**Corporate influence in the political and regulatory sphere**

**POLAND**

**Which situations of undue corporate influence by businesses carry human rights risks?**

We do identify following threats:

a) Putting pressure on remote workers to be "on hand" for unlimited hours and not being able to work overtime with adequate wages.

b) Reducing full-time and part-time wages. As a result, employees - often in theory - perform their duties for fewer hours per day and week.

c) Forcing workers to take annual leave at times of closure or reduced activity at the workplace.

**What measures can States take to prevent and address corporate political activities that may undermine the State’s ability to protect human rights and businesses’ responsibility to respect human rights, including situations arising from trade and investment frameworks? Could you please provide any relevant examples?**

States should:

* Enforce laws aimed at requiring businesses to respect human rights,
* Provide guidance to businesses on how to respect human rights throughout their operations,
* Deny access to public support and services for a business that is involved with gross human rights abuses.

Through appropriate regulatory tools, States should provide frameworks and guidelines for the operation of companies in the field of human resource management. The guidelines and limitations resulting from them should reflect and respond to the current needs and market standards (e.g., Labour Code regulations, etc.). At the same time, the idea of corporate social responsibility understood as responsibility for the impact that business has on society and the environment, should be promoted.

States should ensure effective forms of dialogue with entrepreneurs, not taking the position of the stronger in negotiating regulations and legislating but of a partner in the process of agreeing with assumptions for the framework of the proposed legal solutions.

States should ensure the preparation of a system for whistleblower and the procedure for reporting possible violations and enforce the need for companies to develop it.

A framework should be established so that the investigation of whistleblower reports is entrusted to an independent body - a person or persons in independent positions.

Responsibility reflects in the manner in which development processes are manager in the country. The state’s role in the economy must not go down only to a more or less efficient redistribution of funds. Nothing but efficient and well-coordinated public institutions oriented toward citizens and enterprises have a potential to manage public policies in a way to effectively react to any challenges the society and economy may face.

In Poland the Strategy for Responsible Development (SRD) is a strategic instrument to manage the development policy, which is implemented by institutions of the state. Under a uniform programming system, it lays down objectives to be implemented within the perspective up to the years 2020 and 2030.

The main objective of the development actions is to create favorable conditions for the increase in income of Polish citizens while improving cohesion in social, economic, environmental and territorial terms. This will take place by focusing legal, institutional and investment actions on the three following objectives: (I) sustainable economic growth increasingly driven by knowledge, data and organizational excellence; (II) socially sensitive and territorially sustainable development; (III) effective state and economic institutions contributing to growth as well as social and economic inclusion.

The Strategy envisages a new model of development – a responsible development, which means a development which enables the participation of and delivers benefits to all social groups living in different regions of our country in the building of the competitive strength with the use of new development factors. The new development model is not just about the value of GDP, but above all about its quality and the consideration of development processes in the light of their significance for the citizens.

**How can/should States engage with businesses, civil society, and trade unions to prevent and address adverse human rights impacts of undue corporate influence?**

It should be recognised that the political, economic, and social environment are important factors that significantly influence business ethics. The States should promote ethical business attitudes and, in addition, have a range of appropriate legislation - also consulted with employers - to prevent and counteract negative behavior of corporations towards employees.

In addition, incentives should be created to develop the competencies of company executives and promote attitudes that build links between the long-term interest of the company (survival, development) and the interests of management - often short-term.

States should take care of effective forms of dialogue with entrepreneurs, not taking the position of the stronger in negotiating regulations and legislating but of a partner in the process of agreeing to assumptions for the framework of the proposed legal solutions.

States and corporations can review whether laws that directly or indirectly regulate corporate respect for human rights provide the necessary scope in light of changing circumstances and whether, together with relevant policies, they create an environment that promotes business respect for human rights.

Poland has good experiences in cooperation with business, civil society, trade unions and chambers of commerce in relation to issues related to responsible business conduct. This cooperation is carried out through the CSR and Sustainable Development Advisory Board (the Advisory Board) operating in the central administration structure since 2009. The form and scope of the cooperation within the CSR Advisory Board have changed over the years. Since November 2019 The Advisory Board is functioning as an auxiliary body to the Minister of Development Funds and Regional Policy.

The main function of the Advisory Board is to create space for dialogue and exchange of experiences as well as good practices between the public administration, social partners, NGOs and the academia in the field of responsible business conduct. The Advisory Board operates through its Working Groups, in which membership is open and voluntary. Members of the Working Group share their expertise and good practices. All activities of the Working Groups also concern aspects of business and human rights.

An interesting example of the experience gained from the functioning of the Working Groups in practice may be the activity of the *Working Group for relations with people providing work*. Members of this Group have developed, inter alia, tools for enterprises supporting mitigation of the risk of forced labor, which may arise in cooperation with employment agencies, temporary work agencies, subcontractors also in the supply chain of the company – publication of a guide and questionnaires for companies.

In addition, as a result of the work of this Working Group, a "safe work guide" was issued, in which the issues of psychosocial risks were discussed and examples of good CSR practices in the field of companies in the area of employment policy.

In addition to the initiatives taken by the Advisory Board, the Polish OECD National Contact Point for responsible business conduct (Polish OECD NCP) is also active. The role of the Polish OECD NCP is primarily the promotion of the OECD Guidelines for Multinational Enterprises, as well as its sectoral documents in the field of responsible business conduct. The role of the OECD NCP is also to consider notifications of breach of the OECD Guidelines for Multinational Enterprises and to handle specific instances. This unique grievance mechanism of the OECD NCP is playing important role in the context of UN Guiding Principles on BHR.

In the Polish National Action Plan on Business and Human Rights for 2021-2024, the Polish OECD NCP is also indicated in the monitoring part, in terms of assessing the number of cases conducted by the Polish OECD NCP in relation to human rights violations in the activities of multinational enterprises.

**What are the specific human rights risks posed by corporate influence in the political and regulatory sphere to groups in most vulnerable situations such as women and girls, indigenous communities, human rights defenders, persons with disabilities, persons with different sexual orientation or gender identity or migrant workers?**

The negative impact of business activities and the most severe human rights impacts may be felt more strongly by people belonging to groups that are at greater risk of vulnerability or marginalization.

Human rights violations by corporations often disproportionately affect women, who make up the majority of workers in the most vulnerable sectors, indigenous communities, people belonging to ethnic or other minorities, persons with disabilities, people living in poverty, children, migrants and others.

Businesses contribute to providing members of society with an adequate standard of living by creating job opportunities, however when businesses push forward with projects that displace communities without consultation and compensation, they endanger the livelihoods of the members of those communities. Businesses can provide just and favorable working conditions by following strong health and safety standards, but they can also cause harm to their workers by failing to provide sufficient breaks during working hours or exposing workers to toxic substances that are dangerous to their health.

However, the economic disproportion between multinational corporations and individuals, and between these corporations and poorer countries, causes problems in preventing human rights violations and enforcing penalties for said violations. This also applies to, for example, economic exploitation concerning not only the local population exposed to pauperization and living in a degraded natural environment, but also violations of workers' rights.

Impacts vary depending on the specific context and factors such as the type of industry and the state of economic and social development in the areas where the business is operating. If the enterprise decides it needs to prioritize its responses to human rights impacts, it should take into account the vulnerability of such groups and the risk that a delayed response to certain impacts could affect them disproportionately.