



SIGMA

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Public Administration: Responding to the COVID-19 Pandemic

***Mapping the EU member states' public administration responses to the COVID-19 pandemic
(for EU Enlargement and Neighbourhood countries)***

POLAND

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POLAND

Centre of Government, policy co-ordination and decision-making process

- 1. How is the Government (Council of Ministers) functioning (organisation of virtual meetings, remote sessions etc.)?**

Government (Council of Ministers) meetings are organised virtually by remote sessions. The relevant legislation (the Law on the Council of Ministers) which should provide for a legal basis for this type of work has not yet been amended.

Remote work is organised based on the internal rulebook of the Council of Ministers which apparently does not prohibit this solution.

- 2. How is the crisis management and external communications co-ordinated within the Government? What is the role of CoG in this? Is there a central strategy/guidance?**

The Government Centre for Security (GCS) (<https://rcb.gov.pl/en/>) is a governmental body designed to provide services to enable the co-ordination of activities of the Government in a crisis situation. GCS is a supraministerial structure which aims to optimise and standardise the perception of threats by individual government departments, thereby increasing the degree of ability to cope with difficult situations by the competent services and public administration authorities in the event of natural disasters. GCS shall ensure services to the Council of Ministers, Prime Minister, the Government Crisis Management Team and a minister competent for internal affairs within the scope of crisis management. Moreover, the Centre serves as a national centre for crisis management. The organisational structure and operating mode of the Centre is regulated by a Regulation of the Prime Minister of 11 April 2011 on the organisation and operating mode of the Government Centre for Security. It is a state budget unit subordinated to the Prime Minister. The Centre has the following organisational units: Department for Crisis Planning and Reacting, Administrative and Financial Department, Department for Civil Planning and Protection of Critical Infrastructure.

- 3. Any arrangements (rules, working procedures) which aim to streamline and accelerate the Government decision-making process (as regards deadlines, public consultations, transparency, impact analysis)?**

No information available.

Public service and human resource management

- 1. What arrangements regarding teleworking? What is the share of civil servants teleworking? What is the share of civil servants still coming to the office?**

In Poland several extraordinary measures have been introduced by the Law of 2 March 2020 on specific solutions related to the prevention, counteraction and fighting COVID-19, other infectious diseases and crisis situations caused by them. This Law also regulates many other key aspects of the functioning of the State during the COVID-19 pandemic.

This Law introduces, among others, the possibility of remote work: In order to counteract COVID-19, the employer may instruct the employee to perform, for a fixed period, work specified in the employment contract, outside the place of its permanent performance (remote work). According to the Law, the remote work may be ordered only on a fixed-term, no longer than 180 days.

Information regarding the civil service

The Law of 2 March was a basis for the Head of Civil Service (HCS) as the central organ of government administration responsible for the civil service issues, to issue a recommendation letter to all Director Generals (DGs). The HCS recommends the development of transparent rules of the remote work and communicating them to the employees. In particular, they should include:

- determining the exact location in which the remote work is to be carried out with underlining the goal of introducing it, which is to fight and prevent COVID-19. The location should not be changed, and leaving it should be minimised,
- an indication that, as a general rule, the time and work schedules used so far have not changed. Developing and applying methods for reporting to the employer the employee's readiness for work and possible breaks in work,
- determining the manner in which the supervisor will supervise the employee's work (communication methods / channels and orders for receiving work results, methods of co-acceptance of draft documents, etc.),
- defining information security rules, including rules for using official and private equipment.

Additionally the HCS underlines the employer's obligation to provide the employees with the necessary equipment, also in case where there is no possibility or consent to use private equipment (which may be used only on a voluntary basis).

Example of concrete solutions in the Chancellery of the Prime Minister (CPM)¹

The DG of the CPM developed and issued such rules, as recommended by the HCS, and communicated them to the employees. Issues addressed in these rules include: place of remote work (place of residence/home), duration (until further notice, no longer than 180 days), working time and schedule (not changed), under remote supervision of manager (supervisor), including work content, results and "attendance list", health and safety, safety of information, leaves and breaks, recommendation to stay at home due to COVID-19, recommendation to use leave or overtime in cases where remote work is illusory or impossible.

The CPM implemented the possibility of remote work on 12 March – immediately following the announcement of an epidemic emergency. Employees received a remote work order by e-mail or directly, as mentioned above without the necessity of any amendments in labour contracts or agreements.

As on the 23rd March – in the Chancellery of the Prime Minister:

- there is more than 85% of staff outside the seat of the CPM and 74% of staff perform remote work. The management of the CPM undertakes actions so that the number of people working remotely increases;
- nearly 400 CPM employees have been equipped with laptops with access to services necessary for work. New laptops are being issued to people who could not collect them before, including those returning from holiday leave and sick leave;
- in addition, employees can also work remotely using other means, including business/company phones, tablets and shared desktops that are suitable for working at home;
- in the CPM buildings, an adequate amount of disinfectants for personal use was secured. All participants of meetings organised in the CPM undergo disinfection after each meeting.
- a mandatory temperature measurement of people entering the headquarters of the CPM was implemented. People whose body temperature deviates from the norm are asked to return home and, if necessary, be directed to appropriate medical services;
- stationary work is performed only by employees who perform duties that require presence at the seat of the CPM, among others who perform tasks related to the handling of clause documents, which excludes the possibility of using telework. Stationary work is also performed

¹ based on information provided by the Polish Government to EUPAN network

by, among others, those responsible for communication, functioning of ICT devices and organisation of video conferences.

2. What other flexible working arrangement (part time work, distribution of working hours over 7 days...)?

No specific solutions have been introduced as regards working arrangements in the public administration.

3. If civil servants cannot telework, how are they paid?

No special rules have been introduced.

4. Are civil servants being sent on mandatory annual leave? If not, is use of annual leave recommended? Any other special arrangement on absence management?

Civil servants have not been sent on mandatory annual leave. Annual leave has not been recommended.

In case of enterprises belonging to critical infrastructure, annual leave already granted has been revoked, and no new leave granted - and those staff on leave were required to return to work.

5. Any new, special regulations for working overtime (removing limitations to overtime work e.g. for medical staff)?

In case of enterprises performing activities consisting of providing systems and critical infrastructure in relation to the Law on crisis management (for example, supply of water, fuels, energy, communication, finances, IT networks, health protection etc.) and their subcontractors or sub – suppliers, employers they are allowed, for the limited time period, not longer than until the revocation of the state of epidemic or the epidemiological threat to: 1) modify the organisation of work or work time schedules and 2) oblige employees to work overtime to the extent that is necessary to ensure continuous, uninterrupted functioning of the enterprise.

6. Arrangement for paying for extra workload (health care)?

No specific solutions have been adopted – overtime is rewarded in accordance with general rules. Special regulations concerning sickness benefits for medical staff who, because of having been in contact with patients infected with COVID-19, have to remain in quarantine (they are entitled to 100 % sickness benefit).

7. What measures have been introduced to create fiscal space to fund health care, economic measures etc. against COVID-19 (salary cuts, freeze of recruitment, promotions...)?

No specific legal provisions were adopted. The Head of Civil Service has issued some recommendations concerning recruitment but those are related to health concerns. For example, it was recommended to cancel or suspend (depending on whether the time period for receipt of application has expired or not) or not to launch new procedures, unless it is possible to conduct the whole recruitment process by electronic means.

Accountability

1. How did you keep the national parliament operational? Any simplification of parliamentary procedures?

The internal rules of the Parliament were modified on 26 March 2020 and new provisions were added, making the organisation of parliamentary sessions possible with the use of electronic communication tools (enabling communication at distance). The new provisions enabled such organisation of Parliament's sessions during the martial state, emergency state, natural disaster state or the state of epidemic.

2. How about the Ombudsman (e.g. overseeing the situation in prisons)

No special or exceptional rules concerning Ombudsman have been adopted.

3. Does administrative justice work? Have deadlines changed?

During the state of epidemic, time periods applicable in judicial, administrative and other proceedings do not start to run or are suspended with the exception of time periods applied in the public procurement review procedures applied on the basis of the Public Procurement Law as well as administrative controls conducted by the Public Procurement Office. The deadlines in pre-judicial administrative proceedings are suspended.

Public hearings in all courts (both civil and administrative) are cancelled until the end of April and judges are dealing only with urgent cases, in particular requests for pre-trial detention that have to be considered within 24 hours.

The possibility of entrusting the performance of urgent tasks to another court has been introduced. The procedure for delegating judges to another court has been simplified. The acts of delegating a judge and designating another court will be carried out by judicial authorities in accordance with the principle of judicial independence and for a fixed period of time. This will enable the support of courts that work with an insufficient number of staff to deal with urgent cases, both their own and entrusted.

4. Any public debates on respect of principles of good administration (legality, proportionality, predictability) of protective measures?

There is huge hot public debate about the legal compliance of restrictive measures applied with the Constitution, since no state of natural disaster (as defined in the Constitution) was declared. Formal prerequisites for declaring a state of natural disaster (subtype of state of emergency) are met. However, the ruling majority decided not to adopt it, but to introduce a special regime (state of epidemic) that is not regulated in the Constitution. It provides for limitations of rights and freedom characteristic to the constitutional state of natural disaster.

State of natural disaster was not declared for two reasons:

- Political – it would require presidential election scheduled for 10 May to be postponed.*
- Financial – it would serve as a ground for state liability for damages caused by the natural disaster.*

Service delivery

1. Which services are being delivered (all, some, only the essential)?

All services are being delivered, although citizens are encouraged to use electronic means of communication and avoid visiting public institutions. Heads of public institutions are required to

change the organisation of work in order to minimise the need of physical contact between institutions and customers.

2. Are there any modifications done to the obligations of:

- i. *the administrations towards citizens/businesses (e.g. freezing of deadlines)?*

Validity of various documents (residence permits, visas for foreigners, driving licenses, etc.) that were to expire, has been automatically extended until 30 days after the end of the state of epidemic. The deadlines in pre-judicial administrative proceedings are suspended.

- ii. *citizens/businesses towards public administration (reporting, payments of taxes, contributions, fees...)?*

One of the solutions adopted in the special provisions related to COVID-19 is a waiver of payment of social insurance contributions for three months for micro companies (employing up to 9 people), which were established before 1 February 2020 and the self-employed whose income is lower than three times the average salary, registered before 1 February 2020.

Time periods for fulfilment of various fiscal duties were extended. For example, as regards tax prepayments on remunerations to be paid in March and April were postponed until 1 June 2020; Also, as regards to payment of personal income tax due for 2019 there will be no negative consequences for tax payers who will not submit tax declarations and will not pay due personal income taxes in due term (i.e. until the end of April) provided that they are submitted by the end of May 2020;

Also, the introduction of various duties related to VAT and sales tax was postponed until 2021.

In addition, obligations concerning periodical medical checks of employees and technical inspections of vehicles were suspended during the state of epidemic or state of threat of epidemics.

3. Has the crisis initiated any simplifications or enhanced the use of alternative tools:

- i. *in the internal procedures of the Government (e.g. acceptance of formal approvals over e-mail)?*

No information available.

- ii. *in the administrative procedures with citizens and businesses (e.g. replacement of handwritten signature with scanned copies or simple exchange of mails)?*

In practice, certain flexibility has been introduced but no specific solutions were introduced in legal provisions. Documents which normally must be delivered in paper form (for example application for benefits related to taking care of children by parents due to schools' closure) will have to be ultimately delivered to the Social Insurance Institute in paper form but for the time being a scan of the signed document is sufficient.

Public financial management

- 1. Are COVID-19 response measures being introduced within the framework of or with reference to existing fiscal rules (budget deficit or public debt ratio limits etc...)**

So far, fiscal rules for state budget have not been modified but it is a likely scenario in upcoming weeks. Fiscal rules for local governments have been loosened, especially in terms of the calculation of the debt limits.

- 2. Are the cost of these measures being published?**

The Explanation Note attached to the Government's draft Law (26 March 2020) amending the special Law of 2 March 2020 on specific solutions related to the prevention, counteraction and fighting COVID-19 provides information about estimated (partial) costs of some instruments, but not the full financial assessment and costs for the budget since it is impossible to assess at this stage, and more measures are planned to be introduced.

No modification of the state budget for 2020 has been adopted, no changes have been introduced in the 2020 budget law so far.

- 3. Have budget users been asked to identify cost-saving measures to partially offset the cost of the response measures?**

No information available.

Head of Internal units in ministries were asked to provide information about expenditures they could resign from and the amount of potential savings.

- 4. Are internal controls continuing to operate smoothly (electronic signatures)?**

No information available.

- 5. Does each budget user or at least ministry have a risk management strategy that envisaged emergency measures in response to a sudden crisis? How is staff and customer safety balanced against the need to deliver required services?**

No information available.