmes; CSR Watch Coalition Poland, a representative partner in the area of human rights and business; Polish Craft Association; The Polish Confederation Lewiatan; Business Centre Club; Employers of Poland; The Independent and Self-Governing Trade Union Solidarność; OPZZ: All-Poland Alliance of Trade Unions; Trade Union Forum [↑](#footnote-ref-1)