

# PROCURFAIR Snapshot POLAND

**Promoting Decent Work Through Public Procurement in  
Cleaning & Private Security Services**

## More info

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## Key insights from this Overview Report

- Poland's cleaning and security sectors are growing, but workers remain vulnerable
- Recent procurement legislation has sought to strengthen employment protections
- Innovative trade union campaigning helped put protections on the agenda
- Efforts at regulation clash with a resilient ideology of the "cheap state"
- Poland offers extra protections for workers with disabilities

## **The cleaning and security sectors in Poland**

Over the past 30 years, Poland has been moving towards a service economy model. Both sectors have grown considerably in recent years: between 2010 and 2020, according to Eurostat, the number of companies in each have increased by nearly 50%, although total headcount of employees has remained relatively stable. Sales and wages have also increased, but wages remain well below national average pay. Workers in both sectors are particularly vulnerable because they include a high number of people with disabilities, and the vast majority of employers are microenterprises.

## Policy and legislative developments

Public procurement in Poland is decentralised, with around 14,000 contracting authorities, and overseen by a regulator, the Public Procurement Office. A Public Procurement Law came into force in 2021. It applies to contracts worth more than 30,000 euros and aims to enforce fair competition, equality, impartiality and transparency in procurement. Two earlier laws, passed in 2014 and 2016, limited competition with low costs services, mainly labor costs, e.g., through illegal employment or employment for civil law contracts. These laws led to an increase in the number of decent employment contracts concluded with outsourced employees. Additionally, a 2017 law introduced a minimum hourly rate for employees with weaker 'civil law' contracts.

## **The role of unions and/or employers**

In 2008, the Independent Self-Governing Trade Union “Solidarity” of Security, Catering and Cleaning Workers was established. Over the next decade, the union initiated many actions to improve the working conditions of outsourced workers. In 2012, the Independent Self-Governing Trade Union “Solidarity” launched a prominent “Stop Junk Contracts” campaign arguing for better employment protections. It combined a media campaign using television, cinema and billboard advertising with in-person public meetings and is credited with influencing subsequent reforms to offer workers better protection. More recently, a nationwide union representing support personnel in the healthcare system was launched in 2021. One of its key demands is direct employment of non-medical staff, including cleaners.

## **Obstacles in developing socially responsible public procurement**

Critics have three main objections to the current set-up. One is that the drive to lower procurement costs, in line with Poland's governing ideology of the "cheap state", undermines regulation. A second is that the rules are difficult to enforce. A third is that regulators lack specialist knowledge, for instance on the laws protecting people with disabilities.

### **Local insight**

Poland has a special scheme to subsidise the employment of people with disabilities.



## **Case Study One: Municipal Housing Resources Board, Poznań**

The housing board contracts external companies to provide security for the buildings they manage. Previous bad experience with contractors who violated their employees' rights led to protests from a "Workers' Initiative" trade union and demands for better protection. In the current tender, the housing board rated bids partly according to whether contractors would pay employees above minimum wage, which is a rarity in the security sector. As a result, security guards are now paid above minimum wage. Contracts also included a measure whereby the housing board would monitor payment of security guards, to ensure they were being paid regularly and employed under proper employment contracts. This monitoring scheme went further than the bare minimum required of procurement policy by Polish law. The housing board decided to continue outsourcing security rather than employ security guards directly because of higher administrative costs associated with the latter.

## **Case Study Two: Kraków University Hospital**

Historically, funding pressures led Polish hospitals to outsource non-medical services, in the hope they could then prioritise resources for medical staff. They accepted that this would result in worse employment conditions for the outsourced workers. In 2016, Kraków University Hospital decided to bring a range of non-medical services, including cleaning, back in house. They did this because contractors had put their prices up. A new minimum wage law introduced in 2017 also pushed up outsourcing costs. Hospital management decided to do this without consulting cleaning staff representatives or trade unions. The biggest challenge, from management's perspective, was the cost of buying uniforms and equipment and creating the necessary storage space. However, the scheme has reduced costs overall. Staff are satisfied with their new contracts, since they offer more protections, but complain there is a lack of clarity about their duties, which results in overwork.

## **Case Study Three: Clinical Provincial Hospital No. 2, Rzeszów**

The hospital brought cleaning services back in house in 2017, because contractors had put their prices up. Management took the decision unilaterally, believing that in addition to saving money this would give them greater control over hygiene, recruitment and training. The hospital had to make an inventory of equipment needs in each ward and clinic. It also needed to pay for new equipment and draw up a detailed staff schedule. Staff costs went up, but the hospital still saved money on VAT and the profit margins that previously went to contractors. Staff found direct employment preferable because it gave them more protections and job stability – outsourced cleaning staff would previously be moved from one location to another at short notice by contractors. However, staff also complained of a lack of clarity about their new duties and being given too many tasks to do at once.

## **Case Study Four: Mielec District Court**

In 2017, the court launched a tender for security guards that aimed to ensure they were given proper employment contracts. It obliged contractors and subcontractors to give security guards full employment rights where appropriate. In cases of non-compliance, the court promised to report the contractor to Poland's National Labour Inspectorate and request an inspection.