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THE FAMILY POLICY OF THE POLISH STATE DURING THE SO-CALLED FIRST WAVE OF SARS-COV-2 PANDEMIC

Introduction

Although there is no doubt that every modern democratic state carries out a policy of supporting the family, there is no formal definition of the scope of family policy, at least in Polish terms [Dragan and Woronowicz 2013, 3].¹ All attempts to define it or to comprehend it as a whole are made in the doctrine, which indicates both its purpose and methods of operation. The commonly known and cited definition was created by A. Kurzynowski [Kurzynowski 1991, 8] who under family policy means “the entirety of legal norms, actions and measures taken by the state in order to create appropriate conditions for a family for its creation, proper development, and its fulfilment of functions.”² However, these “legal norms, actions and measures” need to be adapted each time to the changing situation in the country, as well as to the specific needs of a family. And it must be said that a modern family has become more demanding than the one that existed in Poland at the end of the last century. Its demands are growing in connection with the labour market, income, standards of living and

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¹ See Najwyższa Izba Kontroli, *Informacja o wynikach kontroli. Koordynacja polityki rodzinnej w Polsce*, Warsaw 2014, p. 25.

² We can also find a similar term in Balcerzak-Paradowska 2004, 16, who defines family policy as “a sphere of deliberate action concerning the creation of conditions conducive to the formation and functioning of families, and influencing the functioning of the entire society.”

comfort [Zaborowska 2016, 31]. But they also grow in special, unforeseen and unintentional situations that lead to social destabilization and disturb the safety of citizens.

One of such situations is undoubtedly the SARS-CoV-2 virus pandemic which the whole world has been facing since the end of 2019/early 2020. Apart from the obvious threat to human health and life, the pandemic also carries many negative consequences in almost every area of life. Its negative consequences for the economy and social relations are obvious; temporary isolation is also painfully felt by families, both psychologically and economically. A well-functioning state cannot fail to react in such circumstances, and its family policy becomes especially important in the time of a pandemic. The already existing activities, although they do not lose their importance, are no longer sufficient, as new needs and new challenges arise. On the one hand, dealing with them requires actions here and now, but on the other hand, it cannot be limited to temporary benefits that do not take into account their long-term effects. Therefore, the future of not only the family as such, but also the parents-employees, parents-guardians and parents-patients depends on the correct and quick decisions. The aim of this study is therefore to analyse the actions of the Polish government in this particular period of the ongoing pandemic, actually taken with respect to and for the benefit of the family; these are mainly: additional care allowance, alimony assistance activities and special support for victims of domestic violence. The analysis of these three forms of family support should answer the question of whether the actions taken by the Polish government constitute real help for Polish families and whether the family policy of the Polish state, conducted during the SARS-Cov-2 virus pandemic, qualifies it as a pro-family policy.

1. Self-study of eight year olds, or additional care allowance

On March 1, 2020, that is, three days before the diagnosis of the first case of SARS-CoV-2 infection in Poland, a government draft of the Act on special solutions related to the prevention, counteracting and combating of COVID-19, other infectious diseases, and the crisis situations caused by them was submitted to the Sejm. Article 4 of this project provides a possibility of paying an additional allowance. An additional one, because it has

been decided that the period of its receipt – defined as “no longer than 14 days” – will not be included in the general limit of 60 days of the annual allowance for the care of a sick child under 14 years of age.³

The proposal provided for in the cited government bill was included without any changes in the Act on special solutions related to the prevention, counteracting and combating of COVID-19, other infectious diseases, and the crisis situations caused by them, signed by the President of the Republic of Poland on March 7, 2020.⁴ However, it was decided that the additional allowance would not be granted to everyone and not in every situation which fully corresponded to the reasons and purposes for which it was introduced in the Act. Thus, the first prerequisite for obtaining it was “the closure of the nursery, children’s club, kindergarten or school attended by the child due to COVID-19.”⁵ When this content was included in the act, and the act itself entered into force, no units of the education system in Poland had been close yet (at least top-down and due to the pandemic), hence the introduction of the *ad cautelam* wording providing for a given solution “just in case” seems absolutely justified. Moreover, it also remained relevant at a time when such institutions were actually closed, as it allowed to avoid the need to amend the provisions of the Act in this respect along with the changing factual situation. However, it remains insufficient when these institutions are open, yet parents, fearing infection, decide to leave their children at home – what will be discussed below.

Moreover, the indicated drawback was not the only one that demanded urgent addendum after the first edition of the act. The second drawback concerned the scope of places and methods of care provided to the child so far, the third one concerned people who were eligible for the additional allowance, and the fourth, in its turn, – those who would be provided with personal care that prevents from working.

³ Act of 25 June 1999 on social benefits in the event of sickness and maternity, Journal of Laws No. 60, item 636 as amended [hereinafter: Act 1999], Article 33(1)(1).

⁴ Hereinafter: Act on COVID-19.

⁵ Act of 2 March 2020 on special solutions related to the prevention, counteracting and combating of COVID-19, other infectious diseases, and the crisis situations caused by them, Journal of Laws item 374 as amended, Article 4(1).

As for the way of care, the original provision about “nurseries, children’s clubs, kindergartens or schools” was completed quite quickly. Already at the end of March, it was taken into account that not every child attends the above-mentioned institutions that does not mean that they are under the care of their parents on a daily basis. Therefore, an excerpt was added regarding a nanny or a caregiver who is not able to take care of a child due to COVID-19.⁶ At that time, educational institutions in Poland were actually closed, pursuant to the Regulation of the Minister of National Education of March 11, 2020.⁷ Initially, this closure, and more specifically the “temporary limitation of operation” was planned for the period from March 12, 2020 to March 25, 2020 and applied to all public and non-public units of the education system, with the exception of kindergartens and special schools organized in healthcare and social welfare units and those functioning in special school and educational centres, as well as special schools operating in youth educational centres and youth sociotherapy centres, schools in correctional facilities and shelters for minors, schools at prisons and remand centres.⁸ Perhaps, by this fact some would like to explain the circumstances that initially the content of the act did not take into account the situation of disabled people, and more specifically those caring for disabled people who turned eight years old. However, the motivation would be poor, firstly, because not every disabled child attends a kindergarten or a special school, and, secondly, in the same way as hypothetically, the act provided for “the closure of a nursery, a kindergarten, a kindergarten or schools” – as already mentioned – such a criterion may also apply to persons with disabilities. Meanwhile – according to the original wording of the act – “an insured person dismissed from work,” then

⁶ Act of 31 March 2020 amending the Act on special solutions related to the prevention, counteracting and combating of COVID-19, other infectious diseases, and the crisis situations caused by them, Journal of Laws item 568 as amended [hereinafter: Act of March 31, 2020], Article 1(3). The concept of a child, in accordance with Article 2(1) (Act of 6 January 2000 on the Ombudsman for Children, Journal of Laws No. 6, item 69 as amended), we understand every human being from conception to adulthood.

⁷ Regulation of the Minister of National Education of 11 March 2020 on the temporary limitation of the functioning of education system units in connection with the prevention, counteracting and combating of COVID-19, Journal of Laws item 410.

⁸ *Ibid.*, para. 2.

supplemented by the “employee dismissed from service,”⁹ can receive additional care allowance if he or she is personally caring for a child under eight years of age.¹⁰

Such wording very quickly sparked claims to raise the age of a child who must be taken care of in connection with the pandemic and the inability to send him to school. There was even a “Senate draft amendment to the special anti-coronavirus act,” according to which additional care allowance will be provided to parents caring for a child under 15 (and not up to eight years old, as before) during the closure of schools, kindergartens and nursery (and not as before, only for 14 days).¹¹ However, the initiative was not adopted, which is in line with the content of the law on social insurance cash benefits in case of sickness and maternity. In the light of Article 32(1–2) of this Act, the “basic” care allowance is granted, generally speaking, in the case of the need to care for a healthy child up to the age of eight, and up to 14 years old only if the child is ill.

Returning, however, to the situation of carers of disabled people – this seemed to be grounded both in the content of the abovementioned Act on cash benefits and in actual circumstances. The “basic” allowance is granted by the Act in the case of caring for a disabled child up to the age of 18 (Act 1999, Article 32(2a) and (2b)) and this is a well-founded circumstance. Therefore, rightly in the COVID-19 Act, three weeks after its entry into force, a wording was added under which additional care allowance was to be granted – in the circumstances indicated above – in the event of a need to care for a child with a high or moderate degree of disability up to the age of 18, or a child with a certificate of disability or a certificate of the need for special education (Act of March 31, 2020, Article 1(3a)).

From the content of art. 4 of the COVID-19 Act, it follows that the additional care allowance is granted to a person who meets certain conditions, namely: the one who has a specific legal status, is obliged to stop gainful employment or service in order to provide personal care for a child, and actually undertakes this care as a result of extraordinary circumstances

⁹ Act of 16 April 2020 on special support instruments in connection with the spread of the SARS-CoV-2 virus, Journal of Laws item 695 as amended, Article 73(1)(a).

¹⁰ Ibid.

¹¹ See *Senacki projekt zmiany specustawy antykoronawirusowej* (2020), Lex no. 151250669.

[Sierocka 2020]. These circumstances were initially foreseen very carefully, for a period of 14 days. Such time was defined as entitling to receive additional care allowance (“no longer than 14 days”), which made it possible to exercise this right during the whole originally specified period of temporary restrictions on the functioning of educational institutions. However, this restriction was then extended several times: first, for the period until April 10, then until April 26 and May 24 (with the possibility of opening nurseries and kindergartens from May 6, 2020), later until June 7, and finally until June 28, 2020, i.e. the end of didactic classes.¹² This, in its turn, resulted in the extension of the period of granting additional care allowance which was to take place by way of a regulation of the Council of Ministers.¹³

Therefore, the original maximum period of 14 days was changed several times: in this case, seven decrees of the Council of Ministers were issued, providing for the entitlement to the benefit in question for a period no longer than: April 26, May 3, May 24, June 14, July 12 and July 26, 2020.¹⁴

There is no doubt that the very idea of state aid in the form of an additional care allowance must be assessed positively and – as it seems – it was received so. It certainly solved the problems of many working parents,

¹² Regulations of the Minister of National Education amending the regulation on the temporary limitation of the functioning of education system units in connection with the prevention, counteracting and combating of COVID-19: of 20 March 2020, Journal of Laws item 492; of 9 April 2020, Journal of Laws item 642; of 24 April 2020, Journal of Laws item 742; of 29 April 2020, Journal of Laws item 780; of 14 May 2020, Journal of Laws item 871; of 3 June 2020, Journal of Laws item 990.

¹³ Pursuant to Article 4(3) of the COVID-19 Act, added by Article 1(3)(d) of the cited act (Act of March 31, 2020), the period of receiving additional care allowance of no more than 14 days (*ibid*, sections 1 and 1a), may be extended by a regulation of the Council of Ministers, if, in connection with counteracting COVID-19, it is necessary to extend the period of closing a nursery, children’s club, kindergarten, school, day care institution or other institution, or the period of inability to provide care by a nanny or day caregivers is prolonged.

¹⁴ Regulations of the Council of Ministers on the determinations of a longer period of receiving additional care allowance in connection with counteracting COVID-19: of 10 April 2020, Journal of Laws item 656; of 24 April 2020, Journal of Laws item 748; of 30 April 2020, Journal of Laws item 790; of 14 May 2020, Journal of Laws item 855; of 25 June 2020, Journal of Laws item 1108; of 10 July 2020, Journal of Laws item 1231.

as, for example, evidenced by statistics. Already a few days after the introduction of the additional care allowance, The Social Insurance Institution (ZUS) informed about over six thousand submitted applications; at the end of the second quarter of 2020 there were already over three hundred of them [Uścińska 2020]. However, the use by eligible persons does not mean that everyone is satisfied, and there is no shortage of criticism and objections to the criteria enabling the use of additional care allowance. The main one is the age limit of the child to be cared for, i.e. eight years. As mentioned above, although this age corresponds to that specified in the Act on cash benefits, nevertheless, in the current epidemiological situation, special circumstances should be taken into account and considered. The uniqueness of this situation results from the fact that the difficultly predictable time of closing education units resulted in the necessity to implement the distance teaching system, and practice has shown that it was often the parents who had to play the role of teachers for their children. Perhaps, in this aspect, more emphasis should be placed, already in this first period, on educational platforms and on-line lessons that exist, of course, taking into account the technical capabilities of everyone and the principle of equal access and equal treatment of all. It seems that during the first wave of the pandemic higher education did much better in this matter, but neither the postulates of the distance learning system, nor the evaluation of its functioning are the subject of this study. It was discussed only insofar as it is important from the point of view of caring for children – eight-year-olds who, when left alone at home, are obliged to fulfil responsibly their schooling obligations, i.e. often to study independently. To these practical difficulties one should add the uniqueness of the coronavirus pandemic, which is especially dangerous for the elderly, and at the same time excludes the possibility of using grandparents' help in caring for children.

The above is a collection of reflections based on the practice of everyday life of Poles who, in the era of a pandemic, struggle with many organizational issues that have functioned so far. However, from the legal point of view, leaving a child at home without adult supervision is possible,¹⁵ therefore any claims in this matter are groundless. It seems, however,

¹⁵ The only regulation in this matter results from the content of Article 106 of the Code

that state aid and the family policy it carries out, especially if it aspires to the name of a policy commonly known as “pro-family,” should take into account not only legal possibilities, but also the individual situation and exceptional circumstances in which a person or a group of people finds themselves or may find themselves. Meanwhile, subsequent decisions made after a school holidays period, at least until the submission of this study for publication, even if they provided existence of the additional care allowance, still taking into account the existing criteria regarding the age of the person subject to care.¹⁶

Returning, however, to the existence of the additional care allowance during the first wave of coronavirus, it is worth paying attention to another issue related to its functioning. Well, from May 6, 2020, the government of the Republic of Poland made it possible to re-open nurseries, children’s clubs and kindergartens (MEN, Regulation of April 29, 2020, para 1(1) (a)), but it was only an option, not an obligation. Therefore, the decision to continue using the additional care allowance should be assessed positively, both when the nursery/kindergarten was closed and when parents who – despite the opening of the facility – made a decision to take care of the child personally (RM, Regulation of April 30, 2020, para. 2–3). According to the data of the Ministry of Family, Labour and Social Policy, 1300 (out of the existing 6,300) institutions for the care of children up to 3 years of age resumed their work, and in the following weeks their number was constantly increasing.¹⁷ However, school holidays came, and consequently also holiday breaks. Although the additional care allowance

of Petty Offenses: “anyone, who has a duty to care for or look after a minor under the age of 7 or a person who is unable to recognize or defend against danger, allows him to remain in a health-threatening circumstance, is liable to a fine or reprimand.”

¹⁶ Regulations of the Council of Ministers on the determinations of a longer period of receiving additional care allowance in connection with counteracting COVID-19: of 27 August 2020, Journal of Laws item 1489; of 5 November 2020, Journal of Laws item 1962; of 26 November 2020, Journal of Laws item 2109; of 23 December 2020, Journal of Laws item 2340; of 15 January 2021, Journal of Laws item 107; of 29 January 2021, Journal of Laws item 206; of 12 February 2021, Journal of Laws item 287; of 26 February 2021, Journal of Laws item 369; of 12 March 2021, Journal of Laws item 456; of 26 March 2021, Journal of Laws item 559.

¹⁷ See <https://www.gov.pl/web/rodzina/ponad-26-tys-instytucji-opieki-nad-maluchami-wznowilo-juz-dzialalnosc> [accessed: 28.01.2021].

was extended until July 26, 2020 (RM, Regulation of July 10, 2020, para. 1), there were doubts as to whether it should be paid when the given educational institution was closed due to holidays. Unfortunately, the legal acts analysed above, although amended and supplemented many times, invariably defined the benefit criterion with the words “closure [...] due to COVID-19.” This, in its turn, meant that the strict interpretation ruled out the possibility of paying the allowance in the discussed case, because the school holiday break is not a break caused by the epidemiological situation in the country [Ziółkowski 2020].

2. Is provisional help really enough? Alimony policy during the SARS CoV-2 pandemic

The additional care allowance analysed above, although it is undoubtedly an element of the state’s family policy, which must be assessed positively, also had a certain negative effect: lowering the salary. For the time of child-care, the person is entitled to an allowance in the amount of 80% of remuneration, on the same terms as the “basic” care allowance from sickness insurance (Act 1999, Article 35(1)). For many people, this is a serious loss in the family budget, the more so as the epidemic situation has been continuously ongoing since March 2020. There is no doubt that the situation in broken families is even more difficult, where the main burden of living support falls on only one person.

In order to meet such situations, the Ministry of Family, Labour and Social Policy decided to recommend additional measures to support families during the pandemic. The most important changes in this matter include: changing the catalogue of earned and lost income, increasing the income criterion and introducing the principle of “złoty for złoty in The Alimony Fund (FA).”

One of the basic conditions for acquiring the right to benefits from the alimony fund is that the person applying for them meets the income criterion. The existence of this criterion has long aroused much controversy [Nowosielska 2018], and its amount means that only a small percentage of single parents are eligible for the state aid. In 2007, this criterion was set at 725 złotych and over the next 12 years, despite the increase in the minimum wage, it did not change. This had negative consequences for

the working people, for the poorest, single parents, as the growing minimum wage, with the same income criterion, every year eliminated further single parents from the support fund. For the first time in many years, the income criterion was raised in 2019, but this increase by PLN 75 did not change much in the situation described above. Currently, in the era of coronavirus, the government has decided to raise the criterion again. Pursuant to the amendment to the Act on assistance to persons entitled to alimony,¹⁸ in the wording in force from July 1, 2020, the right to benefits from the alimony fund is due if the family income per person does not exceed PLN 900, and this criterion applies to applications for the service period of 2020/2021. Theoretically, therefore, another element of the state's policy towards the family should claim to be "pro-family," but it should be remembered that the minimum wage in 2019 (the calendar year preceding the benefit period) was PLN 2,250 gross,¹⁹ so the effectiveness of state aid for single, full-time working parents is only apparent.

When determining the family income per person in the family, the body conducting the proceedings on the basis of submitted applications should take into account the income obtained by all family members, as well as any changes resulting in the loss or obtaining of income [Mrozek 2020, 82]. Their catalogue is specified in Article 2 of the Act on helping people entitled to alimony, which currently – due to the epidemic situation in the country – has been extended.

And so, another type of income has been added to the catalogue of earned income, the so-called solidarity allowance. The conditions for acquiring the right to it, its amount, the procedure for granting and the rules of payment and financing are set out in the Act on the solidarity allowance granted in order to counteract the negative effects of COVID-19, which entered into force on June 21, 2020.²⁰ What is important in this study, however, is the fact that the solidarity allowance is income

¹⁸ Act of 7 September 2007 on assistance to persons entitled to alimony, Journal of Laws No. 192, item 1378 as amended, Article 9(2).

¹⁹ Regulations of the Council of Ministers of 11 September 2018 on the amount of the minimum wage and the minimum hourly rate, Journal of Laws item 1794, para. 1.

²⁰ Act of 19 June 2020 on the solidarity allowance granted to counteract the negative effects of COVID-19, Journal of Laws item 1068.

within the meaning of the Act on family benefits, and, consequently, also income taken into account when determining benefits from the alimony fund (Article 13(1)). This means that obtaining a solidarity supplement constitutes income within the meaning of the Act on assistance to persons entitled to alimony (Article 13(5)), and its loss is the loss of income (Article 13(4)). It is worth noting, however, that a similar provision has not been introduced both in relation to the additional care allowance referred to above, and in relation to the suspension of work allowance referred to in Article 15zq of the COVID-19 Act. The provisions currently in force lack both a direct amendment of the law in this matter, as well as supplementation with a special provision, which leads to the conclusion that obtaining any of these two benefits does not constitute income under Article 2(18) of the Act on helping persons entitled to alimony [Mrozek 2020, 84-85].

The catalogue of loss of income was, in its turn, expanded to include a new circumstance caused by the epidemic, namely a reduction, due to counteracting COVID-19, of remuneration for employment or other gainful work or a reduction in income from non-agricultural economic activity (Act on COVID-19, Article 15oa(2)).

The third element of the state family policy in the matter of alimony assistance is the introduction of the so-called “złoty for złoty in The Alimony Fund (FA)” rule. This mechanism means that the income threshold entitling to benefits from the alimony fund, i.e. the exceeded amount of PLN 900 per month per person in the family will not automatically result in the loss of the right to these benefits, but it will be possible to grant them in the amount reduced by the amount of the excess (Act of September 7, 2007, Article 9(2a)).²¹ Importantly, this principle may be applied for the first time when considering applications for the new benefit period, i.e. 2020/2021, though it will be a small, but real help for the neediest parents.

²¹ It should be remembered that benefits from the alimony fund are due in the amount of the established alimony, but not higher than PLN 500 monthly. This means that the minimum amount of the benefit from the alimony fund according to the “złoty for złoty” principle will be PLN 100.

3. Running away from the aggressor from the quarantine place. But where to? Help for victims of domestic violence

When the epidemic was announced in Poland in connection with the threat of the SARS-Cov-2 virus,²² the issue of temporary isolation emerged. One of its aspects was the need to quarantine people returning from abroad who had contacts with people infected (or potentially infected) with the coronavirus or living with a person sent to quarantine,²³ the second aspect was the introduction of restrictions on movement.²⁴ Each of these restrictions was aimed at stopping or at least reducing the spread of the coronavirus, but in the private sphere they often had very negative consequences. Leaving aside the negative psychological and economic consequences pointed by specialists, particular attention in this context is given to the situation of people experiencing domestic violence. The difficulty lies in the fact that the joint isolation of families in which violence occurs increased the need for assistance and specialist intervention, while the possibility of this, for obvious reasons, was severely limited [Maczyński 2020].

In view of the above, and also taking into account the experiences of other countries, on March 30, 2020, the Commissioner for Human Rights appealed to the Minister of Family, Labour and Social Policy to ensure the proper functioning of the system of counteracting domestic violence during the epidemic; to ensure the continuity of medical, psychological, legal, social, professional and family counselling services; and to maintain the functioning of interdisciplinary teams and working groups, whose members should focus on monitoring the situation of families in which violence has occurred or in which there is such a suspicion.²⁵ To this appeal, the Commissioner for Human Rights received a reply containing a list of actions taken by the Ministry in connection with the epidemic

²² Regulation of Minister of Health of 20 March 2020 on declaring an epidemic in the territory of the Republic of Poland, Journal of Laws item 491.

²³ Regulation of the Council of Ministers of 31 March 2020 on establishment of specific restrictions, orders and prohibitions in relation to the state of epidemic, Journal of Laws item 566, para. 2 and 4.

²⁴ *Ibid.*, para. 5.

²⁵ See https://www.rpo.gov.pl/sites/default/files/Wystapienie_do_Minister_Rodziny.pdf [accessed: 28.10.2020].

– actions aimed at protecting the family, especially a dysfunctional one, in this particularly difficult period.²⁶ These actions include the development of the Instructions for the organization of shelter facilities,²⁷ then the Instructions for the organization of interdisciplinary teams and working groups and the implementation of the “Blue Card” procedure,²⁸ as well as, at the local level, the order for voivodeship offices to create databases on current support for people experiencing domestic violence. Each of these initiatives, although theoretically correct, raises a question about its real scope, whether the numerous guidelines of the Ministry are actually able to protect victims of violence from their perpetrators. The more so as the content of both instructions very often includes, of course due to the situational necessity, indications regarding contacts using remote means of communication, both in terms of the functioning of interdisciplinary teams and working groups, as well as contacts with people experiencing violence and using it. The suspension of outpatient forms of support, especially in groups, is also a huge loss. The possibility of face-to-face contact is often the only chance of escape for victims of violence and for the person who is to provide support, understanding the situation remotely is also much more difficult. Of course, there are helplines and, according to statistics, their activity has increased significantly during the epidemic. However, this does not change the fact that the possibility of personal contact is irreplaceable, but it is hampered by the need of isolation.

In this context, there is another aspect, namely the possibility of breaking the quarantine or restriction of the mobility in case of escaping from the perpetrator guilty of domestic violence, in order to save own life or health. The provisions of the above-cited regulation are unequivocal: introducing a ban on travel in a state of epidemic, they enumerate the situations allowing for deviations from this restriction (RM, Regulation of March 31, 2020, para. 5), while leaving the quarantine facility is, in principle,

²⁶ <https://www.gov.pl/web/rodzina/ponad-26-tys-instytucji-opieki-nad-maluchami-wznowilo-juz-dzialalnosc> [accessed: 15.02.2021].

²⁷ See <https://www.rpo.gov.pl/sites/default/files/Instrukcja%20MRPiPS%20dla%20plac%C3%B3wek%20zapewniaj%C4%85cych%20schronienie.pdf>. [accessed: 15.02.2021].

²⁸ See <http://www.gops.tczew.pl/instrukcja-dotyczaca-sposobu-organizacji-zespolow-interdyscyplinarnych> [accessed: 15.02.2021].

prohibited.²⁹ However, there are laws of a state of greater necessity, under which there is a right and sometimes even an obligation to weigh the right and wrong when one is faced with a choice. Scientific analysis of this issue is not the subject of this study, however, it should be borne in mind that the state of greater necessity seems to justify waiving the imposition of penalties on the basis of offenses,³⁰ but also from the application of criminal provisions – in the case of exposure to the threat of infection, or the application of civil provisions (compensation) in the event of such a situation.

On the other hand, a very important aspect of state policy towards endangered families is the provision on the possible eviction of perpetrators of domestic violence. According to Article 15zzu of the COVID-19 Act, in the wording of March 30, 2020 (Act of March 31, 2020), “during the period of the epidemic threat or epidemic state announced due to COVID-19, enforcement orders to evict from the apartment are not executed.” Such a provision undoubtedly posed a threat to pathological families, introducing perpetrators of domestic violence into a certain state of “daring,” often fatal for their victims. Perhaps that is why, only about a fortnight later, the content of this provision was supplemented with the exception relating to “court orders rendered Article 11a of the Act of July 29, 2005 on Counteracting Domestic Violence,” which consequently means that in order to protect the health and life of people experiencing domestic violence, the eviction of perpetrators of this violence may also take place during the coronavirus epidemic.

Conclusion

The content of the above study certainly does not exhaust the whole issue, both due to the time (the pandemic is still ongoing and various

²⁹ Act of 5 December 2008 on preventing and combating infections and infectious diseases among people, Journal of Laws No. 234, item as amended.

³⁰ The basis for issuing a ticket or referring an application to the court for the imposition of a fine by the police is Article 54 of the Code of Petty Offenses: “Whoever violates the regulations on behaviour in public places, issued under the authority of the Act, is subject to a fine of up to PLN 500 or a reprimand.” Regardless of the above, the penalty (up to PLN 30,000) may also be imposed by the State Sanitary Inspection, which was authorized in Article 15zzzn (Act of March 31, 2020).

forms of state aid to the family have certainly not been exhausted) and due to the multifaceted issues that could be addressed. It is also possible to analyse the issues of financial support for children placed in foster care,³¹ special assistance for the elderly,³² supporting people with disabilities.³³ Each of these aspects is extremely important and each is a proof that the Polish family is not left to itself, especially in exceptional situations requiring special assistance. This is a very significant statement considering the fact that we are dealing with a phenomenon for which it was difficult to prepare, both for average citizens and, even more so, for state authorities. This phenomenon is so unpredictable and so difficult to control that it takes extraordinary common sense and even better coordination of actions to respond to the needs of everyone in such an unusual situation – the needs of patients, consumers, employees, entrepreneurs, and parents. There is no social group and no person who is not affected in any way by the current situation, hence the governments of all affected countries have faced, perhaps, the most difficult and fateful test in years. The above analysis only concerned one aspect of this test, family policy implemented through direct support for families affected by the crisis caused by the ongoing epidemic.

J. Szczepaniak-Sienniak points out that a clear increase in the government's interest in family affairs, primarily through the introduction of many new solutions in the family policy instruments can be noticed from around 2008 [Szczepaniak-Sienniak 2015, 101-102]. It was an extremely important shift in the social policy of the state after the political breakthrough in 1989, subsequent ruling coalitions began to withdraw gradually from social tasks, including helping the family, and to limit the interference and responsibility of external institutions, primarily state institutions, in relation to the family [Szczepaniak-Siennik 2015, 101; Zamorska 2010, 13-27]. After that time, although the breakthrough did not happen immediately, one can observe a gradual but consistent process of introducing reforms in the field of family policy. There were changes to the Labour

³¹ See <https://www.gov.pl/web/rodzina/pieczka-zastepcza-130-mln-zl-na-wsparcie-dla-dzieci-w-czasie-epidemii> [accessed: 04.11.2020].

³² See <http://senior.gov.pl/aktualnosci/pokaz/475> [accessed: 03.11.2020].

³³ See <https://www.gov.pl/web/koronawirus/pomoc-dla-osob-niepelnospprawnych-w-dobie-koronawirusa> [accessed: 04.11.2020].

Code (extension of paid maternity leave), new baby benefits, tax breaks for children, Large Family Card [Rymsza 2016, 70], and finally 500+ benefit and 300+ school layette. Support for families during the pandemic is part of this process, and although help, as evidenced by the above analysis of only its three forms, certainly does not exhaust the needs and requires further improvement, there is no doubt that it fulfils its role and can claim to be called “pro-family policy.” Of course, someone will always remain unsatisfied, and some of the amounts granted under the aid are actually not able to meet even the most basic living needs of a family. In addition, consideration should be given to the fact of the correlation of activities for the family with other areas of life, such as education and the need for distance learning of children, or the actual protection of victims of violence, going beyond the creation of theoretical guidelines. Nevertheless, comparing the times that Szczepaniak-Sienniak writes about with today’s situation, even in terms of the number of aid programs, gives obvious conclusions.

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The Family Policy of the Polish State During the So-Called First Wave of SARS-CoV-2 Pandemic

Abstract

The SARS-CoV-2 virus pandemic, which the whole world has been facing for almost a year, has negative effects in all areas of life. Apart from the obvious threat to human health and life, it carries serious consequences for economy and social relations, including family relations. A well-functioning state must respond to such circumstances by offering real help to its citizens and families. The subject of this article is to critically analyse the activities of the Polish government undertaken for the benefit of the family during the coronavirus epidemic. As the epidemic continues, the analysis is limited to government actions taken during the so-called first wave of coronavirus in spring and summer 2020. This analysis seeks to answer two questions: what actions have been taken by the Polish government for the benefit of the Polish family affected by the COVID-19 pandemic? And do these actions, in practice, constitute real help for Polish families? This analysis is made on the basis of three forms of aid; these are: additional care allowance, activities related to alimony assistance and special support for victims of domestic violence.

Keywords: family, family policy, pandemic, coronavirus, COVID-19

Polityka rodzinna państwa polskiego w czasie tzw. pierwszej fali pandemii wirusa SARS-CoV-2

Abstrakt

Pandemia wirusa SARS-CoV-2, z którym cały świat mierzy się od niemal roku, powoduje negatywne skutki w każdej dziedzinie życia. Oprócz oczywistego zagrożenia dla zdrowia i życia ludzkiego, niesie za sobą poważne konsekwencje dla gospodarki i stosunków społecznych, w tym również rodzinnych. Dobrze funkcjonujące państwo musi w takich okolicznościach reagować, oferując obywatelom i rodzinom konkretną pomoc. Przedmiotem niniejszego artykułu jest analiza działań rządu polskiego podejmowanych na rzecz rodziny w czasie epidemii koronawirusa. Ponieważ jednak epidemia cały czas trwa, podjęte rozważania ograniczają się do działań rządu podejmowanych podczas tzw. pierwszej fali koronawirusa, jaka miała miejsce wiosną i latem 2020 r. Celem tej analizy jest udzielenie odpowiedzi na dwa zasadnicze pytania: jakie działania podjął polski rząd na rzecz polskiej rodziny dotkniętej epidemią COVID-19? Oraz czy w praktyce te działania stanowią realną pomoc dla polskich rodzin? Analiza ta jest przeprowadzona w oparciu o trzy konkretne formy pomocy; są to: dodatkowy zasiłek opiekuńczy, działania dotyczące pomocy alimentacyjnej oraz szczególne wsparcie dla ofiar przemocy w rodzinie.

Słowa kluczowe: rodzina, polityka rodzinna, pandemia, koronawirus, COVID-19

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