

LEGAL CHANGES AGAINST THE FAMILY AND SINGLE PEOPLE IN TWENTY FIRST CENTURY IN POLAND

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***Abstract:** The ongoing decline in fertility lasting for several years concerns increasingly entering another youth in the age of procreation. The process of deferring the decision about marriage, and therefore the decision of procreation has negative consequences of demographic nature at the present and for the next few years, we have and we will have to deal with the decline in the fertility rate, decrease in the number of new marriages and an increase in the number of people living alone. The main problems noted by the Central Statistical Office is the excess of death rates in the connection to the number of births, zero or negative replacement of generation rate which is related to the process of aging of the population in Poland. This situation poses a threat to the state and its society, as the decreasing number of people of working and reproductive age and therefore increasing number of population of retirement age causes a burden on the state budget. To prevent further progression of such a scenario, the Polish government for protecting the social policy should “assist couples in making and implementing the decisions of the free parents, the government should take care of the security of biological existence of the society¹.”*

These demands are met by the family and population policy, which is a constituent part of social policy, and goals and instruments of those of family policy are determined basing on the demographic social and economic situation of the country. The alarming population decline, changes in family structure, increasing level of education of polish society and professional activation of women have considerably contributed to the spread of the idea of living alone in Poland.

This article shows legislative changes made by the Polish government for the last few years, because as written in the Constitution of Poland, marriage is a union between a woman and a man, family and parenting and motherhood are under the protection and care of the Polish Republic².

Keywords: single man, single woman, singlehood, unmarried, never married, not married, singleness

Social and family policy of IV RP

Deferring the decision about the marriage and thus the decision of having offspring brings about that nowadays as well as in the close future we will have to face the fact that the factor of number of newly born children will not assure the replacement of generations. This factor currently stands at 1.38 and demographic forecasts foresee a marginal increase to the value 1.44 or 1.45 in 2003 and its subsequent further stabilization at this level. The consequences of this have been recorded even in 2001, the excess of death rates compared to the number of births, zero or the negative replacement rate and the process of aging of the Polish population. This situation poses a threat to the society and the state, as the decreasing number of people in production and childbearing age increases the population of retirement age people, which consequently puts a burden on the state budget.

To prevent further progression of such a scenario, the government through the

¹ Constitution of RP, Chapter I „Rzeczypospolita” art. 18, 1997.

Ibidem

social policy wants to promote spouses in making and implementing their slow reproductive decisions, as well as taking care of ensuring the process of continuity of the biological existence of society. These demands are met by the family and population policy, which is a constituent part of social policy. Adopted by the Council of Ministers the family oriented policy programme, which consisted of a system of cash and tangible benefits for families, because “marriage as a union between a woman and a man, family, motherhood and parenthood are under the protection and care of the Republic of Poland”³. Furthermore, “families have a right to expect from public authorities appropriate non-discriminating policy towards everyone in legal issues, economic, social, and financial matters”⁴. Since always, this aspect was also discussed by the Catholic Church, giving this issue a lot of sermons and encyclicals, such as *Familiaris Consortio* by the pope John Paul II in which we find the quote “Government believe that the good of the family is an indispensable and essential value of the civil community, the government should do everything possible to secure any assistance- economic and social, educational, political and cultural- necessary for a family to be able to meet in the human way their responsibilities (FC No 45, Part III). Objectives, instruments, measure and the subject of the family- oriented policy are determined according to demographic and socio- economic situation of the country. The alarming population decline, changes in family structure, increasing level of education and professional activation of women contributed largely to the process of aging and to the phenomenon of singles existing in the Polish society.

This problem has been noticed by the government of the Fourth Republic, which led to the adoption or creation of bills aimed at reducing the extent of this phenomenon by creating better conditions for the process of establishment and development of the family, satisfying its needs and the promotion of the family values. During the rule of Law and Justice political party to such acts belonged the Act on Family Benefits dated 29 December 2005 (Official Journal of Acts and Laws of 25 January 2006), introducing “one- time allowance for the birth of a child “which is commonly called “*becikowym*” The amendment intended to introduce a nationwide law “*becikowe*” was proposed by the League of the Polish Families political party in its electoral program of 2005, which finally came into force on 9 February 2006. Parents regardless of their income could receive within the period of 3 months from the time of birth of their child an allowance from the municipality, in the amount of zł 1000. The introduction of this bill caused controversy not only among politicians and the public, but also between the Government Population Council and the Committee of Demographic Sciences of the Polish Academy of Sciences. The positive and negative effects are listed of one- time allowance as a support for the birth of child. The positive ones include: an increase in the number of newborns, which in the end will result in population growth and the satisfaction of pro- family organizations. Baby bonus “*becikowe*” was not included to the income of the family, and therefore did not result in the loss of housing allowance, also does not prevent temporary suspension of loan repayments. The baby bonus opponents believe that the budget is not yet ready to pay this type of grants with annual cost of 300 million zlotys. Many think that baby bonus was a part of the political game aimed at improving the reputation of the government and certain political parties. It was emphasized that the grant does not solve the problem of lack of money for upbringing and the future education of the child and that the money could be fruitfully used to create new jobs and combating unemployment. There were,

³ Constitution of RP, Chapter I „Rzeczypospolita” art. 18, 1997.

⁴ Charter of family rights, art. 9, 1983.

also, and extreme statements that the baby bonus may even cause deterioration of the social and living conditions of the poorest families or dysfunctional, as another childbirth greatly encumber future expenses and one-time grant may be tempted and be used by them in the wrong way.

In addition to the typical baby bonus “becikowego” government has found some extra money to pay the one-time childbirth allowance in the amount of zł 1,000, but only those families whose income does not exceed zł 504 net per person, and families with a disabled child zł 583 net per capita (so-called second baby bonus). In addition, municipalities pursuant to the amendment brought by the League of Polish Families political party “LPR” and signed by the president, have the opportunity to award their own baby bonus at any height. As a result, some families on birth of a child can get benefits, which taken together was estimated at several thousand. All this would increase the state spending by a further 130 million zlotys.

During the first hundred days of the government of Kazimierz Marcinkiewicz his government also managed to allocate additional funds to feed. Since the beginning of 2006, the municipality may receive money from the state budget to fund the feeding of children, adolescents, the elderly, and the sick and disabled, in order to reduce the cost of maintaining children in school. The Act contained a statement that in 2006-2009 the measures for implementation of the program will amount to approximately 2.9 billion.

At the same time, the changes to the Labour Code were prepared as amendments, which provided for the extension of maternity leave for two weeks, that is, from the previous sixteen to eighteen weeks. The mother delivering the next children would have been entitled to receive the next twenty weeks instead of the current eighteen. The longer for 2 weeks maternity leave would have been granted as well in case of delivering twins or more children at one time. Maternity leave proposals arranged by the League of Polish Families and Law and Justice political parties went even further, there was half a year maternity leave suggested for delivering the first child and subsequently longer leave for delivering the next child. It was estimated that the cost of the operation would be over 370 million.

The next project proposed by the League of Polish Families was twice as expensive in comparison to the first one, assuming the term of protection for mothers returning to work after maternity leave. This woman would have a guarantee of continued employment by 2.5 years, which would reduce significantly the probability of dismissal from work. The government feared that the introduction of the project implementation could result in an unpredictable consequence of the labour market, although many analysts believe that this type of a project would a lot more induce single women to make a decision about motherhood than the baby bonus or additional concessions for children. This project never lived to see the implementation.

The section below describes the current government project aimed at creating a climate for young people to marry and delivering children to the world.

The Donald Tusk’s government policy Baby bonus, family on its own, maternity leave

The year 2012 was the last, in which you can take advantage of a mortgage under the program "Family on its own". According to Emerson SA within five years (2007-2012) of the program, almost 182,000 families and single-person households have benefited from and the total value of the granted loans amounted to almost 33 billion zlotys, most awarded loans were in 2011 and 2012

[see.Emerson,15.01.2013.<http://porady.domiporta.pl/poradnik/1,127304,10686090,2012>

[ostatni rok Rodziny na Swoim Jak zalapac sie.html](#)].

The summaries show that more than half of the mortgage payments have often been used to purchase a single-family dwelling on the secondary market (100 445). Flats and houses in the primary market accounted for a little over a quarter of loans (26% - 47 of 939), and to build a home on an economic method was chosen by 18% of the beneficiaries (33 384). Taking into consideration the diversity of socio-demographic characteristics of people who benefited from the "Family on its own" due to the age, the largest age groups were those between 30 and 34 years old and between 25 and 29 years old. Nearly three quarters of all loans went to the primary target group of the program, although older people have benefited from this opportunity.

On 30 August 2013, there were some amendments introduced to the Act, which have limited the pool of housing to purchase, of which you can get a credit according to Family on its own program. Subsidies to the loan program can only be used when the borrower at the date of signature of the loan agreement was not the owner of any dwelling, and did not have the cooperative society right to property. When renting an apartment - you have to commit to break the lease. In the case of people living alone purchased apartment through preferential credit must be his first.

BGK has significantly lowered the average price of the property, which fell by 28.5% for apartments in the primary and up to 43% - on the secondary market. According to the indicators from the first quarter of 2012, the real estate price per a square m in Warsaw, offered by the developer, must not exceed zł 6 435, and a flat from the other hand - zł 5 148, but it is worth noting that the average transaction price of apartments in Warsaw in June of this year was almost 8300 zlotych per a square metre of housing. So for those wishing to take advantage of the co-financed by the state, preferential loan under the program "Family on its own", mean the need to find an apartment in a particular correspondingly smaller size of the property and smaller utility costs, no more than 75 sq m, in the case of a detached house, its size 140 sq m. Only the marriages and single parents with a child or children can take advantage of the program of supporting financially the construction of a single-family home, but not those living alone. Those living alone can apply for a grant for the purchase of an apartment, the maximum area is 50sq m, so it is 25 sq m smaller than in the case of the two above mentioned groups of beneficiaries, and the basis for calculating the subsidy is a 30sq m apartment (about 20 sq m less than in the other two groups).

[see. <http://porady.domiporta.pl/poradnik/1,127304,10686090,2012>, 5.09.2013].

The law amending the Law on Financial Support to families buying their own homes there were also issues raised concerning the age of persons who may apply for funding under the Family on its own. For singles, borrower can be 35 years old, and the grant application must be submitted by the end of the year in which the person has attained 35 years of age. In the case of marriage, this condition applies to the younger spouse. This age criterion does not apply to a parent upbringing his or her child alone. Interestingly, so far about 25% of the loans have been granted to persons over 35 years of age. It should be noted that subsidized loan under the "Family on its own" made it possible to take advantage of it by people living alone, but only since August 2011. It was a very significant change, since they have relatively little chance of getting a mortgage in other banks due to insufficient credit abilities.

Since January 2014, it is planned to introduce a new five-year program "apartment for the young." In the years 2014 to 2018, the state support will be based on their contribution to financing the purchase of an apartment. In addition, the family, which will

have the third child or a child adopted, can also get help for the early repayment of the part of the loan principal. [<http://www.rodzina.gov.pl/mieszkanie/program-mieszkanie-dla-mlodych>, 6.09.2013].

To become a beneficiary of the program, it must be met the age requirement - 35 years for both people living alone and couples (in this case, the age factor is determined by age of the younger spouse), residential flat surface up to 75sq m, in the case of a single-family house to 100 sq m. It is important that both the apartment and the house came from the primary market. In addition, a loan to buy an apartment or a house must be engaged for at least 50% of the housing value and at least for 15 years. As with the Family on its own the price of the property may not exceed the rate specified for a given location. The program provides the following forms of support:

“- surcharge to 50 sq m (not more than the area of purchased apartments)

-10 % down payment subsidies for singles and married couples without children

-15% down payment subsidies for individuals and couples raising at least one child

-an additional 5 % for early prepayment of the principal of the loan for people who over five years from the date of purchase of their habitation, born or adopted the third (or - subsequent) raised child”. [<http://www.rodzina.gov.pl/mieszkanie/program-mieszkanie-dla-mlodych>, 6.09.2013].

The program is not expected to set limits on earnings, enabling the use of the program. The draft law on the state aid in the purchase of a first home for young people, introducing the “apartment for the young “ May 14, 2013 was adopted by the Council of Ministers and on 27 May 2013, submitted to the Sejm. It is estimated that it will cost 3.553 billion zł, and the proceeds will be taken from the savings in expenses related to building construction. The website www.rodzina.gov.pl promoted in social media campaigns individuals can also learn about the differences between the program and the Family on its own and Apartment for the young programs, as well as the conditions and types of support.

Baby bonus “becikowe” and family allowance

Since 2013, the so-called “becikowe”- baby bonus , which is a one-time grant awarded to the birth of a child is entitled to families with monthly income of up to 1922 zł per person and is 1000 zł , although it was originally intended to be 1200 zł. It is worth noting that until the end of 2012 it is entitled to a family: mother, father, or guardian of a child regardless of income. According to estimates by the Ministry of Labour, the right to baby bonus “becikowe” would lose about 10 % of the families with the highest income and would bring savings of about 39 million zł. According to the ministry the raise of the baby bonus of 200 zł would cost the budget of 50-70 million zł, it would imply a verification of the expected increases in benefits and the criteria for their allocation. It's not all " from November 1 child benefit is to be 77 złotych for a child up to 5 years (currently at 68 złotych), 106 złotych for a child aged 6-18 years (now 91 złotych) and 115 złotych for a child aged 19-24 years (currently 98 złotych) Income criteria for entitlement to family benefits will eventually be 574 złotych per person and 664 złotych per person for families with disabled children (now 504 and 583 złotych). This program will be implemented in two stages: from 1 November 2013 - respectively 539 and 623 złotych, and from 1 November 2014 664 złotych and 574 złotych [<http://www.wprost.pl/ar/352461/Becikowe-Polacy-nie-dostana-1200-zl/> por. <http://biznes.onet.pl/sejm-za-becikowym-w-wysokosci-tysiaca-zl.18512,5276210,news-detaj> 26.08.2013].

Maternity leaves

On 17 June 2013, through an amendment to the Labour Code, a new kind of leave, namely parental leave was implemented. The length of additional maternity leave was changed as well; it was extended by 2 weeks. Parents of all children born after 31 December 2012 (upon application within the prescribed period) are entitled to 20 weeks maternity leave (including 14 reserved only for the mother), six weeks additional leave, and 26 weeks of parental leave, for a total of 52 weeks. Without any changes are the rules for two weeks of leave reserved for fathers. The total length of the leave is extended to 1 year for the birth of a child at one time. For multiple births, the length of the leave will be between 65 to 71 weeks, depending on the number of children born at one time. Both parents can benefit at the same time from the parental leave, but the total amount of the leave cannot exceed 26 weeks. They will be able to share additional maternity leave and parental leave. The annual leave must be continuous and occur one after the other.

A parent, who chooses immediately to stay for six months with the child, will receive 100% of his salary. If a parent extends the leave for another half a year, his salary will be in the second half of the year of 60%. Those who choose to take advantage of annual leave will receive 80% of salary for the entire period of its duration. You can combine up to work part-time with additional maternity leave and parental leave. Then the employee receives half of the maternity allowance. The employer, however, does not have to agree to combine work and leave because there are still some posts requiring only full-timework. In such a situation, the employer would have to inform the employee of the reasons for.

[see. <http://ksiegowosc.infor.pl/zus-kadry/urlopy/141227,Urlopy-macierzynskie-wydluzone---zmiany-od-17-czerwca-2013-r.html#ixzz2eNKxaGah>, 3.09.2013].

The elongated, paid leave will be able to not only those employed on full time basis, but also all those who pay for health insurance, which means, the people working on contract work and self-employed.

The amendment also changed the rules on unpaid parental leave. 3-year parental leave can be used until the child is five years old, and no longer than by the end of four years of age, as it is at the present.

The other support programs

From July 2013 for the first time, families can take advantage of the three-year program of infertility treatment, which is to be covered 15,000 pairs. Each of them will be able to take advantage of the three cycles of treatment.

The battle in the fight against aging population and depopulation phenomenon also suggests other changes. Starting next year, the first class of primary school pupils will go to school at the of 6, in order to speed up a bit the age of entering the labour market. Additionally, changes in the law regarding pensions paid from the Social Insurance Fund - will postpone the retirement age. Since 1 January 2013, the right to universal pension would acquire people - both women and men - who are at the age of 67. There is the exception to this rule. The women born before 30 September 1973, and men born before 30 September 1953 have acquired specific age thresholds proportionally lowering the age of 67, "so" (...) women reach the age of 67 in 2040, and men in 2020 "[<http://www.bankier.pl/wiadomosc/Zmiany-w-ustawie-o-emeryturach-i-rentach-z-Funduszu-Ubezpieczen-Spolecznych-2773024.html>, 6.09.2013]. The Act also provides the introduction of the partial retirement for women aged at least 62, with a minimum of 35 years of professional insurance. This rule applies for men aged at least 65, with a minimum of 40 years of professional insurance.

Today it is difficult to predict whether the adopted laws and their amendments will increase the reproductive decisions among the younger generation. It is interesting to carry out systematic monitoring of the changes introduced by the government, the Act provides that the Minister of Labour and Social Policy convey to the Sejm a report after eighteen months of implementing these significant changes.

II Congress of Demography - Demographic findings and recommendations for Poland

The demographic contemporary problems among the Polish population were discussed during the Second Congress under the patronage of Polish President Bronislaw Komorowski. The Congress was held on 22 and 23 March 2012. It was a continuation of goals and objectives already identified during the First Congress of population that took place in September 2001.

During the I –st Demographic Congress " the present state and prospects for development of the population in Poland were specified and the Congress discussed the nature of the methods and means of population policy that should be implemented in our country. The experts concluded that the weakening position of the family and falling fertility is among other things due to the withdrawal of the state from a number of benefits to the basic unit of society. The range of institutional child care and financial support was decreased, [Such 2006].

However, at last year's Congress demands relating to socio-demographic future of the country were made in a series of objectives and priorities, the implementation of which is to enable the Government to act. These demands were presented in the Report of the Government Population Council entitled " the assumption of Polish population policy in 2013". These assumptions are complex ideas of activities needed to achieve the goals. They include both directions, which are already in place and are in various stages of implementation, as well as new directions necessary for achieving targets. Their implementation is not always possible in the current economic situation, while recognizing them as legitimate will identify actions that can be implemented in stages or in the long term. The year 2020 was determined as the time horizon for these directions to be adopted. [RzRL 2013, s:6]. The first objective of the state is the creation of favourable conditions for establishing families, primarily through marriage and implementation of procreations plans. In addition to the main objective, this demand is also one of the priorities besides two another ones regarding the family problems: "The creation of conditions being in favour to the development of the younger generation in the family as a factor in improving the quality of human capital and preventing exclusion and marginalization , social integration, assistance to families in difficult situations: the poor, numerous children families, suffering from dysfunction and pathology ."The other aims and demands related to creating favorable conditions for integration in an aging society with a special focus on the elderly, the disabled, and dependents - to reduce the scale of the risk of social exclusion of those categories of people." In addition, improving population health and reducing mortality and migration policy issues in the light of European integration [see. RzRL 2013].

The demographer Forecasts predict a decrease in the working and pre- working age population (up to 14 years) with a simultaneous increase of the retirement age which will result in a significant increase in the demographic burden "age dependency ratio in 100 non-working age will increase in the years 2010 to 2035 from 55 to 74, and the median age of the Poles will amount to 45-47 years. With a view to increase the share in the population of retired people while reducing the share of pre- working age people, with

a strong growth in the elderly population, accompanied by a continuous decrease in the population of children under the age of 14. Since 2021, the number of working-age population will be reduced. Demographic burden for the working people population with non working, post- productive people population will rise significantly, the age dependency ratio in 100non- working age will increase in the years 2010- 2035 from 55 to 74 [The Government Population Council 2013:5], and the median age of the Poles will amount to 45-47.

In the view of the above, there are activities in the field of population policy, which should be taken by the government to mitigate the negative power of demographic phenomena. These include, among others:

- Creating economic programs that provide adequate economic growth, which will create the opportunity for a good job, decent wages and housing for the young generation.
- Cooperating in the development of appropriate systems to emphasize the importance of the family while maintaining high professional and social aspirations of women and men. It is important that the labour market does not create the need to choose between work and family, but to help reconcile these two aspects of life. The citizens should realize that the demographic future of the country to the same extent depends on the state and its residents.

As it turns out the program of state policy should be comprehensive and should take care of the creation of a multi-faceted social policy that allows interaction and merging of multiple responsibilities (private and professional), for the sake of favorable demographic development of the country.

Summary

All the presented in this subsection acts, projects and initiatives from the past few years, both at the time of the rule of Kazimierz Marcinkiewicz, Jaroslaw Kaczynski and Tusk show great interest given by the government to family and demographic issues. However, one of the main and the most frequently mentioned reasons for the negative decision of matrimony and procreation is the desire for a stable material and financial situation and a sense of job security in the future. The fact of lengthening the period of education, and hence the subsequent later empowerment of young people from their families stem is not conducive to faster set up their own families. Although the youth among the declared aims and values of life, in the first place mentions family happiness, which always remains in fact at the level of declaration and not implementation. Stable financial conditions are necessary to ensure proper existence of potential family and should be preceded by the decision of setting up a family. The big mystery for the state is to figure out why this is happening and why the priority of the family cannot be implemented in the first place. This situation is likely to promote the singles population for whom loneliness, self-fulfillment, a good job and a specific way of life often result from the need to devote oneself to ones studies and work, to secure a better future, which often interfere with the implementation of the priority of life which is the foundation of the family. It is difficult to determine what types of single people would abandon the single lifestyle if in Poland had prevailed different socio-economic conditions. It should also be remembered that the single lifestyle is also the result of a fashion of a comfortable life devoid of commitment, responsibility for the others and difficulties of making important decisions such as starting a family.

Therefore, today it is difficult to assess whether the acts adopted and proposed by the Government will reduce the phenomenon of loneliness and slow down the aging

process or not. It must take a sufficient amount of time for demographers in order to assess the validity of each measure.

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