

**ACT**  
**of 3<sup>rd</sup> December, 2010**  
**on the implementation of some regulations of European Union**  
**regarding equal treatment<sup>1), 2)</sup>**

**Chapter 1**

**General provisions**

**Art. 1.** The Act specifies areas and methods of counteracting violations of equal treatment rule due to sex, race, ethnic origin, nationality, religion, denomination, beliefs, disability, age or sexual orientation, and competent authorities with respect thereto.

**Art. 2. 1.** The Act applies to natural persons and legal persons, as well as to administrative units other than legal persons, to which legal capacity is assigned under the act.

2. Provisions of chapters 1 and 2 do not apply to employees in the scope regulated with the provisions of the act of 26<sup>th</sup> June 1974 – The Labour Code (Journal of Laws of 1988, No. 21, item 94, as amended<sup>3)</sup>).

**Art. 3.** Always when the act refers to:

1) direct discrimination – this shall mean the situation, where one natural person is treated less favourably than another is, has been or would be treated in a comparable situation, on grounds of sex, race, ethnic origin, nationality, religion, denomination, beliefs, disability, age or sexual orientation;

2) indirect discrimination – this shall mean the situation, where an apparently neutral provision, applied criterion or taken action would expose natural person to a particular adverse disproportions or particularly adverse situation for this person due to sex, race, ethnic origin, nationality, religion, denomination, beliefs, disability, age or sexual orientation, unless that provision, criterion or action is objectively justified by a legitimate aim that is to be accomplished and the means of achieving that aim are appropriate and necessary;

3) harassment – this shall mean any unwanted conduct that takes place with the purpose or effect of violating the dignity of a natural person and of creating an intimidating, hostile, degrading, humiliating or offensive environment for this person;

4) sexual harassment – this shall mean the any form of unwanted verbal, non-verbal or physical conduct of a sexual nature towards a natural person or with respect to sex, with the purpose or effect of violating the dignity of this person, in particular by creating an intimidating, hostile, degrading, humiliating or offensive environment for this person;

5) unequal treatment – this shall mean the situation, where natural persons are treated in a way that comprises one or more of the following types of conduct: direct discrimination, indirect

discrimination, harassment, sexual harassment, and also less favourable treatment of a natural person due to the rejection of harassment or sexual harassment or failure to submit to the harassment or sexual harassment and encouraging to such conduct or imposing such conduct;

6) principle of equal treatment – this shall mean the absence of any types of conduct that constitute unequal treatment;

7) services – shall mean the services within the meaning of art. 57 of the Treaty on the Functioning of the European Union.

**Art. 4.** The Act shall be applicable in the scope of:

1) professional education, including continuation of education, improvement, change of profession and professional practices;

2) conditions for taking and conducting business or professional activity, including, but not limited to the employment relationship or work under a civil-law contract;

3) joining and acting in trade unions, employers' organizations and professional self-governing associations, and also exercising rights to which members of these organisations are entitled;

4) access to and use of:

a) labour market instruments and labour market services specified in the act of 20<sup>th</sup> April 2004 on the promotion of employment and labour market institutions (Journal of Laws of 2008, No. 69, item 415, as amended<sup>4)</sup>), offered by labour market institutions and labour market instruments and labour market services offered by other entities acting for the employment, development of human resources and prevention of unemployment,

b) social security,

c) health care,

d) education and higher education,

e) services, including residential services, objects and procurement of rights and energy, provided they are publicly offered.

**Art. 5.** The Act shall not apply to:

1) sphere of private and family life and legal actions that remain related with these spheres;

2) contents included in mass media and advertisements in the scope of access to and delivery of commodities and services, with respect to different treatment due to sex;

3) freedom of choice of the party to an agreement, provided that such choice is not based on sex, race, ethnic origin or nationality;

4) educational services in the scope related to different treatment due to sex;

5) different treatment due to sex regarding access to and use of services, objects and procurement of rights and energy if the provision thereof exclusively or mainly for

representatives of one sex is objective and rationally substantiated with a legitimate objective, and means of accomplishing this objective are proper and necessary;

6) different treatment with respect to opportunities and conditions of taking and conducting professional activity and taking, following and completing education in the scope of professional education, including higher education, if the reason for different treatment constitutes a real and dominant professional requirement set for a given natural person, in proportion to the accomplishment of legitimate objective of the differentiation of situation of this person;

7) limitation by churches and other religious associations, and also organisations, whose ethical rules are based on religion, denomination or belief, of the access to professional activity or performance thereof due to religion, denomination or belief, provided that the type or conditions of performance of such professional activity make religion, denomination or belief a real and dominant professional requirement set for a given natural person, in proportion to the accomplishment of legitimate objective of the differentiation of situation of this person; this applies also to the requirement for employed natural persons, that specifies the obligation to act in good faith and be loyal to the ethics of church, other religious association or organisation, whose ethical rules are based on religion, denomination or belief;

8) different treatment of natural persons due to age:

a) when it is objectively and rationally motivated with a legitimate purpose, particularly with purposes of professional education, provided that means applied for the accomplishment of this purpose are appropriate and necessary,

b) that consists in establishing, for the purposes of social security, different rules for assigning or acquiring the right to benefits, including different age criteria for the calculation of the amount of benefits; in the case of employee pension schemes, such different treatment is allowed, provided that it does not constitute discrimination due to sex;

9) different treatment due to the criterion of citizenship, in particular in the scope of conditions regarding admittance to and stay on the territory of the Republic of Poland and in the scope related with legal status of natural persons who are citizens of countries other than the Member States of European Union, Member States of the European Free Trade Agreement (EFTA) - parties to the agreement on European Economic Area or Swiss Confederation.

## **Chapter 2**

### **Principle of equal treatment and legal measures for its protection**

**Art. 6.** Unequal treatment of natural persons due to sex, race, ethnic origin or nationality with regard to the access to and conditions of use of social security, services, including residential services, objects and procurement of rights and energy, provided they are offered publicly, shall be prohibited.

**Art. 7.** Unequal treatment of natural persons due to race, ethnic origin or nationality, in the scope of medical care and education and higher education shall be also prohibited.

**Art. 8. 1.** Unequal treatment of natural persons due to sex, race, ethnic origin, nationality, religion, denomination, belief, disability, age or sexual orientation shall be prohibited in the scope of:

1) professional education, including continuation of education, improvement, change of profession and professional practices;

- 2) conditions for taking and conducting business or professional activity, including, but not limited to the employment relationship or work under a civil-law contract;
- 3) joining and acting in trade unions, employers' organizations and professional self-governing associations, and also exercising rights to which members of these organisations are entitled;
- 4) access to and conditions of use of labour market instruments and labour market services, specified in the act of 20th April 2004 on the promotion of employment and labour market institutions, offered by labour market institutions and labour market instruments and labour market services offered by other entities acting for the employment, development of human resources and prevention of unemployment.

2. Unequal treatment due to religion, denomination, belief, disability, age or sexual orientation in the scope of application of measures necessary in the democratic state for its public safety and order, protection of health or protection of freedom and rights of other persons and prevention of actions subject to penal sanctions, in the scope specified in other provisions, shall not constitute violation of prohibition, referred to in section 1.

**Art. 9.** Encouraging to unequal treatment or ordering unequal treatment, as specified in art. 6, art. 7 and art. 8 sec. 1 shall be prohibited.

**Art. 10.** Within the scope specified in art. 6, art. 7, art. 8 sec. 1 and art. 9, unequal treatment of, accordingly, legal persons and administrative units other than legal persons, to which legal capacity is assigned under the act, shall be prohibited, if violation of the principle of equal treatment occurs due to race, ethnic origin or nationality of the members thereof.

**Art. 11.** Taking actions in order to prevent unequal treatment or align disadvantages related with unequal treatment, that result from one or more reasons, referred to in art. 1, shall not constitute breach of the principle of equal treatment.

**Art. 12.** 1. In the case of violations of the principle of equal treatment, specified in this Act, towards a natural person, including in relation to pregnancy, maternity leave, additional maternity leave, leave on the conditions of the maternity leave, additional leave on the conditions of the maternity leave, paternity leave or parental leave, natural persons are entitled to the claim, referred to in art. 13.

2. In the case of violations specified in art. 10, legal persons and administrative units other than legal persons, to which legal capacity is assigned under the act, shall be entitled to the claim, referred to in art. 13, if the violation occurred towards them.

**Art. 13.** 1. Every one, against whom the principle of equal treatment has been violated, is entitled to damages.

2. The issues related with the violations of the principle of equal treatment shall be governed with the provisions of the act of 23rd April 1964 - The Civil Code (Journal of Laws No. 16, item 93, as amended<sup>5)</sup>).

**Art. 14.** 1. The proceedings regarding violations of the principle of equal treatment shall be governed with the provisions of the act of 17th November 1964 - The Code of Civil Procedure (Journal of Laws No. 43, item 296, as amended <sup>6)</sup>).

2. Everyone who accuses of the violation of the principle of equal treatment, makes the fact of its violation probable.

3. In the case the violation of the principle of equal treatment has been made probable, the person who is accused of the violation of this principle, is obliged to prove, that they have not violated this principle.

**Art. 15.** Claims due to violation of the principle of equal treatment are valid for 3 years of the date on which the aggrieved party has been informed on the violation of the principle of equal treatment, however not longer than within 5 years of the occurrence of the incident that constitutes the violation of this principle.

**Art. 16.** Assertion of claims under this act does not prejudice the right to assert claims under provisions of other acts.

**Art. 17.** 1. Exercise of rights that are vested due to the violation of the principle of equal treatment cannot be the basis for adverse treatment, and also cannot lead to any negative consequences for the person, who exercises these rights.

2. Provision of section 1 shall be also applicable to this person, who provides any form of support to the person exercising the rights vested due to the violation of principle of equal treatment.

3. Cases, referred to in sections 1 and 2 shall be governed by the provisions of articles 13-15.

### **Chapter 3**

#### **Authorities competent in the cases of prevention of violations of the principle of equal treatment**

**Art. 18.** Performance of tasks related to the implementation of the principle of equal treatment shall be entrusted with the Human Rights Defender and the Government Plenipotentiary for Equal Treatment.

**Art. 19.** Human Rights Defender executes tasks concerning the implementation of the principle of equal treatment according to the rules and methods specified in separate provisions.

**Art. 20.** 1. Government Plenipotentiary for Equal Treatment, hereinafter referred to as the "Plenipotentiary", shall be appointed and dismissed by the Prime Minister.

2. The Plenipotentiary shall report to the Prime Minister.

3. Plenipotentiary shall be the secretary of state in the Chancellery of the Prime Minister.

4. Content-related service, legal, technical and chancellery- and clerical-related services for the Plenipotentiary shall be provided by the Chancellery of the Prime Minister.

**Art. 21.** 1. The tasks of the Plenipotentiary shall comprise the implementation of governmental policy in the scope of the principle of equal treatment, including prevention of

discrimination, in particular due to sex, race, ethnic origin, nationality, religion, denomination, belief, age, disability and sexual orientation.

2. The tasks of the Plenipotentiary shall comprise in particular:

- 1) development and evaluation of draft acts in the scope of the principle of equal treatment;
- 2) execution of analyses and evaluation of legal solutions in terms of compliance with the principle of equal treatment, as well as appealing to competent authorities for issuing or amending legal acts in the areas for which the Plenipotentiary is responsible;
- 3) taking actions aiming at the elimination or reduction of the effects of violations of the principle of equal treatment;
- 4) analyses and evaluation of legal and social condition within the scope referred to in section 1, as well as initiation, implementation, coordination and monitoring of actions performed in order to ensure equal treatment, and also protection against discrimination;
- 5) monitoring of the situation within the scope of observance of the principle of equal treatment;
- 6) promotion, popularisation and dissemination of contents regarding the equal treatment issues;
- 7) cooperation with domestic social organisations, including trade unions and employers' organisations.

3. The tasks of the Plenipotentiary shall also comprise:

- 1) cooperation regarding issues related to equal treatment and prevention of discrimination with other states, international and foreign institutions and organisations,
- 2) cooperation by the development of accounts and reports of the implementation of international agreements binding for the Republic of Poland, regarding the principle of equal treatment and prevention of discrimination,
- 3) presentation of the opinion on the possibility of joining by the Republic of Poland international agreements concerning the principle of equal treatment and prevention of discrimination

- in agreement with competent ministers.

4. Plenipotentiary can submit, upon obtaining consent from the Prime Minister, developed by the Plenipotentiary drafts of governmental instruments, resulting from the scope of Plenipotentiary's responsibilities, including the programmes for the principle of equal treatment and prevention of discrimination, for consideration by the Government.

5. Plenipotentiary can initiate, implement, coordinate or monitor programmes supporting the principle of equal treatment and prevention of violations of the principle of equal treatment, in cooperation with competent ministers.

6. Plenipotentiary can enter into programmes or projects co-financed from the funds, referred to in article 5 section 1 item 2 of the act of 27th August 2009 on public finance (Journal of Laws No 157, item 1240, as amended<sup>7)</sup>), regarding equal treatment and prevention of discrimination, as well as implement these programmes or projects.

7. Tasks related to the prevention of discrimination due to disability shall be executed by the Plenipotentiary in cooperation with the Government Plenipotentiary for Disabled People.

**Art. 22.** Plenipotentiary shall develop and submit to the Government the National Action Programme for the Equal Treatment, specifying objectives and priorities of actions for equal treatment, especially in the following scope:

- 1) raising social awareness with respect to equal treatment, including the reasons for and effects of violations of the principle of equal treatment;
- 2) prevention of violations of the principle of equal treatment;
- 3) cooperation with social partners, non-governmental organisations and other entities in the area of equal treatment.

**Art. 23.** Plenipotentiary develops and submits to the Government, to 31st March each year, the report for the previous calendar year, containing:

- 1) information on the conducted activities in the field of equal treatment and the results thereof;
- 2) conclusions and recommendations concerning actions, that should be taken in order to ensure observance of the principle of equal treatment;
- 3) report on the implementation of the National Action Programme for Equal Treatment, referred to in article 22.

## **Chapter 4**

### **Changes in applicable provisions, interim and final provisions**

**Art. 24.** The act of 14th June, 1960 - Code of Administrative Procedure (Journal of Law of 2000, No. 98, item 1071, as amended<sup>8)</sup>) shall be amended as follows:

1) after article 145a, article 145b shall be inserted as follows:

"Art. 145b. § 1. A demand may be also made for proceedings to be recommenced in the case, when the decision of court has been issued stating the violation of the principle of equal treatment, according to the act of 3rd December 2010 on the implementation of some regulations of European Union in the scope of equal treatment (Journal of Laws No. 254, item 1700), provided that the violation of this principle influenced the settlement of the case that ended with final decision.

§ 2. In the situation specified in § 1, petition for recommencement shall be brought within one month of the date on which the decision of the court entered into force.";

2) in article 146, § 1 shall be replaced by the following:

"§ 1. Decision cannot be revoked due to reasons specified in art. 145 § 1 items 1 and 2 after the lapse of ten years of the date of delivery or announcement of the decision, and due to reasons specified in art. 145 § 1 items 3-8 and in art. 145a and art. 145b after the lapse of five years from the date of delivery or announcement of the decisions.";

3) article 147 shall be replaced by the following:

"Art. 147. The recommencement of proceedings shall occur ex officio or at the request of a party. The recommencement of proceedings due to the reason specified in art. 145 § 1 item 4 and in art. 145a and art. 145b shall occur only at the request of a party.";

4) in article 151, § 1 shall be replaced by the following:

"§ 1. Once it has conducted the proceedings referred to in article 149 § 2, the public administration body, referred to in Article 150 shall issue a decision in which:

- 1) it will refuse to revoke the current decision, if it decides that there is no basis to revoke it under article 145 § 1, article 145a, or article 145b, or
- 2) it revokes the current decision, if it decides that the basis exists to revoke it under article 145 § 1 or article 145a, or article 145b and issues a new decision on the essence of the case."

**Art. 25.** In the act of 26th June 1974 - The Labour Code (Journal of Laws of 1998 No. 21, item 94, as amended<sup>9)</sup>), in article 18<sup>3b</sup>, § 4 shall be replaced with the following:

"§ 4. Limitation by churches and other religious associations, and also organisations, whose ethical rules are based on religion, denomination or belief, of the access to employment due to religion, denomination or belief, provided that the type or nature of execution of activities by churches and other religious associations, and also organisations make religion, denomination or belief a real and dominant professional requirement set for an employee, in proportion to the accomplishment of legitimate objective of the differentiation of situation of this person; this applies also to the requirement for the employed, that specifies the obligation to act in good faith and be loyal to the ethics of church, other religious association or organisation, whose ethical rules are based on religion, denomination or belief."

**Art. 26.** The act of 15th July, 1987 on Human Rights Defender (Journal of Laws of 2001 No. 14, item 147, as amended<sup>10)</sup>) shall be amended as follows:

1) the following reference mark no 1 shall be attached to the title:

"<sup>1)</sup>This act, in its scope of regulation, implements the following directives of European Communities:

1) directive of the Council 2000/43/EC of 29th June 2000, implementing the principle of equal treatment of persons irrespective of racial or ethnic origin (OJ EC L 180 of 19.07.2000, p. 22; OJ EU Polish Special Issue, chapter 20, vol. 1, p. 23);

2) directive of the Council 2004/113/EC of 13th December 2004, implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ EU L 373 of 21.12.2004, p. 37);

3) directive 2006/54/EC of the European Parliament and the Council of 5th 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) (OJ EU L 204 of 26.07.2006, p. 23).";

2) in article 1, section 2 shall be replaced by the following:

"2. Human Rights Defender, hereinafter referred to as the "Defender", guards the human and citizen rights and freedoms, specified in the Constitution of the Republic of Poland and other normative acts, and also guards the implementation of the principle of equal treatment.";

3) article 8 shall be replaced by the following:

"Art. 8. Defender takes actions provided for in the act, when the Defender becomes aware of information pointing to the violation of human and citizen rights and freedoms, including the principle of equal treatment.";

4) the current contents of article 11 shall be labelled as section 1 and section 2 shall be inserted as follows:

"2. Within the scope of implementation of the principle of equal treatment between private entities, Defender may take actions, referred to in section 1 item 2.";

5) article 17a shall be replaced by the following:

"Art. 17a. Defender cooperates with associations, grassroots movement, other voluntary unions and foundations and with foreign and international bodies and organisations operating for the protection of human and citizen rights and freedoms, as well as in the scope of equal treatment.";

6) after article 17a, article 17b shall be inserted as follows:

"Art. 17b. The scope of responsibilities of the Defender, regarding the implementation of the principle of equal treatment, comprises also:

- 1) analysis, monitoring of and support for equal treatment of all persons,
- 2) execution of autonomous studies and research concerning discrimination,
- 3) development and issue of independent reports and issue of recommendations regarding problems related to discrimination.";

7) article 18 shall be replaced by the following:

"Art. 18. Provisions of the act, regarding the protection of human and citizen rights and freedoms shall also apply accordingly to:

- 1) persons other than Polish citizens, remaining under the sovereignty of the Republic of Poland - within the scope of rights and freedoms vesting with these persons,
- 2) legal persons and administrative units other than legal persons to which legal capacity is assigned under the act - within the scope specified by the provisions of the act of 3rd December 2010 on the implementation of some regulations of European Union in the scope of equal treatment (Journal of Laws No. 254, item 1700).";

8) in article 19, section 1 shall be replaced by the following:

"1. Defender annually informs Sejm and Senat of the Republic of Poland on the condition of the observance of human and citizen rights and freedoms, and provides:

- 1) information on the conducted activities in the field of equal treatment and the results thereof,
- 2) information on the observance of the principle of equal treatment in the Republic of Poland, compiled in particular on the basis of research, referred to in art. 17b item 2,
- 3) conclusions and recommendations concerning actions, that should be taken in order to ensure observance of the principle of equal treatment."

**Art. 27.** In the act of 27th August 1997, on occupational and social rehabilitation and employment of persons with disabilities (Journal of Laws of 2010 No. 214, item 1407, No. 217, item 1427, No. 226, item 1475 and No. 238, item 1578), after the article 23, article 23a shall be inserted as follows:

"Art. 23a. 1. Employer is obliged to ensure necessary reasonable facilities for a disabled person staying in the employment relationship with this employer, participating in the recruitment process, training, apprenticeship, vocational training programme or professional or graduate internship programme. Necessary reasonable facilities consist in the introduction of required in a specific situation changes or adjustments to specific needs, declared to the employer, that result from the disability of a given person, provided that the introduction of such changes or adjustment would not result in the imposition on the employer of disproportionately high charges, subject to section 2.

2. Charges, referred to in section 1, shall not be disproportionate, if they are financed from public funds to the sufficient extent.

3. Failure to introduce necessary reasonable facilities, referred to in section 1, shall constitute violation of the principle of equal treatment in employment within the meaning of the provisions of article 18<sup>3a</sup> § 2-5 of the act of 26th June 1974 - The Labour Code."

**Art. 28.** In the act of 13th October, 1998 on the social insurance system (Journal of Laws of 2009 No. 205, item 1585, as amended<sup>11</sup>), article 2a section 1 shall be replaced with the following:

"1. The act is based on the grounds of equal treatment of all the insured, irrespective of sex, race, ethnic origin, nationality, marital status and family status."

**Art. 29.** The act of 20th April, 2004 on the promotion of employment and labour market institutions (Journal of Laws of 2008, No. 69, item 415, as amended<sup>12)</sup>) shall be amended as follows:

1) in the reference no. 1 to the title of the act, fifth, sixth and seventh indents shall be inserted as follows:

"- directive of the Council 2000/43/EC of 29th June 2000, implementing the principle of equal treatment of persons irrespective of racial or ethnic origin (OJ EC L 180 of 19.07.2000, p. 22; OJ EU Polish Special Issue, chapter 20, vol. 1, p. 23),

- directive of the Council 2000/78/EC of 27th November 2000, establishing general framework conditions of equal treatment in employment and occupation (OJ EC L 303 of 02.12.2000, p. 16; OJ EU Polish Special Issue, chapter 5, vol. 4, p. 79),

- directive 2006/54/EC of the European Parliament and the Council of 5th 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) (OJ EU L 204 of 26.07.2006, p. 23).";

2) after article 2, articles 2a and 2b shall be inserted as follows:

"Art. 2a. Provisions of the act protect the observance of the principle of equal treatment in the access to and use of labour market services and labour market instruments, irrespective of sex, race, ethnic origin, nationality, religion, denomination, belief, disability, age or sexual orientation.

Art. 2b. The proceedings regarding violations of the principle of equal treatment shall be governed with the provisions of the act of 3rd December, 2010 on the implementation of some regulations of European Union in the scope of equal treatment (Journal of Laws No. 254, item 1700)."

**Art. 30.** In the act of 21st November 2008 on capital pensions (Journal of Laws No. 228, item 1507), article 2 shall be replaced with the following:

"Art. 2. Within the scope of establishing the amount of capital pensions, the act is based on the grounds of equal treatment of all the insured, irrespective of sex, race, ethnic origin, nationality, health condition, marital status and family status."

**Art. 31.** Government Plenipotentiary for Equal Treatment, instituted and appointed under article 10 sections 1 and 3 of the act of 8th August 1996, on the Government (Journal of Laws of 2003, No. 24, item 199, as amended<sup>13)</sup>), becomes the Government Plenipotentiary for Equal Treatment within the meaning of this act.

**Art. 32.** First report, referred to in article 23, Government Plenipotentiary for Equal Treatment shall submit to the Government till 31st March 2012, and the first report on the implementation of the National Action Programme for Equal Treatment - until 31st March 2013.

**Art. 33.** The act enters in force on 1st January 2011.  
The President of the Republic of Poland: *B. Komorowski*

- 1) This act, in its scope of regulation, implements the following directives of European Communities:
- 1) directive 86/613/EEC of the Council of 11th December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood (OJ EC L 359 of 19.12.1986, p. 56; OJ EU Polish Special Issue, chapter 5, vol. 1, p. 330);
  - 2) directive of the Council 2000/43/EC of 29th June 2000, implementing the principle of equal treatment of persons irrespective of racial or ethnic origin (OJ EC L 180 of 19.07.2000, p. 22; OJ EU Polish Special Issue, chapter 20, vol. 1, p. 23);
  - 3) directive of the Council 2000/78/EC of 27th November 2000, establishing general framework conditions of equal treatment in employment and occupation (OJ EC L 303 of 02.12.2000, p. 16; OJ EU Polish Special Issue, chapter 5, vol. 4, p. 79);
  - 4) directive of the Council 2004/113/EC of 13th December 2004, implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ EU L 373 of 21.12.2004, p. 37);
  - 5) directive 2006/54/EC of the European Parliament and the Council of 5th 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) (OJ EU L 204 of 26.07.2006, p. 23).
- 2) This act amends the following acts: act of 14th June 1960 - The Code of Administrative Procedure, act of 26th June 1974 r. - The Labour Code, act of 15th July 1987 on Human Rights Defender, act of 27th August 1997 on occupational and social rehabilitation and employment of persons with disabilities, act of 13 October 1998 on social insurance system, act of 20th April 2004 on the promotion of employment and labour market institutions and act of 21st November 2008 on capital pensions.
- 3) Amendments to the consolidated text of the referred act were promulgated in JoL of 1998, No. 106, item 668 and No. 113, item 717, of 1999, No. 99, item 1152, of 2000, No. 19, item 239, No. 43, item 489, No. 107, item 1127 and No. 120, item 1268, of 2001, No. 11, item 84, No. 28, item 301, No. 52, item 538, No. 99, item 1075, No. 111, item 1194, No. 123, item 1354, No. 128, item 1405 and No. 154, item 1805, of 2002, No. 74, item 676, No. 135, item 1146, No. 196, item 1660, No. 199, item 1673 and No. 200, item 1679, of 2003, No. 166, item 1608 and No. 213, item 2081, of 2004, No. 96, item 959, No. 99, item 1001, No. 120, item 1252 and No. 240, item 2407, of 2005, No. 10, item 71, No. 68, item 610, No. 86, item 732 and No. 167, item 1398, of 2006, No. 104, item 708 and 711, No. 133, item 935, No. 217, item 1587 and No. 221, item 1615, of 2007, No. 64, item 426, No. 89, item 589, No. 176, item 1239, No. 181, item 1288 and No. 225, item 1672, of 2008, No. 93, item 586, No. 116, item 740, No. 223, item 1460 and No. 237, item 1654, of 2009, No. 6, item 33, No. 56, item 458, No. 58, item 485, No. 98, item 817, No. 99, item 825, No. 115, item 958, No. 157, item 1241 and No. 219, item 1704, and of 2010, No. 105, item 655, No. 135, item 912, No. 182, item 1228, No. 224, item 1452 and No. 249, item 1655.
- 4) Amendments to the consolidated text of the referred act were promulgated in JoL of 2008, No. 70, item 416, No. 134, item 850, No. 171, item 1056, No. 216, item 1367 and No. 237, item 1654, of 2009, No. 6, item 33, No. 69, item 595, No. 91, item 742, No. 97, item 800, No. 115, item 964, No. 125, item 1035, No. 127, item 1052, No. 161, item 1278 and No. 219, item 1706, and of 2010, No. 28, item 146, No. 81, item 531 and No. 238, item 1578.
- 5) Amendments to the referred act were promulgated in JoL of 1971, No. 27, item 252, of 1976, No. 19, item 122, of 1982, No. 11, item 81, No. 19, item 147 and No. 30, item 210, of 1984, No. 45, item 242, of 1985, No. 22, item 99, of 1989, No. 3, item 11, of 1990, No. 34, item 198, No. 55, item 321 and No. 79, item 464, of 1991, No. 107, item 464 and

No. 115, item 496, of 1993, No. 17, item 78, of 1994, No. 27, item 96, No. 85, item 388 and No. 105, item 509, of 1995, No. 83, item 417, of 1996, No. 114, item 542, No. 139, item 646 and No. 149, item 703, of 1997, No. 43, item 272, No. 115, item 741, No. 117, item 751 and No. 157, item 1040, of 1998, No. 106, item 668 and No. 117, item 758, of 1999, No. 52, item 532, of 2000, No. 22, item 271, No. 74, item 855 and 857, No. 88, item 983 and No. 114, item 1191, of 2001, No. 11, item 91, No. 71, item 733, No. 130, item 1450 and No. 145, item 1638, of 2002, No. 113, item 984 and No. 141, item 1176, of 2003, No. 49, item 408, No. 60, item 535, No. 64, item 592 and No. 124, item 1151, of 2004, No. 91, item 870, No. 96, item 959, No. 162, item 1692, No. 172, item 1804 and No. 281, item 2783, of 2005, No. 48, item 462, No. 157, item 1316 and No. 172, item 1438, of 2006, No. 133, item 935 and No. 164, item 1166, of 2007, No. 80, item 538, No. 82, item 557 and No. 181, item 1287, of 2008, No. 116, item 731, No. 163, item 1012, No. 220, item 1425 and 1431 and No. 228, item 1506, of 2009, No. 42, item 341, No. 79, item 662 and No. 131, item 1075, and of 2010, No. 40, item 222 and No. 155, item 1037.

- <sup>6)</sup> Amendments to the referred act were promulgated in JoL of 1965, No. 15, item 113, of 1974, No. 27, item 157 and No. 39, item 231, of 1975, No. 45, item 234, of 1982, No. 11, item 82 and No. 30, item 210, of 1983, No. 5, item 33, of 1984, No. 45, item 241 and 242, of 1985 No. 20, item 86, of 1987, No. 21, item 123, of 1988, No. 41, item 324, of 1989, No. 4, item 21 and No. 33, item 175, of 1990, No. 14, item 88, No. 34, item 198, No. 53, item 306, No. 55, item 318 and No. 79, item 464, of 1991, No. 7, item 24, No. 22, item 92 and No. 115, item 496, of 1993, No. 12, item 53, of 1994, No. 105, item 509, of 1995, No. 83, item 417, of 1996, No. 24, item 110, No. 43, item 189, No. 73, item 350 and No. 149, item 703, of 1997, No. 43, item 270, No. 54, item 348, No. 75, item 471, No. 102, item 643, No. 117, item 752, No. 121, item 769 and 770, No. 133, item 882, No. 139, item 934, No. 140, item 940 and No. 141, item 944, of 1998, No. 106, item 668 and No. 117, item 757, of 1999, No. 52, item 532, of 2000, No. 22, item 269 and 271, No. 48, item 552 and 554, No. 55, item 665, No. 73, item 852, No. 94, item 1037, No. 114, item 1191 and 1193 and No. 122, item 1314, 1319 and 1322, of 2001 No. 4, item 27, No. 49, item 508, No. 63, item 635, No. 98, item 1069, 1070 and 1071, No. 123, item 1353, No. 125, item 1368 and No. 138, item 1546, of 2002, No. 25, item 253, No. 26, item 265, No. 74, item 676, No. 84, item 764, No. 126, item 1069 and 1070, No. 129, item 1102, No. 153, item 1271, No. 219, item 1849 and No. 240, item 2058, of 2003, No. 41, item 360, No. 42, item 363, No. 60, item 535, No. 109, item 1035, No. 119, item 1121, No. 130, item 1188, No. 139, item 1323, No. 199, item 1939 and No. 228, item 2255, of 2004, No. 9, item 75, No. 11, item 101, No. 68, item 623, No. 91, item 871, No. 93, item 891, No. 121, item 1264, No. 162, item 1691, No. 169, item 1783, No. 172, item 1804, No. 204, item 2091, No. 210, item 2135, No. 236, item 2356 and No. 237, item 2384, of 2005, No. 13, item 98, No. 22, item 185, No. 86, item 732, No. 122, item 1024, No. 143, item 1199, No. 150, item 1239, No. 167, item 1398, No. 169, item 1413 and 1417, No. 172, item 1438, No. 178, item 1478, No. 183, item 1538, No. 264, item 2205 and No. 267, item 2258, of 2006, No. 12, item 66, No. 66, item 466, No. 104, item 708 and 711, No. 186, item 1379, No. 208, item 1537 and 1540, No. 226, item 1656 and No. 235, item 1699, of 2007, No. 7, item 58, No. 47, item 319, No. 50, item 331, No. 99, item 662, No. 106, item 731, No. 112, item 766 and 769, No. 115, item 794, No. 121, item 831, No. 123, item 849, No. 176, item 1243, No. 181, item 1287, No. 192, item 1378 and No. 247, item 1845, of 2008, No. 59, item 367, No. 96, item 609 and 619, No. 110, item 706, No. 116, item 731, No. 119, item 772, No. 120, item 779, No. 122, item 796, No. 171, item 1056, No. 220, item 1431, No. 228, item 1507, No. 231, item 1547 and No. 234, item 1571, of 2009, No. 26, item 156, No. 67, item 571, No. 69, item 592 and 593, No. 131, item 1075, No. 179, item 1395 and No. 216, item 1676, and of 2010, No. 3, item 13, No. 7, item 45, No. 40, item 229, No. 108, item 684, No. 109, item 724, No. 125,

item 842, No. 152, item 1018, No. 155, item 1037, No. 182, item 1228, No. 197, item 1307, No. 215, item 1418 and No. 217, item 1435.

- 7) Amendments to the referred act were promulgated in JoL of 2010, No. 28, item 146, No. 96, item 620, No. 123, item 835, No. 152, item 1020 and No. 238, item 1578.
- 8) Amendments to the consolidated text of the referred act were promulgated in JoL of 2001, No. 49, item 509, of 2002, No. 113, item 984, No. 153, item 1271 and No. 169, item 1387, of 2003, No. 130, item 1188 and No. 170, item 1660, of 2004, No. 162, item 1692, of 2005, No. 64, item 565, No. 78, item 682 and No. 181, item 1524, of 2008, No. 229, item 1539, of 2009, No. 195, item 1501 and No. 216, item 1676, and of 2010, No. 40, item 230, No. 167, item 1131 and No. 182, item 1228.
- 9) Amendments to the consolidated text of the referred act were promulgated in JoL of 1998, No. 106, item 668 and No. 113, item 717, of 1999, No. 99, item 1152, of 2000, No. 19, item 239, No. 43, item 489, No. 107, item 1127 and No. 120, item 1268, of 2001, No. 11, item 84, No. 28, item 301, No. 52, item 538, No. 99, item 1075, No. 111, item 1194, No. 123, item 1354, No. 128, item 1405 and No. 154, item 1805, of 2002, No. 74, item 676, No. 135, item 1146, No. 196, item 1660, No. 199, item 1673 and No. 200, item 1679, of 2003, No. 166, item 1608 and No. 213, item 2081, of 2004, No. 96, item 959, No. 99, item 1001, No. 120, item 1252 and No. 240, item 2407, of 2005, No. 10, item 71, No. 68, item 610, No. 86, item 732 and No. 167, item 1398, of 2006, No. 104, item 708 and 711, No. 133, item 935, No. 217, item 1587 and No. 221, item 1615, of 2007, No. 64, item 426, No. 89, item 589, No. 176, item 1239, No. 181, item 1288 and No. 225, item 1672, of 2008, No. 93, item 586, No. 116, item 740, No. 223, item 1460 and No. 237, item 1654, of 2009, No. 6, item 33, No. 56, item 458, No. 58, item 485, No. 98, item 817, No. 99, item 825, No. 115, item 958, No. 157, item 1241 and No. 219, item 1704, and of 2010, No. 105, item 655, No. 135, item 912, No. 182, item 1228, No. 224, item 1459 and No. 249, item 1655.
- 10) Amendments to the consolidated text of the referred act were promulgated in JoL of 2007, No. 25, item 162, and of 2010, No. 182, item 1228, No. 197, item 1307 and No. 202, item 1343.
- 11) Amendments to the consolidated text of the referred act were promulgated in JoL of 2009, No. 218, item 1690, and of 2010, No. 105, item 668, No. 182, item 1228 and No. 225, item 1474.
- 12) Amendments to the consolidated text of the referred act were promulgated in JoL of 2008, No. 70, item 416, No. 134, item 850, No. 171, item 1056, No. 216, item 1367 and No. 237, item 1654, of 2009, No. 6, item 33, No. 69, item 595, No. 91, item 742, No. 97, item 800, No. 115, item 964, No. 125, item 1035, No. 127, item 1052, No. 161, item 1278 and No. 219, item 1706, and of 2010, No. 28, item 146 and No. 81, item 531.
- 13) Amendments to the consolidated text of the referred act were promulgated in JoL of 2003, No. 80, item 717, of 2004, No. 238, item 2390 and No. 273, item 2703, of 2005, No. 169, item 1414 and No. 249, item 2104, of 2006, No. 45, item 319, No. 170, item 1217 and No. 220, item 1600, of 2008, No. 227, item 1505, of 2009, No. 42, item 337, No. 98, item 817, No. 157, item 1241 and No. 161, item 1277, and of 2010, No. 57, item 354.