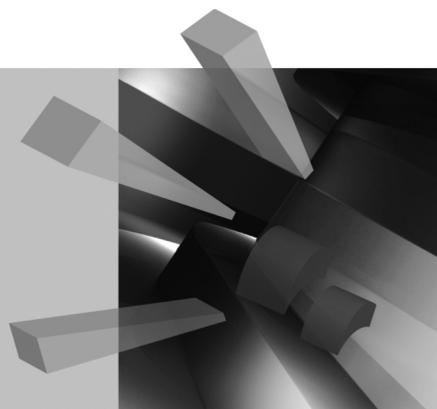


# **Human and work in a changing organisation. Management oriented on the employee interests**



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## **DISCRIMINATION IN THE WORKPLACE. THE SCALE, SYMPTOM ANALYSIS, AND PREVENTIVE MEASURES**

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**Summary:** The article presents discrimination issues in Polish enterprises. The analysis involved the scale and symptoms of discrimination as well as the implementation of work-life balance and diversity management practices. The aim of the article is to identify current problems in the analysed area as well as preventive actions which should be introduced in enterprises.

**Keywords:** discrimination, diversity, work-life balance.

### **1. Introduction**

Discrimination has been an issue of particular importance and interest in the last few years. However, notions connected with discrimination were explicitly defined in the Polish labour law little more than a couple of years ago and have been researched also in the context of management sciences. Key drivers for legislative changes involved the accession of Poland to the European Union, where the principle of equal treatment and the prohibition of discrimination in employment, including equal pay for equal work or work of equal value, are fundamental. At the beginning of 2004, the Polish legislation was supplemented with regulations which involved the implementation of anti-discriminatory provisions, prohibition of repression activities against employees who claim their rights violated by discrimination as well as a reversal of the burden of proof in the unequal treatment proceedings. In the light of the principles of *Labour Code*, indirect discrimination exists when an employee, for one or more reasons (gender, age, disability, race, religion, nationality, political opinions, ethnicity, denomination, sexual orientation, employment for a definite or indefinite period of time or on a full- or part-time basis) was, is, or might be treated less favourably than others in similar circumstances [*Labour Code* 2009]. An example of direct discrimination involves obtaining different pay for the same work. Still, in practice, discrimination assumes more subtle forms. Due to that, there is also indirect discrimination.

Indirect discrimination occurs when an apparently neutral provision, creation or practice puts a given group of people at a particular disadvantage compared with others. In some cases, though, such a provision, creation or practice is grounded and lawful; moreover, according to *Labour Code*, the indirect discrimination – unlike the direct one – may be objectively justified.

Therefore, discrimination in a less favourable way influences or may influence the situation of some employees or groups of employees for reasons which are deprived of substance and connections to their work. This is caused by an affiliation of such a person to a given group integrated by some various but common features, e.g., disability, sexual or religious minorities and women, as well as it often affects short or obese people, etc. In the EU law, harassment or sexual harassment are considered discrimination based on gender. Sexual harassment is understood as any form of unwanted conduct – verbal, non-verbal, or physical – of a sexual nature, with the purpose or effect of violating the dignity of a person, in particular, when creating an intimidating, hostile, humiliating, or offensive environment.

Under Community law, there are three exceptions to the principle of equal treatment:

- when a specific gender is an occupational requirement;
- when it is connected with pregnancy, maternity, or parenthood;
- when it is connected with accepting the so-called “reverse discrimination”, e.g., giving privileges to women in specific circumstances, for instance, to be promoted to executive positions, where they still constitute a sizeable minority.

## 2. The scale of discrimination in Poland and Europe

Even though the EU Member States undertook to conduct a policy aimed at removing discrimination of women on the labour market, women’s pay imbalances continue to be problematic. On average, women in the EU earn 15% less than men. In Poland, this disproportion is even greater (about 20%). Poland has also the highest ratio of unemployed women in the EU – 19.2%, that is, over 9% more than the EU’s average, totalling 9.8%. As many as 70% of men and 61.8% of women in the working age (according to GUS, Central Statistical Office) as well as 90% of Polish men aged 24-54 years who have two children and only 70% of Polish women have employment in Poland (based on Eurostat data, see [Website 7]).

The national remuneration analysis of 2010 shows that women earned less than men on all the levels of management, from 330 PLN per month in the case of ordinary workers, up to even 3 000 PLN on an executive position. Polish women constitute only 37% of all managers and high-ranked officers. Among 1 286 managers sitting in 2009 in management boards of listed companies, there were just 152 women (11.8%); the figures were similar in the case of supervisory boards – only 12% of women [Website 1].

The ICT sector is an opportunity for women since every fifth graduate of IT studies is a woman and, in the next year, a shortage of 300 thousand qualified engineers is projected. In practice, well-known IT companies, such as Alcatel-Lucent, IMEC, Orange-France, Microsoft, and Motorola, have already signed an agreement in which they undertake to take efforts to make work in the ICT sector more attractive for women. The ageing population and vacating positions pose another chance for women to develop professionally. The Commissioner for Justice and Fundamental Rights claims: “the current situation of unequal pays is not only unjust to women themselves but it also hinders economic growth [Website 2]. “The EU, whose population is continuously ageing, needs women in order to increase the number of people who are professionally active [...]. When looking at the present bad economic situation, differences in women’s and men’s pays are too great for Europe to afford” [Website 3].

Not only women are discriminated. In April 2007, a recruitment the web portal called “pracuj.pl” carried out a questionnaire concerning discrimination on the labour market. The aim of the questionnaire was to encourage employers to open to various social groups, as part of the second edition of the campaign known as “Employers For Activation”. The research shows that: “as many as 90% of the informants think that in Poland there are social groups which are omitted or discriminated on the labour market” [Website 4].<sup>1</sup> Moreover, “people who work or seek job asked for groups which are omitted on the labour market pointed to people over 50 years old (61%), the disabled (51%) as well as ex-prisoners (48%), young mothers (48%), long-term unemployed people (47%), and people entering the labour market (44%). More interestingly, ex-prisoners were indicated as a discriminated group by employers more often than by other respondents” [Website 4]. The research provided information that: “relying on prejudices and stereotypes when selecting a candidate for work was indicated as the most frequent sign of discrimination; nearly 62% of the informants treat it as a significant problem” [Website 4]. The following answers involve: unequal access to job offers/lack of appropriate job offers (56%), reluctance to employ for an indefinite period of time/under an employment contract (44%) [Website 4; Website 5]. Research on the method of interviewing prospective employees conducted in Warsaw shows that in one third of national and one quarter of privately held enterprises, women were asked different questions than men. The questions concerned their marital status, children and family, and influenced the decision of employment [Mroczkowski 1997, p. 25].

### **3. The purpose and method of the research**

The research carried out concerned discrimination and other dysfunctional situations in companies in the area of implementing HR tools. The online questionnaire was

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<sup>1</sup> The results of the questionnaire from pracuj.pl are translated by the authors.

conducted as part of a grant research in the Department of Personnel Management and Economic Law of the Faculty of Management at the AGH University of Science and Technology. Seven hundred and thirty-seven people took part in the research. It was carried out within the period of 14 months, from March 2009 to May 2010. This article involves results concerning:

- the scale and signs of discrimination,
- symptoms of discrimination,
- diversity management activities,
- activities related to reconciling a professional and personal life,
- evaluation of particular measures or situations by informants.

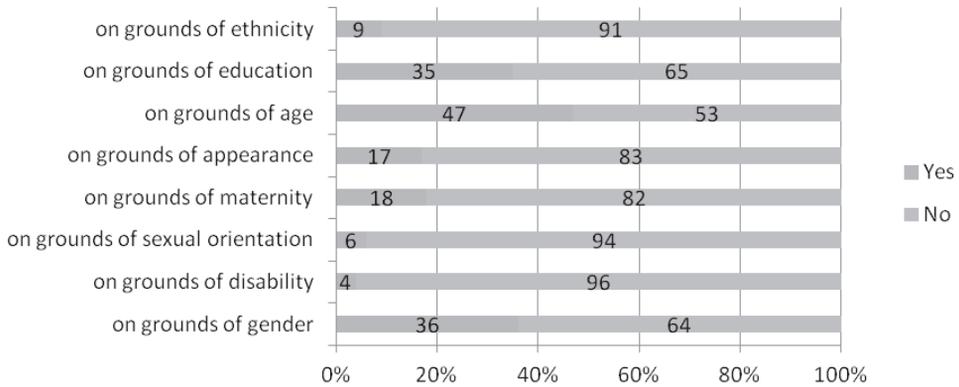
Chi-Square Test of Independence was used to analyse the research data.

As many as 66% of women and 34% of men participated in the research. People aged 25 to 34 years were the majority (44%). People below 24 years constituted a slightly lower proportion (32%). People whose seniority did not extend two years were most frequent (37%). About 30% of the respondents had a 3-to-5-year long seniority. The lowest proportion belonged to people working from 16 to 21 years and over 21 years (5% each group). Over one third of the informants (37%) came from a village, a similar number – from towns up to 50 thousand of residents. Others lived in cities. A majority of the respondents completed a secondary (42%) and higher education (55%), and were mostly ordinary workers or worked on independent positions. As many as 17% of the informants were employed on executive positions at various levels.

Sales was the most representative sector as every fifth informant deals with it. Fewer people (16%) are employed in industrial manufacture and 14% – in administration. Half of the respondents work in privately held companies with predominantly Polish share capital. One in four respondents work in government or self-government administration, and one in five – in privately owned companies of foreign capital. The smallest number of the informants are employed in non-governmental organisations (2%). The percentages were similar for all the sizes of companies and did not exceed 27% of those questioned, yet, people employed in small companies were the majority (27%). The largest proportion of the informants were employed on the basis of open-ended employment contracts (61%). One out of five questioned employees had fixed-term contracts. Other forms of employment constituted less than 3%.

#### **4. The scale of discrimination in the research sample**

A large majority of the respondents (619, i.e., 84%) contended that they were discriminated in their workplace. It was an opinion of both men and women. However, only 118 of those questioned (16%) defined the type of discrimination. Figure 1 presents the results.

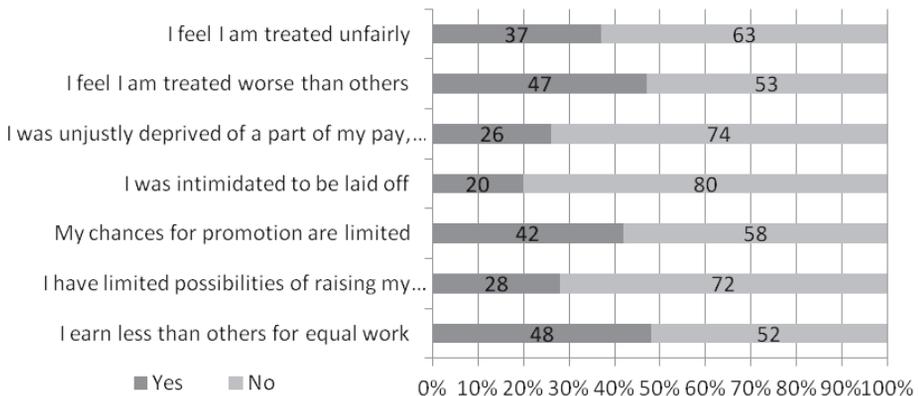


**Figure 1.** Types of discrimination

Source: authors' own study.

According to the informants, the most common reasons for discrimination involved age (47%), gender (36%), and education (35%). Disability and sexual orientation were least common.

The most conspicuous signs of discrimination are lower pay (48%) and a feeling of being treated less favourably (47%). The least frequently mentioned discriminatory practices involve intimidating employees that they will be laid off (20%) (see Figure 2). Another question concerned people who take discriminatory actions against the respondent.

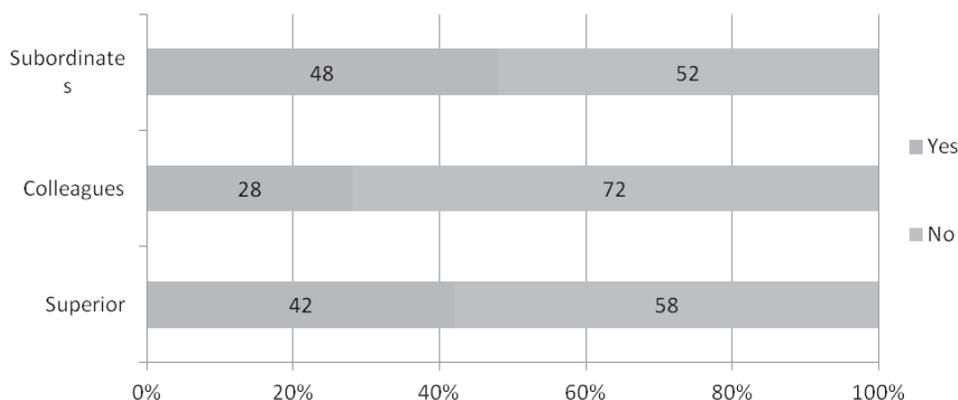


**Figure 2.** Symptoms of discrimination

Source: authors' own study.

Superiors largely dominate as those who take discriminatory actions (see Figure 3). As many as 84% of the respondents confirmed that. Statistically, women more often

claim to be discriminated against ( $p = 0.00989$ ). There is a strong tendency displaying that the higher a position, the lower proportion of discriminated people ( $p = 0.00067$ ); it is particularly visible in the case of ordinary workers, and the least obvious – among senior executive staff. The problem of discrimination is most common among employees working under fixed-term contracts ( $p = 0.02243$ ). Whereas discrimination is hardly noticeable among people who have probationary employment contracts or do the internships. This is probably connected with a necessity to remain in a given employment relationship for some time for the feeling of being at a disadvantage to occur.



**Figure 3.** People who take discriminatory actions

Source: authors' own study.

## 5. Evaluation of the aspects of employer activities related to discrimination

This part of the research focused on three aspects: occurring symptoms of discrimination, reconciling a professional and personal life as well as consenting to diversity. At first, the informants were asked about the signs of discrimination based on gender and age. Table 1 presents the obtained results.

A large majority of the respondents contended that the requirements for women and men on equal positions were the same (72% of “yes” and “rather yes” answers). However, only 66% of those questioned admitted that both women and men had equal opportunities for promotion, and only 54% pointed out that gender was not a promotion criterion. It means that as many as 46% of the informants thought opposite. The results are all the more revealing since more respondents claimed that the requirements were the same than that gender was not a promotion criterion. What is more, as many as 49% of the informants (“no” and “rather not” answers) indicated

that there were differences in pay between women and men for equal work, while employees should receive equal pay for equal work. Thus, the presented results reveal significant irregularities in this area. As far as possible discrimination of the disabled is concerned, the informants were asked two questions. They were also inquired whether they thought that the activities taken were positive, negative, or neutral. Table 2 presents the answers provided.

**Table 1.** Symptoms of discrimination

Statement	Yes	Rather		No
		yes	not	
Women and men have equal opportunities for promotion in the company	36% (179)	30% (150)	21% (104)	13% (65)
Age is not a criterion when recruiting employees	29% (138)	24% (113)	27% (130)	20% (97)
Age is not a criterion for promotion	30% (139)	24% (110)	29% (133)	17% (79)
Gender is not a criterion for promotion	34% (156)	20% (93)	26% (120)	20% (91)
There are enough women in the management board and on executive positions	33% (148)	28% (123)	21% (94)	18% (81)
There are no differences in pay between women and men for equal work	35% (155)	16% (73)	28% (124)	21% (96)
During a recruitment process, an employer asks questions concerning religion or family plans	12% (53)	13% (55)	24% (103)	51% (221)
Requirements for women and men occupying equal positions are the same	40% (171)	32% (138)	15% (66)	12% (53)

Source: authors' own study.

**Table 2.** Employment of the disabled

Statement	Yes	Rather		No	Positive activity	Neutral activity	Negative activity
		yes	not				
The disabled are employed and equipped with specialist apparatus to perform work	10% (40)	10% (44)	23% (95)	57% (242)	24% (101)	37% (155)	39% (165)
The disabled employed with the company are subject to the same evaluation criteria as other employees	20% (63)	27% (86)	21% (67)	31% (97)	44% (137)	26% (82)	30% (94)

Source: authors' own study.

The obtained results show that only 20% of the respondents confirmed that the disabled are employed and equipped with special tools. It should be highlighted that as many as 39% of the informants evaluate such activities as negative. The result may surprise as the research shows that more and more Polish people (72%) think that the disabled should work if only their health permits [Website 6]. At the same

time, though, 47% declared that these people were subject to the same criteria of evaluation as other employees, that is, without leniency, which was recognised as positive or neutral by most respondents.

In order to achieve harmony between a professional and personal life, a growing number of companies decide to implement “work–life balance” programmes. The balance is achieved when a personal life does not go to the detriment of the professional one, and *vice versa*. The exact balance is not the same for all the employed and depends on age, gender, education, and family. People have different needs for professional development at different stages of their life. The need refers to both men and women. It is, however, common ground that the group which is most at risk of having problems with reconciling a professional and personal life are women, mainly due to additional family responsibilities. Featured programmes which allow for taking care of children or dependants, having breaks in a career for personal reasons, such as willingness to travel or educate on a full-time basis, make it possible to prevent stress, conflicts, burnout, or lack of self-fulfilment. These programmes suggest solutions aimed at flexible or task-based time management, a number of conveniences connected with maternity, and medical care over children. Table 3 presents the opinions of the respondents which refer to introducing such practices in their companies.

**Table 3.** Work–life balance practices according to the informants

Statement	Yes	Rather		No	Positive activity	Neutral activity	Negative activity
		yes	not				
Employees can have breaks for developing their career (e.g., international trainings)	14% (67)	17% (81)	32% (148)	36% (168)	34% (157)	17% (77)	50% (230)
Employees have a possibility to take care of their dependants or parents who need help	23% (97)	34% (145)	21% (89)	22% (92)	54% (230)	11% (46)	35% (147)
Employees are provided with help in taking care of their children	15% (66)	23% (100)	25% (109)	37% (159)	37% (162)	16% (69)	47% (203)
Employees can extend maternity leaves or take additional leaves for family reasons	23% (104)	35% (154)	22% (96)	20% (91)	55% (245)	10% (44)	35% (156)
The company makes a return to work after maternity leaves easier	33% (137)	39% (160)	14% (58)	14% (59)	69% (287)	8% (34)	22% (93)
Employees get support from the company in solving family problems	12% (54)	24% (106)	30% (133)	33% (145)	38% (168)	22% (98)	39% (172)
Men have a chance to take child care leaves	23% (86)	34% (129)	23% (87)	19% (73)	51% (190)	21% (80)	28% (105)

Source: authors' own study.

The results display that, according to the informants, the activities related to making returns to work after maternity leaves easier were most common (72% of “yes” and “rather yes” answers). It is surprising then why as many as 22% of the questioned did not back up such activities. Moreover, the data show that more than 50% of the companies supported care over dependants by, e.g., extending maternity leaves. The numbers are similar in the case of men wanting to take child care leaves. Only about one third of the respondents claimed that they could rely on the company when solving personal problems so it may be surmised that this form of care over employees is not common as it comes to employer’s responsibilities. It was even less popular that employees had breaks in work (31%). It is worth pointing out that half of the respondents evaluated this activity as negative.

**Table 4.** Diversity practice and its evaluation

Statement	Yes	Rather		No	Positive activity	Neutral activity	Negative activity
		yes	not				
No dress code is promoted	23% (105)	28% (128)	23% (106)	25% (116)	55% (249)	31% (142)	14% (64)
The idea of diversity as well as differences between individuals are appreciated and believed to bring better effects	20% (83)	26% (105)	28% (112)	26% (105)	45% (183)	28% (115)	26% (107)
When composing workgroups, the criterion of diversity is taken into account	19% (75)	30% (116)	23% (90)	27% (105)	46% (178)	30% (115)	24% (93)
The problem of diversity is discussed as part of trainings	10% (40)	14% (52)	30% (113)	46% (178)	26% (101)	47% (179)	27% (103)
Diversity is appreciated in the company	17% (68)	29% (117)	34% (133)	20% (79)	43% (169)	32% (127)	25% (101)

Source: authors’ own study.

A dependence between an evaluation of individual activities and demographic particulars was verified. The statistical significance of the research was  $\alpha = 0.05$ . It is not surprising that the results show that women evaluated inequalities in pay more negatively than men ( $p = 0.01381$ ), whereas their evaluation was positive when it comes to activities aimed at making a return to work easier after maternity leaves ( $p = 0.0054$ ). Still, it is striking that fewer women than men evaluated positively the possibility of taking care of dependants as well as more women than men believed it was a negative activity ( $p = 0.00089$ ). Moreover, women evaluated company’s help in caring for children less positively in comparison to men; most women believed it was a negative activity ( $p = 0.00611$ ). The higher the respondents’ position, the more positively they evaluated the possibility of having breaks to develop themselves ( $p = 0.02706$ ) as well as employing the disabled and providing them with appropriate equipment ( $p = 0.04943$ ). What is more, it turns out that, in comparison to other

entities, officers at a governmental and self-governmental level were definitely more positive about activities aimed at extending maternity leaves ( $p = 0.01562$ ), employing the disabled and providing them with essential tools ( $p = 0.03439$ ), making a return to work after a maternity leave easier ( $p = 0.00029$ ), as well as allowing men to take child care leaves ( $p = 0.00005$ ). Thus, it may be concluded that this group represents more modern views on work–life balance than people employed in other entities. Then, the questions concerned diversity: understanding, importance, and practices which support it. Diversity management should be geared towards making all employees use their potential and, as a result, successively strengthen their engagement [Armstrong 2000]. The results obtained in this area are presented in Table 4.

The results show that the informants were not fully aware of the importance of diversity. More than half of the employees claimed that diversity is not appreciated in their company (54%), and only one in two respondents contended that the criterion of diversity was taken into account when forming workgroups; even fewer reported that diversity was appreciated as a factor enhancing better effects of work (46%). Likewise, the answers concerning the promotion of lack of dress code are cut into almost equal halves. Only 24% of the informants reported that the problem of diversity was discussed as part of trainings. These results should not surprise since it seems that there are entities which appreciate diversity and others where the significance of diversity is not discerned at all.

## 6. Preventing discrimination in enterprises

Executive staff plays a central role in discrimination prevention. Its basic task is to build up such corporate culture whose “individual components and signs would act as an efficient buffer which prevents the highly dangerous pathology from arising” [Bechowska-Gebhardt, Stalewski 2004, pp. 64-65]. It is necessary to create such interpersonal relations within a company which would eliminate anxiety. The atmosphere of openness, transparency, freedom of speech, as well as the right to criticism need to be assured. An executive position assumes responsibility for subordinates. It also involves assessing and recognising discrimination as well as taking proper steps to solve problems (due to multifaceted consequences and socio-organisational and individual costs) [Bechowska-Gebhardt, Stalewski 2004, pp. 64-65].

Still, the most important form of preventing discrimination involves developing discrimination-free HR tools of: recruitment, employee appraisal, development, training, and promotion mechanisms. It is a challenge for executives to create such an anti-discriminatory action programme, taking into account the specific character of a company. While managers should combat any signs of intolerance within corporate structures. The only acceptable sign is zero tolerance for averageness which is, at present, particularly resented and leads to low efficiency [Dobra nietolerancja 2008].

At a recruitment level, it is, among others, recruitment and selection based on the competence model that allow objectively choosing employees, taking into account eligibility criteria irrespective of age, gender, etc.; recruitment team composed of men and women as well as independent people, e.g., from company's other departments; organisation of preparatory trainings on preventing discrimination for those who participate in the selection procedure.

Good practices in the area of training and development refer to giving comprehensive information on the possibilities of development as well as introducing career planning and self-evaluation programmes and getting feedback. These programmes enhance all employees to consciously shape their career paths, self-assess progress, and take actions towards obtaining a higher job position. Programmes targeted at women, supporting their professional development, and breaking barriers are another group. They also touch upon diversity and preparing as many women as possible for executive positions. "European Women Leadership Council" may serve as an example. It is carried out by IBM as a corporate initiative aimed at evening the impact of women on the company's activity. Irregularities in the process of remunerating employees should be prevented by monitoring pays and adjusting them to market tendencies as well as paying attention to transparency and comprehensiveness of the pay system based on objective criteria known to everybody.

## 7. Summing-up

a) As many as 84% of the informants declared they were discriminated against (while only 16% pointed to a particular type of discrimination) and indicated discrimination on grounds of gender, age, and education most frequently. The signs involved lower pay, feeling of being at a disadvantage in comparison to others and limited access to promotion.

b) Superiors largely dominate as those who took discriminatory actions. As many as 84% of the respondents confirmed that.

c) Statistically, women more often claimed to be discriminated against.

d) The higher the position, the lower proportion of people who felt discriminated.

e) A large proportion of the respondents (about 50%) noticed symptoms of discrimination based on age and gender, both in the area of pay and chances for promotion.

f) Only 20% of the respondents confirmed that the disabled were actually employed and provided with special equipment for them to work.

g) As far as work-life balance practices are concerned, activities aimed at facilitating care for children with the parallel possibility of performing professional work were viewed as the most positive. Traditional activities which lie beyond the scope of employer's obligations were definitely evaluated less positively and were

less accepted, they involved: help in solving difficult problems or enhancing development by taking special leaves.

h) The results suggest that half of the respondents are employed in entities where diversity is supported and appreciated, and the other half – in companies where diversity is hardly noticeable. It seems that this result may reflect a current situation in Polish enterprises.

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## DYSKRYMINACJA W MIEJSCU PRACY. SKALA ZJAWISKA, ANALIZA SYMPTOMÓW, DZIAŁANIA ZAPOBIEGAWCZE

**Streszczenie:** Artykuł prezentuje zagadnienia związane z dyskryminacją w polskich przedsiębiorstwach. Analizie zostały poddane takie zagadnienia jak skala i symptomy dyskryminacji, a także praktyki w zakresie stosowania praktyk *work-life balance* oraz zarządzania różnorodnością. Celem artykułu jest przedstawienie aktualnych problemów w analizowanym obszarze i działań zapobiegawczych, które powinny być wprowadzane w przedsiębiorstwach.

**Słowa kluczowe:** dyskryminacja, różnorodność, równowaga praca–życie.