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## Economic and Legal Instruments of Local Senior Policy in the Level of Municipalities

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**Abstract:**

**Purpose:** The purpose of the article is to diagnose and evaluate the local senior policy undertaken by Polish municipalities in the face of the progressing process of population aging. Both legal and economic instruments currently used in public social policy for older people were analyzed.

**Design/Methodology/Approach:** The study uses a group of methods typical of social sciences, such as empirical cognition methods, and in particular observation. Descriptive analysis and deductive and inductive reasoning were used. Moreover, in the area of legal regulations analysis, the legal-dogmatic method was applied.

**Findings:** The analysis of the instruments used by municipalities in Poland in the framework of senior policy allows us to conclude that they are not always adequate and able to keep up with the growing needs of the rapidly growing number of seniors. Senior policy in Poland is a relatively new phenomenon. Therefore, there is a lack of experience which would allow to develop long-term legal and economic solutions. This would provide a basis for municipalities to develop stable plans and to take measures for the benefit of the elderly. Municipalities should be provided with sources of funding for the growing needs of seniors.

**Practical Implications:** The results of the conducted analysis may serve as a basis for the verification of legal regulations and economic instruments used by municipalities, relating to social policy towards the elderly, and may also become an inspiration for further scientific research in this area. In the final part of the study, guidelines/suggestions were formulated in this respect.

**Originality/Value:** So far, the literature has dealt mainly with the topic of the silver economy in the context of factors influencing economic processes and the use of the potential of older people, taking into account their needs. This article is an attempt at instrumental approach to senior policy (legal and economic instruments) used by municipalities in Poland. The study indicates that the pool of instruments used is extremely poor and incoherent, and it is difficult to speak of a coordinated, comprehensive senior policy implemented by municipalities, in the absence of appropriate legal solutions at the central level.

**Keywords:** Senior/elderly person, senior policy, municipality, economic instruments.

**JEL Codes:** J14, P43.

**Paper Type:** Research article.

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## **1. Introduction**

The changes in the age structure of the population in Poland related to the increase in the share of the elderly, which have been taking place for years, similarly as in the whole Europe constitute a challenge for the society and the economy, especially in view of further unfavorable phenomena forecast in this respect. At the end of 2018, people aged 60+ constituted almost 25% of the total population in Poland, in 2030 their share is forecast to be about 23%, and in 2050 - almost 33% (Statistics Poland, 2014). The process of population aging is most often considered in the context of problems that relate to the inefficiency of the social security system, rising costs of health care and long-term care, activation of the elderly, or labor market problems related to insufficient supply of human resources (Fedorowski, 2015). Aging of the society is also seen as a burden on society and a threat to public finances due to the growing number of pensioners and the rate of economic dependence, with the increase in public debt (Bloom and Canning, 2008; Sharpe, 2011; Walder and Döring, 2012).

In the literature on the subject, we can also find a different approach to the process of population aging - as an opportunity to accelerate economic growth as a result of the development of the so-called silver economy, a concept originating in Japan (Graafmans, Taipale and Charness, 1998; Thalassinou *et al.*, 2019). In this concept, entrepreneurs react to changes in the needs of their customers, adapting the offer of manufactured products and services to the elderly, entering the market of senior products and services and creating a senior economy. However, it is necessary to exploit the potential of older people and involve them in production processes. An important limitation of this market is the effective demand for products and services offered on it. The relatively low income available to a significant proportion of older people means that some of these products and services should be financed by public funds. They should meet at least the basic needs of seniors.

The literature often overlooks issues relating to the need for public authorities to take measures to meet the needs of seniors, especially the oldest ones (those aged 85 and more). Public authorities, at both government and local level, should anticipate the adaptation of infrastructure, especially social infrastructure, to the growing needs of senior citizens, as part of a coordinated and comprehensive senior policy, so that when the number of senior citizens rises sharply, they are able to provide them with basic public goods and services.

In view of the signaled problems, many questions arise, which the authors will attempt to answer in this article. Firstly, can the public authorities' activities in the field of drafting legislation on seniors be called senior policy? Are the legal solutions in this respect coherent and logical? Does the legislator have clear and identified goals and tasks in this respect, so as to avoid ad hoc, unstable legal regulations? Should senior policy be based on the age premise only? Is there now a need to separate public policy for dependent elderly people as well?

Secondly, do local authorities, having certain legal provisions and basing on documents prepared at central level, recognize the need for taking measures for the seniors? Do they develop strategic documents on local senior policy? What instruments do they use as part of their local senior policy? Do they monitor and evaluate the effects of such policy?

The main purpose of the article is therefore to diagnose and evaluate the local senior policy undertaken by Polish municipalities in the face of the progressing process of population aging. Both legal and economic instruments currently used in public social policy for older people were analyzed.

In order to achieve this research goal, a group of methods typical of social sciences, such as empirical cognition methods, and in particular observation, were used. A review of legal acts of various ranks in force in Poland was carried out, as well as a review of the literature on the subject and an analysis of government and local government documents relating to senior policy. On this basis, general recommendations relating to senior policy regulations and local senior policy instruments were constructed.

## **2. Literature Review**

### **2.1 Legal Conditions and Bases**

In many countries, especially in the European Union (EU), senior policies now have a public problem dimension. Therefore, there are several levels of legal regulations and economic instruments for its implementation. In Poland, senior policy can be observed in the national, voivodship and municipal dimensions. Senior policy strategies are being developed at these levels. They usually refer to the document entitled *Europe 2020: A strategy for smart, sustainable and inclusive growth* (Europe, 2020). One of the priorities of the Europe 2020 Strategy concerns efforts to combat social exclusion, in particular by reducing the extent of poverty, homelessness and the social inclusion of older people as a category at risk of exclusion.

It should be noted that the EU has not yet adopted a comprehensive strategy document directly addressing senior policy, but there are regulations that address this problem indirectly. For example, Decision No. 940/2011/EU of the European Parliament and of the Council on the European Year for Active Aging and Solidarity between Generations required Member States to appoint national EY2012 coordinators (Official Journal of the EU L 246/5). You can also read about senior citizens' rights in the EU Charter of Fundamental Rights.

The concept of senior policy in Poland is a relatively new and heterogeneous term. It was introduced to the Polish public debate by the Ministry of Labor and Social Policy. Previously, it had appeared in the names of institutional entities created by

the Minister of Labor and Social Policy. The official definition of this term was adopted in the document entitled *"Assumptions of Long-Term Senior Policy in Poland for 2014-2020"* (M.P. of 2014, item 118), passed by the Council of Ministers and currently not in force. The document identifies senior policy as a set of purposeful actions by public administration authorities at all levels and by other organizations and institutions that carry out tasks and initiatives that shape the conditions for dignified and healthy aging.

Thus, the official broad concept of senior policy has emerged, the basic objectives of which were defined as supporting and ensuring the possibility of active and healthy aging and the ability to continue to lead an independent and fulfilling life, even with some functional limitations. The resolution was of a framework character, was only a statement of ideas and did not contain any specific measures assigned to specific entities for implementation. The resolution was valid for a short time, as on 29 October 2018 a new resolution of the Council of Ministers appeared, on the adoption of the document entitled *Social Policy for the Elderly. Safety - Participation - Solidarity* (M.P. of 2018, item 1169). The document contains detailed solutions in all the most important spheres of life of the elderly, inter alia, in the area of safety, health, counteracting loneliness, active participation in social life, as well as adjusting the infrastructure to the changing needs and possibilities of the elderly, which results from the content of the resolution.

In the resolution of the Council of Ministers of 2018, there was a change of name. For the purpose of this document, the term "social policy towards the elderly" has been adopted instead of the term "senior policy". This policy has been defined as purposeful, long-term and systemic impact of the state and other public and non-public entities on the formation of legal, economic and social conditions in order to create a favorable life situation for the elderly, adapted to the social, economic, care and health care needs that change with age, in every stage of life of the elderly. It emphasizes the interdisciplinary nature of social policy towards older people. The Council of Ministers, and in particular the Ministry of Family, Labor and Social Policy, has the competence to act for the benefit of the elderly. A special unit, i.e. the Department of Senior Policy, has been separated in the Ministry. The tasks of the Department include in particular: developing and coordinating social policy towards older people; developing, coordinating, operating and monitoring the implementation of programs for older people.

Apart from the issue of pension and disability security, it can be assumed that at the national level, the basic regulations concerning the legal situation of the elderly are the Act of 11 September 2015 on the elderly (Journal of Laws of 2015, item 1705) and the resolution of the Council of Ministers of 26 October 2018 on the adoption of the document *Social Policy towards the Elderly. Safety - Participation - Solidarity* (M.P. of 2018, item 1169). These regulations define the directions of senior policy and the related tasks of public authorities and other entities. Social policy towards the elderly in Poland is based only on the premise of age.

The 2018 resolution of the Council of Ministers states that, in accordance with the constitutional principle of subsidiarity, the state should not interfere in matters that individuals are able to deal with alone. The document states that the key actors of social policy towards older people are:

- 1) family - as a basic institution and social group;
- 2) the state - by responsibly shaping the socio-economic conditions to implement objectives and tasks;
- 3) local government - through the implementation of tasks in individual local communities, adjusted to the diverse demographic and socio-economic situation in the regional and local dimension;
- 4) non-governmental organizations, in particular social and solidary economy entities.

In Poland you can also find references to senior policy in other documents. The Council of Ministers adopted the *Strategy for Responsible Development until 2020 with an outlook until 2030* (MP of 2017, item 260), which only superficially mentions the problems affecting seniors and the *National Program for Combating Poverty and Social Exclusion 2020. A new dimension of active integration*. The program, adopted in 2014, takes the form of the resolution of the Council of Ministers No. 165 (MP of 2014, item 787). The preamble of this resolution states that it is an operating and implementing document, established in order to implement the medium-term strategy and development of the country. These documents are not sources of universally binding law referred to in Article 87 of the Constitution of the Republic of Poland. It is worth noting that a number of other proprietary programs, initiatives and regulations relating to senior policy also appear in public space (Rosochacka-Gmitrzak and Raław, 2015).

Most attention in the *National Program for Combating Poverty and Social Exclusion 2020. A new dimension of active integration* is devoted to the health and independence of older people and their activity, and least to the silver economy and intergenerational relations. The previous government concept of senior policy had omitted two important areas of the state's social policy that are related to meeting the material needs of the elderly - the pension policy and the housing policy (Szatur-Jaworska, 2015).

As far as Polish legal regulations of the highest rank are concerned, the Constitution of the Republic of Poland mentions in art. 68.3 about people "in advanced age", stating that public authorities are obliged to provide them with special health care. This is only one element of the situation of the elderly, but the Constitution distinguishes social groups subject to comprehensive protection by public authorities, such as consumers (art. 76).

Recently, the situation of the elderly in Poland has been subject to statutory regulations, i.e. the basic type of law sources. Since 1 January 2016, the Act of 11

September 2015 on elderly people (Journal of Laws of 2015, item 1705) is in force. An elderly person (senior) is defined by the Act as a person who is over 60 years old<sup>5</sup>. This limit is a purely formal arrangement. It is not fully compatible with either the caesura of functional age or economic age. Taking into account the seniors defined in this way, the Act on elderly people distinguished several problem areas concerning them. Therefore, senior citizens in Poland require special care of:

1. health and independence;
2. educational, social and cultural activity;
3. silver economy (Rudnicka, Surdej, 2013);
4. intergenerational relations.

However, the Act does not create legal norms addressed to seniors, but only defines the scope of monitoring and presenting information on the situation of the elderly, as well as the entities participating in this task and the sources of its financing. On its basis, the Council of Ministers annually presents information to the Sejm and Senate on elderly people, which is considered to be the monitoring of their situation. The tasks resulting from the Act are coordinated by the Prime Minister. In this way, every year the legislature has up-to-date knowledge about older people in Poland, which can be the basis for taking appropriate legislative initiatives or other measures aimed at helping older people. This Act is aimed only at the process of diagnosing the situation in which seniors find themselves.

So far, four pieces of *Information on the situation of older people in Poland* for 2015, 2016, 2017 and 2018 have been prepared. These studies are merely informative, inter alia, on the scope of activities undertaken by authorities at central, regional and local level for the benefit of older people. It can be stated that the Act on elderly people does not give these people any rights that would entitle them to make claims to public authorities. Contrary to its name, the Act is not addressed to the elderly, it is addressed to the Council of Ministers.

Article 3 of the Act on elderly people states that the scope of monitoring the situation of the elderly shall include: demographic situation, income situation, housing conditions, professional activity, family situation and household structure, situation of disabled people, social and civic activity, educational and cultural activity, sport and recreational activity, health state, accessibility and level of social services, equal treatment and counteracting discrimination on the grounds of age, and implementation of senior policy. It can therefore be assumed that this is the way to define the general direction of senior policy and the tasks of public authorities

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<sup>5</sup>*This definition is in line with the definition adopted by the First United Nations World Assembly on Aging in 1982. So far no age limit was internationally determined beyond which a person would be considered a senior. For example, in Armenia it is 71 years, in the Czech Republic 66 years, in France 75 years and in Switzerland 85 years.*

related to it. In this context, consideration should be given to the tasks of municipalities and the sources of funding for the implementation of senior policy.

The activities of local government units, especially municipalities, are important for senior policy. The activities of municipalities and the strategies developed concerning local senior policy refer to the objectives contained in the above mentioned documents and in the Act on elderly people of the Resolution of the Council of Ministers No. 161 of 2018. It can therefore be assumed that the municipalities' overall senior policy objectives are substantially in line with those set by the EU and Polish authorities. However, specific objectives are set taking into account the local needs of older people.

## **2.2 Senior Policy and the Senior Economy in Economic Terms**

In the literature on the subject, two concepts relating to satisfying the needs of seniors are analyzed - the silver economy and senior policy, or rather social policy towards old age. A much greater emphasis is placed on the silver economy, understood as an economic system that is focused on the utilization of the potential of the elderly and takes their needs into account (Rudnicka and Surdej, 2013). It covers all economic activities relevant from the point of view of the needs of older people and has an impact on many other sectors, i.e., a kind of exemplary organization of the economy: open to changes, innovative, alternative, regulating the absorption capacity of the labor market, consumption and services adequately to the demographic profile and social needs. The silver economy can also be understood as a development opportunity resulting from the increase in public and private spending related to the increase in the share of the elderly in the total population and the emergence of specific needs of this population group (European Commission, 2015). According to P. Szukalski, there are many areas within the silver economy, which include (Szukalski, 2012):

- ensuring that older people stay professionally active for as long as possible - providing people with updated qualifications, skills and knowledge necessary to continue professional activity; providing organizations with knowledge and abilities to adapt working conditions and organization to the requirements of an aging workforce;
- ensuring the longest possible independence and efficiency - by providing services enabling longer independent stay at home (cleaning, shopping, care services), providing knowledge about the occurrence and use of "civilization prostheses" (all instruments - including household robots, and amenities aimed at compensating for the lost efficiency); organization of transport services, as well as the activity of companies preparing the so-called smart housing;
- senior citizens' time management - including education, entertainment and recreation, preferably in a combined form of edutainment; tourism; the segment of services relating to pet breeding;

- enabling care for health and image - all activities aimed at improving health, fitness (mainly those of a preventive nature), as well as raising self-esteem of people through appropriate make-up or clothing;
- ensuring social integration - activities aimed at achieving a higher sense of community between different social groups, including representatives of different generations, most often taking on the character of voluntary work;
- provision of "age-sensitive" financial services - advice on how to secure one's capital, how to manage one's resources, how to save in order to fund one's old age period.

Within the framework of the silver economy, it is also necessary to distinguish those segments that are related to the provision of health care and long-term social care for dependent persons. The literature also increasingly draws attention to the need for the development of senior (assisted) construction and the adaptation of public space to the needs of older people.

Analyzing these areas of the silver economy, it can be concluded that they should also be spheres of activity of public authorities within the framework of senior policy, most often defined as a set of purposeful activities of public administration bodies of all levels and other organizations and institutions that carry out tasks and initiatives that shape the conditions for dignified and healthy aging. Senior policy is therefore understood broadly, i.e. as a set of activities during the whole lifetime of a person, leading to the provision of conditions for prolonged activity, both professional and social, and for an independent, healthy and safe life of the elderly.

According to M. Maier, when defining social policy towards older people, particular attention should be paid to actions taken by public entities, which should be directly related to meeting the needs of seniors (Maier, 2015). It should be noted that the aim of this policy is to *"create - for now and for the future - conditions for satisfying the needs of the elderly and shaping appropriate relations between the older generation and the younger generations by reducing dependence of the elderly on the younger ones"* (Szatur-Jaworska, 2000).

The basic objective of senior policy in Poland is supporting and ensuring the possibility of active and healthy aging and the ability to continue to lead an independent and fulfilling life, even with some functional limitations. It should aim to create optimal conditions to meet the needs of the elderly while counteracting the phenomenon of social exclusion. Measures implemented under social policy should not only secure the satisfaction of basic needs independent of age, but also support individuals in order to solve problems typical for that age, at the same time ensuring that the elderly have a proper position in society, conducive to dignified and active aging (Maier, 2015).

Senior policy, as already noted, should be built from top (by the central government), but also from bottom, primarily at the local (municipal) level. It should



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take into account local specificities and the local demand of seniors for public goods and services (Celtycka, 2014). Social policy for older people should include taking a number of measures to improve the material and social situation of older people, to ensure access to health care, and to enable them to maintain professional, social, educational, cultural and sporting activity.

### **3. Research Methodology**

In order to achieve the adopted aim of the study, a group of methods typical of social sciences, i.e. empirical cognition methods, was used. Moreover, in the area of legal regulations analysis, the legal-dogmatic method was applied. Firstly, the authors defined and identified the research problem and research questions. They then carried out proper work on the analysis of the collected empirical material.

In the initial part of the study, the method of examining documents, especially legal documents relating to the bases for implementation of senior policy in Poland, both at the international and national level, was used. A brief literature review was then carried out on the silver economy and on senior policy and its instruments. On the basis of the analysis and criticism of the literature, the authors conducted an analysis of senior policy instruments used in Poland at the municipal level.

On this basis, they assessed the senior policy - both in terms of the legal regulations in Poland and the instruments of this policy used by municipalities. In the final part of the study, using the method of induction and deduction, they developed guidelines/suggestions which, in their opinion, may contribute to the cohesion and introduction of a real comprehensive senior policy in Poland implemented at the local level - especially the basic local government unit, i.e. the municipality.

### **4. Results**

Municipality is a local government unit that is closest to the community living in its territory. The involvement of local government allows to diagnose the situation and needs and to adapt measures to the local conditions and needs of older people. In this context, the tasks of municipalities and the economic activities undertaken within the framework of the senior policy should be analyzed - over the legal and economic instruments of that policy.

Municipality is the lowest level of local government and at the same time has a special position in the structures of public administration. This is indicated above all by the fact that as the only local government unit it was constituted and named in the Constitution of the Republic of Poland of 2 April 1997. The legislator assumed in art. 166 of the Constitution that the basic unit of local government is municipality (gmina), and that municipalities shall perform all the tasks of local government not reserved for other local government units. The construction of the presumption of the municipality's jurisdiction in all matters of local government not reserved for

other local government units (Haczkowska, 2014), which have not been named in the provisions of the Constitution, was used. Therefore, it can be said that the provisions of the Basic Law constitute an argument confirming the basic and priority importance of municipality for the implementation of state tasks at the local level.

In the provisions of the statutory rank, i.e. in the Act of 8 March 1990 on Municipal Self-Government (u.s.g.), municipality is defined as a self-government community and a relevant territory, performing public tasks on its own behalf and on its own responsibility, having legal personality, whose system is provided for in the statute (Articles 1-3 of the Act on Municipal Self-Government). This legal act also emphasized the general competence of municipalities to carry out the tasks of the local government. This is provided for in Article 6 of the Act on Municipal Self-Government, according to which the scope of the municipality's activities includes all public matters of local importance, not reserved by law for other entities. It is an entity equipped with competences in the field of administrative law and with civil law personality (Chmielnicki and Kisiel, 2013).

In order to determine the role of municipality in the context of the issue of implementing local senior policy, a prior analysis of the tasks that are carried out by municipalities, based on the provisions of the Act on Municipal Self-Government, had to be made. At the outset, the division of local government tasks into own tasks and commissioned tasks, derived from the provisions of the Constitution, should be noted.

This division is unfortunately not based on clear and unambiguous criteria. The division is not facilitated by the fact that there is no catalog enumerating own and commissioned tasks of municipalities. In the case of own tasks, the content of Article 166 sec. 1 of the Constitution shapes them as public tasks serving to satisfy the needs of the self-government community, while the content of Article 7 of the Act on Municipal Self-Government defines them as satisfying the collective needs of the community. As far as the commissioned tasks are concerned, this refers to commissioning local government units to perform other public tasks through an Act, if this results from justified needs of the state (Article 166 sec. 2 of the Constitution). This concerns, above all, activities relating to the organization of preparations for and holding of general elections and referendums, together with the receipt of financial resources to carry out the tasks.

The catalog of own tasks included in the content of art. 7 of the Act on Municipal Self-Government is an open catalog containing 20 tasks defined in a rather general way, which does not provide a full picture of them. Representatives of the legal science make attempts to categorize the municipality's own tasks, most often dividing them into four categories of issues related to: technical infrastructure (including roads, water lines, public transport), social infrastructure (including schools, health care, social welfare), public order and security (including fire and

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flood protection), spatial and ecological order (including housing construction, environmental protection) (Niewiadomski, 2011).

Making general remarks concerning the tasks of the municipality, to the specific task, which is the realization of the assumptions of the senior policy, it should be said that none of the 20 own tasks of the municipality listed in art. 7 of the Act on Municipal Self-Government refers directly and exclusively to the realization of the needs of the elderly. As a result, it must be considered that the provisions of this Act do not shape the legal instruments of senior policy in municipalities (addressed only to seniors). However, with such generally defined own tasks of the municipality one can have an impression that virtually all tasks from the catalog of the municipality's own tasks may concern older people (Zrałek, 2016). For example, municipal housing construction or public transport issues may include the situation of older people with physical disabilities, while culture and tourism issues may involve activity of seniors, and social assistance and health care are areas where older people find themselves on a daily basis.

The lack of shaping of legal instruments of senior policy in the provisions of the Act of fundamental importance for municipalities may result in the fact that they will not treat the problem of seniors as a serious challenge related to the observed dynamic aging of society. In this context, legal regulations seem not to meet their assumptions; they function inefficiently, they do not create a uniform framework and requirements for all municipalities in Poland, leaving a wide scope for regulation of local law acts or causing public administration authorities to overlook this issue.

In fact, the only direct reference of the provisions of the Act on Municipal Self-Government to the issue of activities carried out for the benefit of the elderly is the content of art. 5c of the Act on Municipal Self-Government which provides for municipal councils of seniors. It was added to the Act in 2013. The explanatory memorandum to the draft Act introducing municipal councils of seniors shows that one of the challenges for senior citizens is their civic activation in the environment of their place of residence, the legislator's task is to promote the idea of representation of senior citizens at local government bodies, and municipal councils of seniors shall represent the needs of senior citizens in front of local government authorities and formulate opinions and standpoints concerning municipality development plans (Explanatory Memorandum to the draft Act on Municipal Self-Government). The provisions of art. 5c of the Act on Municipal Self-Government clearly indicate the optional nature of senior councils, as they may be set up by the municipal council, either on its own initiative or at the request of the communities concerned. Moreover, the legislator gives the municipal council of seniors a consultative, advisory and initiative character. A councils of seniors is composed of representatives of the elderly and representatives of entities acting in favor of the elderly, in particular representatives of non-governmental organizations and entities running universities of the third age.

According to the data of the Ministry of the Interior and Administration, at the end of 2018, there were 338 municipal councils of seniors in Poland, i.e. they were established in 13.64 % of municipalities (Ministry of Family, Labor and Social Policy, 2019). This number has increased significantly over the last two years (in 2016 there were 197 councils).

The literature recognizes the advantages of the functioning of municipal councils of seniors and the possibility of influencing the implementation of senior policies in municipalities. It is pointed out, *inter alia*, that the activities of councils of seniors influence the development of mechanisms of cooperation between the municipal authorities and entities acting for the benefit of the elderly or directly with the elderly. Moreover, exploiting the potential of the elderly can improve the active aging index (AAI) (Augustyniak, Barczewska-Dziobek, Czerw, Maroń and Wójtowicz-Dawid, 2016). It is worth noting, however, that the literature also criticizes the addition of art. 5c to the Act on Municipal Self-Government. It is argued that there is no reasonable justification for the sudden special care being taken to popularize the idea of representation of seniors in local government bodies and that there are doubts about the equality of other social groups (Dolnicki and Marchaj, 2018). Moreover, neither the Act on Voivodeship Self-Government nor the Act on District Self-Government contain provisions authorizing the appointment of councils of seniors.

It turns out that despite the fact that the implementation of senior policy at the level of municipalities is not separated as a statutory own task, in the context of demographic changes and the problem of an aging society in Poland, the state sees the importance of the issues discussed here and verifies the standards of implementation of senior policy in municipalities, as evidenced by the audit of the Supreme Chamber of Control in 2015. Its subject was to provide assistance to the elderly by municipalities and districts (Supreme Chamber of Control, 2016). The general assessment of the controlled activity shows that the standards of enabling elderly people to use care services are met, but local government units do not create their own care systems, alternative to nursing homes. Municipalities made very little use of the possibility to create various organizational forms of assistance such as protected flats or day care centers. As a consequence of the lack of involvement of municipalities in the diversification of forms of assistance, the spending of municipalities on the stay of older people in nursing homes is growing rapidly. The Supreme Chamber of Control stated that support systems for the elderly should be built on the basis of a local diagnosis of the situation, and the tool for shaping the policy of municipalities towards the elderly are strategies for solving social problems which are not properly implemented in practice (Supreme Chamber of Control, 2016).

Summarizing the above remarks, it can be concluded that despite the fact that the catalog of the municipality's own tasks (art. 7 of the Act on the Municipal Self-Government) does not include tasks clearly targeted at the needs of the elderly, and

none of the tasks of the municipality listed in the catalog refers directly and exclusively to the situation of the elderly, the role of the municipality in the context of the implementation of the local senior policy is essential and fundamental. In other words, it is the municipality that implements senior policy in the broadest sense. This is evidenced, firstly, by the fact that such tasks have not been reserved for other local government units and, secondly, by the fact that the needs of the elderly fit in with each of the municipality's own tasks listed in art. 7 of the Act on Municipal Self-Government, for example, health care, social assistance, family support and culture.

This is also supported by the principle of the basic character of municipalities, the principle of presumption of the municipality's jurisdiction, as well as the closest relationship between the local community and the municipality. Therefore, it is safe to say that the activities of other levels of local government in Poland, i.e. districts and voivodeships play a complementary and supportive and not a priority role in terms of implementing senior policies (Kuś and Szwed, 2012). This is most visible in comparison with the role of voivodeship, which has tasks of a planning and strategic, not implementing character.

Despite the lack of separate statutory tasks of municipalities for the benefit of the elderly, within the framework of a not strictly regulated senior policy, municipalities undertake various activities related to the improvement of the material and social situation of seniors, ensuring access to health care, as well as making it possible to maintain professional, social, educational, cultural and sporting activity. They are, as already noted, undertaken at central level, under various types of national programs (they are not a subject of the analysis), as well as at local level. A significant part of activities in municipalities is financed from central funds, e.g. Senior +, Wigor+, the Government Program for Social Activity of Senior Citizens (ASOS), Opieka 75+, etc.

It is extremely difficult to undertake an analysis of the economic instruments of senior policy used by municipalities, as there is no uniform, coherent source of information on this subject, and legal instruments are just as fragmentary and dispersed. Although municipalities adopt local social policy strategies, including those for the elderly, they do not report on the effects of their implementation. Nevertheless, the results of the analysis of economic instruments used by municipalities in Poland on the basis of data presented by Statistics Poland and the Ministry of Family, Labor and Social Policy are presented below. According to the Ministry, municipalities should carry out local activities consistent with central activities, consisting in:

- shaping a positive perception of old age in society;
- increasing the participation of older people in social life and supporting all forms of civic, social, cultural, artistic, sporting and religious activities;

- creating conditions for exploiting the potential of older people as active participants in economic life and the labor market, adapted to their psychophysical abilities and family situation;
- health promotion, disease prevention, access to diagnostics, treatment and rehabilitation of seniors;
- increasing physical security - preventing violence and neglect of the elderly;
- creating conditions for solidarity and intergenerational integration;
- acting for education for the old age (care and medical staff), to the old age (the whole society), through the old age (from the youngest generation) and education in the old age (the elderly);
- ensuring optimal access for seniors to health, rehabilitation and care services adapted to the needs of older people, especially those who are dependent;
- providing a network of community and institutional services to dependent elderly people;
- providing a support system for informal carers of dependent older people by public institutions.

The implementation of the indicated scope of activities requires the municipalities to use various types of instruments. Neither their catalog nor their scope has been identified or defined so far. Each local government unit decides in quite a free way on the implementation of measures for the elderly, sharing good practices in the information on the elderly sent through voivodes to the Ministry of Labor, Family and Social Policy. The scale of the initiatives undertaken, apart from the obligatory ones resulting from legal regulations, usually results from the amount of financial resources available to municipalities.

The economic instruments used by municipalities for the benefit of seniors can be divided into those related to:

- social assistance for the seniors in the most difficult financial situation - i.e. support due to poverty, disability or long-term and severe illness (permanent, temporary, designated and special designated benefits);
- long-term care for people in need of permanent care - provision of care and financing of stays in nursing homes, day care center, day support centers, communal homes of mutual aid, protected flats, residential care services);
- maintaining or improving the socio-cultural activity of seniors - financing various types of projects meeting the needs of self-development, cultural, educational, civic and integration activities, e.g. purchase of tickets to cultural institutions, organization of Universities of the Third Age;
- promotion of activity of elderly people - e.g. maintenance and financing of senior citizens' homes and clubs, introduction of the so-called senior citizens' cards entitling to discounts in the use of public sports and recreation facilities, e.g. swimming pools, ice rinks, etc.

In order to illustrate the scale of the use of the described instruments by Polish municipalities, the following data refer to the volume of social assistance for the elderly, infrastructure resources of long-term care and selected instruments for activation of seniors. Only such data are available, but to a limited extent.

Taking into account the amount of pensions paid to Polish pensioners (in 2018, the average non-agricultural social security pension was PLN 2323 gross<sup>6</sup>, accounting for 58% of the average salary in the national economy), many Polish seniors need financial support. Nearly 95 thousand elderly people benefited from cash benefits in the form of permanent allowances in 2018, of which the majority are seniors living in single-person households (77.7%). The value of permanent benefits paid to the elderly in 2018 amounted to over PLN 389 million, 91.5% of which went to seniors living in single-person households (SP, 2020). Relating the number of elderly people receiving social assistance to the total number of seniors, it can be concluded that they accounted for less than 1% of the population of people aged 60 and over.

Due to their state of health, and in view of loneliness and lack of possibility for their relatives to provide them with care, older people often are forced to receive care in stationary social welfare institutions. In the case of low income of seniors, the costs of their stay in such facilities are covered or subsidized by municipalities. At the end of 2018, there were 1831 stationary social welfare institutions in Poland, including 876 nursing homes and 364 institutions providing 24-hour care for the disabled, the chronically ill or the elderly. In 2018, more than 7 people in the senior age per 1000 people in this age group benefited from stationary social welfare institutions (SP, 2020). The number of people who wish to benefit from institutional assistance and support resources generally exceeds the number of places offered.

The degree of satisfaction of these needs is lower than the reported demand, which is evidenced by the value of the needs satisfaction rate for places in nursing homes, which amounted to about 63%. The highest needs satisfaction rate for places was achieved by 24-hour care facilities, where the value amounted to nearly 90%, while the lowest rate was reported by family help homes, at only 59%, which resulted mainly from the number of places in those facilities. When analyzing the data concerning places in nursing homes in comparison with the number of elderly people, it should be stated that the number of places in care institutions per 10 thousand of the population aged 60+ has been gradually decreasing in recent years. Within seven years, the number of places decreased by 14 per 10 thousand people aged 60+, which is a 13.5% decrease. The situation is similar in the case of day care centers, where since 2010 a slight decrease in the number of places was noted, from 19.1 to 17.9 places per 10 thousand people aged 60+. The number of places in other 24-hour care facilities per 10 thousand people aged 60+ increased from 7.3 to 11.1. Also in long-term care facilities, the number of places per 10 thousand people aged 60+ increased from 34.6 to 38.5 (SP, 2018).

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<sup>6</sup>*Exchange rate: 1 PLN = 0.23 EUR.*

However, it should not be forgotten that senior policy should not only relate to material assistance and care for the elderly. It should also use instruments to support all kinds of activities (cultural, educational, sporting, etc.) of seniors. Municipalities carry out very dispersed and ad hoc activities in this respect, and do not present such information in an orderly manner in any reporting. It should be noted that senior citizen's cards are quite willingly introduced in municipalities. Their aim is to build a friendly climate for families and seniors by introducing a system of universal discounts and reductions in fees for services related to culture, education and health, mainly in institutions subordinate to municipalities and other local government units and other public and private entities providing the so-called senior services. However, no data is available on the number of cards issued, let alone the frequency of their use and the amount of support granted to senior citizens as a result of the discounts granted.

One of the forms of activation of the elderly is also creating and ensuring the functioning of education within the so-called Universities of the Third Age (UTW). They maintain the commitment of their students to social life and enable the use of the numerous skills accumulated in earlier stages of their lives. In the academic year 2017/18 there were 640 Universities of the Third Age in Poland. Out of the existing Universities of the Third Age, 380 received subsidies from local government units, and for 148 this was the main source of financing (i.e. 23%). They operate under different organizational and legal forms. Nearly 18% of the Universities of the Third Age operated in cultural centers, and less than 2% in libraries and other units established by the municipality office. The number of students of the Universities of the Third Age aged 61 or more amounted to nearly 98 thousand (SP, 2019). In the academic year 2017/2018, there were nearly 15 thousand people aged 60+ per one University of the Third Age, on average. Taking this scale into account, it can be concluded that the number of such institutions is insufficient, but the main problem of their functioning, as indicated by the Universities of the Third Age, is insufficient financial resources and insufficient income of students making it difficult for them to pay fees.

Noticing the growing population of seniors in their area, municipalities also organize various types of events and launch programs, most often financed by non-returnable EU aid, promoting healthy lifestyle, physical activity, and providing leisure time activities for the elderly. Yet these activities are treated as peripheral and marginal.

## **5. Conclusions**

The analysis of legal regulations and the instruments of senior policy utilized by municipalities in Poland allows us to conclude that this policy is not fully coordinated and is not comprehensive and sufficient (adequate) for the needs of seniors. It is rather ad hoc, unstable and selective. There is no coherent senior policy in place in Poland that would address the issue of the aging of the society, and what is more - there is no strictly social policy that would be treated as an adjustment



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element of this type (Maier, 2015). Regulations concerning seniors are dispersed and fragmentary.

The generally binding legal regulations concerning the functioning of a municipality do not directly indicate the instruments by which senior policy in municipalities is implemented. It can be said that the needs of the elderly generally fit in with the municipality's own tasks included in art. 7 of the Act on Municipal Self-Government. Therefore, it seems that at the level of the Act's provisions there is no specific approach of the legislator to the implementation of senior policy. Its instruments can be interpreted from the general catalog of the municipality's own tasks, moreover, they are the subject of regulations of other acts, as well as ordinances of local law, therefore their character is not uniform but diversified, and largely depends on the financial capabilities of a given municipality.

This does not mean, however, that municipalities have full freedom in this respect and their actions are not subject to verification - for example, in 2015 the provision of assistance to the elderly by municipalities and districts was the subject of audit by the Supreme Chamber of Control. The only direct reference to the situation of the elderly in the provisions of the Act on Municipal Self-Government is the content of art. 5c of the Act, which provides for municipal councils of seniors. Their functioning, according to the legislator's assumptions, is to be an expression of the municipality's support for intergenerational solidarity and the creation of conditions for stimulating civic activity of older people in local communities. It would therefore be appropriate to examine whether senior councils in municipalities are not in practice facade councils. After several years of senior councils, their pros and cons can already be seen.

Comparing the senior policy instruments currently used by municipalities with the measures indicated by the Ministry of Family, Labor and Social Policy in this respect, it can be concluded that the latter so far constitute only a collection of "unfulfilled wishes". On the one hand, this is due to the aforementioned lack of legal bases and, in principle, the determination of municipalities' tasks in the area of senior policy, and, on the other hand, to the shortage of financial resources of municipalities in relation to the tasks assigned to them. Defining and identifying the tasks and institutions responsible for their implementation within the framework of senior policy seems to be an increasingly urgent task. The growing proportion of seniors among the population of Poland should prompt the legislator to take action to prepare public authorities (at all levels) to provide services to an aging society.

One should also take into account the level of development of the economy in Poland, which for many years will not keep up with the needs of the aging society. Just as in the area of health care, it will not always be possible to meet the needs of seniors in an optimal way. The insurance sector can only be helpful for some seniors and for some needs. The main burden of meeting the growing needs of the elderly,

including the oldest age group (over 85), will lie with the state (including basic local government units).

In conclusion, in order to achieve the coherence of senior policy, as well as comprehensiveness and long-term nature of the policies implemented at the various levels, the following actions are needed:

1. Consider preparing a comprehensive Act on seniors. The Act should exhaustively regulate the issue of senior policy, not leaving important issues concerning seniors out of the scope of its regulations. In this rank of sources of law it is necessary to create regulations from which legal norms can be interpreted, both for public authorities and other entities which are in charge of the implementation of senior policy.
2. The law should include a general part where the basic concepts for senior citizens and the principles of senior policy would be defined. They would apply in lower rank legislation and in all strategies or programs concerning seniors. The general part of the Act should consider whether age should actually be the only criterion for defining people as seniors. This criterion does not seem to reflect the real problems of seniors. It is also necessary to examine whether it is appropriate to establish in the Act certain reliefs or privileges for seniors who are unable to function independently.
3. The detailed part of the Act should present the scope of duties of public authorities (including municipalities) and other entities in the area of implementation of activities for the benefit of seniors. The principles and sources of financing of the objectives set, as well as the responsibilities for failure to fulfill the tasks and obligations set out in the Act cannot be overlooked.
4. Provide local government units, especially municipalities, with instruments, including perhaps a part to be enforced obligatorily, to implement a real policy for older people - clearly regulated by law.
5. The allocation of tools for use by municipalities for the benefit of older people must be supported by the allocation of adequate financial resources. According to the authors, only if both of these elements are ensured, it will be possible to meet the needs of older people at least to a basic extent. This is all the more important because older people have limited financial resources to meet them due to insufficient level of income and frequent loneliness (no relatives to support them financially).

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