

LABOR et EDUCATIO

nr 6/2018

STUDIES

Piotr Tomasz Nowakowski*

ORCID 0000-0003-1578-6707

University of Rzeszów, Poland

Mariusz Gajewski**

ORCID 0000-0002-8084-6537

Pontifical University of John Paul II in Kraków, Poland

The Importance of Work in Prison Isolation Conditions: the Polish Aspect

Znaczenie pracy w warunkach izolacji więziennej: aspekt polski

Introduction

The overarching purpose of a custodial sentence has always been social isolation (also retaliation to some extent), whereas the preparation of an inmate for life has been a humanitarian and socially justified (however, additional) goal (Machel, 2007). Social rehabilitation work carried out in Polish penitentiaries expresses the fundamental conviction that despite the evil done, a convict does

* PIOTR T. NOWAKOWSKI, Ph.D., Associate Professor, The University of Rzeszow, Poland; e-mail: nowakowski@maternus.pl

** MARIUSZ GAJEWSKI, Ph.D., Pontifical University of John Paul II in Cracow, Poland; e-mail: marigajewski@gmail.com

not lose their dignity and the chance to reflect upon the committed act, and their social rehabilitation is possible thanks to appropriate efforts (Neal, 2018; Wakefield & Apel, 2016; Gajewski, 2007). The effectiveness of the rehabilitation and therapeutic activities in prison isolation conditions, being the basic living environment of convicts, depends on many psychological, social (including family-related) and institutional variables (Gavin, 2013; Siegel, Welsh, & Senna, 2006). A prison is an example of a total institution. (Goffman, 2011) A sense of loneliness, social rejection, a feeling of being lost and humiliation are mentioned amongst the first feelings of a convict that enters a facility of this type (Johnsen, Granheim, & Helgesen, 2011). There is no single model of experiencing the difficult situation that is prison isolation. Research conducted by Zbigniew Kuźma (2000) indicates that the following belong to the most oppressive restrictions resulting from a stay in a prison: loneliness (29% of participants), reduced activity in the penitentiary (16%), an obligation to wear apparel and footwear provided by the prison (11%) and limited visits (almost 10%). Other authors generally include the processes of stigmatisation, standardisation, degradation and depersonalisation amongst the major psychological consequences of prison isolation (Wexler & Prendergast, 2010; Ciosek, 2003; Gillespie, 2003).

Prison isolation occasionally has a negative impact on the mental and social functioning of convicts (Kozaczuk, 2009). A noticeable regression, withdrawal from life, questioning of the point of working on oneself/cooperation with others are present particularly in cases where there are difficulties with organising a specific activity or job for the convict (Ostrowska, 2010). Therefore, in this paper, we will discuss the issue of work which is, so to speak, a personal privilege and an obligation of all human beings, since it is through nothing other but work that they develop their innate abilities and improve internally. Work not only develops a person but also builds a community – from a family to a worldwide human community. Thus, it also appears to be a social obligation and should be formed in such a manner so as to serve the human, so that, as explained by Włodzimierz Dłubacz, “they become more human, and not degenerate through it” (2003, p. 13).

Legal basis for the employment of convicts

In contemporary prison law doctrine, work is considered to belong to the most important measures of social rehabilitation (Machel, 2003; Urban, 2005). In light of the Executive Penal Code (EPC), when sending a convict to work, if possible, one should have regard for their profession, education, interests and personal needs. What is appropriate is to ensure employment primarily to convicts obliged to pay maintenance, and also those with a particularly difficult financial, personal or family situation (Article 122 § 1–2 of the EPC). As stated in § 37(1) of the Regulation of the Minister of Justice on the rules and regulations of administering a custodial penalty, when sending a convict to perform an appropriate type of work, the following are considered: age, sex, length of sentence remaining to be served, as well as order and security-related considerations. What is also undisputed is the fact that the place of employment of prisoners depends on the category of prison and type of sentence imposed. Convicts can perform work on the premises of the penitentiary, in prison industrial workshops, outside their facility, or can be employed by selected natural persons. Many inmates, for security reasons, are not eligible to work outside their penitentiary. Pursuant to Article 122a § 2 of the EPC, convicts are obligated to: (a) work conscientiously and efficiently; (b) follow the discipline, work regulations, order regulations, fire regulations, as well as occupational health and safety regulations; (c) keep things in order in the workplace, as well as look after the condition of operated machinery and equipment. Furthermore, according to Stanisław Paweł (2007), work performed by them should be: productive, i.e. allow the convict to understand its need and utility; organised with the future of the convict in mind, i.e. employ forms and methods of labour that will be as similar as possible to those outside the penitentiary; appropriate, i.e. as adequate as possible to the professional competences of the convict and useful in later work outside the penitentiary. Moreover, it cannot constitute additional discomfort for the convict and is subject to the same protection as work performed outside the penitentiary.

The rules of remuneration for performed work are included in an agreement put together by the penitentiary superintendent or in an agreement entered into by the convict. In the case that the convict is sent to administrative and cleaning work on the premises of the prison, the amount of their remuneration is decided by the superintendent of the facility. The employed is entitled to

remuneration for full-time or part-time work, proportionally to the number of hours worked (Article 123 § 1–2 of the EPC). The convict is entitled to a 7% deduction from the remuneration for purposes of the Victim Assistance and Post-Penitentiary Assistance Fund, also known as the Justice Fund (Article 43 § 8(2) of the EPC), and 45% for purposes of the Fund for Vocational Activation of Convicts and Development of Prison Industrial Workshops, established pursuant to Article 6a of the Act dated 28 August 1997 on the employment of persons in custody. Moreover, the Executive Penal Code stipulates that the money received by the convict is put aside to later hand over to them when they are released from prison. Those funds are saved up to the amount of one monthly remuneration (Article 126 § 1).

Paid employment does not have to be the only form of professional activity for convicts. Another type of work performed is unpaid and supervised community service. This issue is governed by Article 123a § 1 of the EPC, indicating that the convict is not entitled to remuneration for cleaning work and ancillary work performed for organisational units of the Prison Service or for community service for: (1) a local government; (2) entities for which a commune/municipality, a county or a province is the founding body; (3) state or local government organisational units; (4) commercial companies owned exclusively by the Treasury, a commune/municipality, a county or a province. Article 56 § 3 of the EPC stipulates that this form of work can also be performed for institutions or organisations representing a local community and in educational and upbringing institutions, youth upbringing institutions, youth sociotherapy centres, healthcare entities within the meaning of provisions on medical activity, social support organisational units, foundations, associations and other public utility institutions or organisations that provide charitable assistance. This work can also be performed for entities other than those listed above, provided that they have been entrusted with the execution of a commune/municipality's own tasks (Article 56 § 4 of the EPC). The condition is that this work cannot exceed the limit of 90 hours a month, although the penitentiary superintendent can permit the convict unpaid employment involving longer working hours based on written consent or at the request of the latter.

Vocational activation schemes

In order to generate motivation in convicts to actively look for work, develop the skills to get and keep it, as well as to treat it as the key source of livelihood for themselves and for their families, vocational activation programmes are implemented in many Polish prisons. An example of such a programme is the Vocational Activation Educational Programme (Pol. *Program Edukacyjny Aktywizacja Zawodowa*) implemented at the prison in Wrocław, which was aimed at adult and adolescent men sentenced for the first time, with six to nine months of their sentence remaining, who had been unemployed before getting arrested, and who had found it difficult to find a job (Machel, 2007). The Economy for Freedom (Pol. *Ekonomia ku Wolności*) programme was a fairly innovative project that envisaged the vocational and social activation of convicts and persons released from prison, using the tools of social economy. The main goal of the scheme was to prepare convicts to enter the labour market after their return to freedom and increase their social skills. It included measures to promote social entrepreneurship, overcome stereotypes regarding excluded persons, and join local forces to solve social problems and set development directions (Ośrodek Wsparcia Ekonomii Społecznej, 2014). An original project was the one implemented by the prison in Wołów in collaboration with the Polish Society of Friends of Nature “Pro Natura,” i.e. a scheme called Black Sheep (Pol. *Czarna owca*), the aim of which was to prepare convicts to breed sheep on their own and work on a farm (Rekosz, 2010).

In 2001, the prison in Rzeszów got involved in the international programme of vocational and social reintegration for women, i.e. the CREIN project which arose as a result of cooperation under the Leonardo da Vinci EU programme. It had pragmatic and research objectives; its principal pragmatic objective was the improvement of training methods and the development of procedures used to increase the prospects of female inmates in the labour market. The project was aimed at convicts who had showed clear and strong motivation to take up work. Eight inmates from the semi-secure unit participated in it (Potępa, 2005). Furthermore, the implementation of a social rehabilitation programme aimed at women, called Bona, was undertaken at the prison in Lubliniec. For a part of the inmates, volunteer work in a social care home for disabled children was envisioned. The principal goal of that initiative was for the women to

achieve improved functioning in the following spheres: cognitive, emotional, and social. The administration filled out a special questionnaire for each participant with information on their health, motivation to participate in the programme, care-related predispositions, experience in work with children, interests, licences, and abilities. Thus, the selection of volunteers was not random (Machel, 2007).

The above projects were described only to illustrate the activities of selected institutions. However, it is impossible not to mention the nationwide programme called Work for Inmates (Pol. *Praca dla więźniów*), initiated in 2016 by the Ministry of Justice. Its aim is to support the broadly understood social rehabilitation of persons staying in prisons and custody suites, in particular their vocational activation. It appears from the data shared by the Prison Service at the end of December 2018 that employment increased by almost 12,000 people in under two years since the implementation of the programme, whereas the rate of employment of convicts exceeded a never before seen value of 57.2%. Currently, over 37,300 people in custody perform professional work. At the same time, a very positive side effect emerged, i.e. the living costs of the inmates borne by Polish citizens, which has been previously indicated by taxpayers as a serious problem, are decreasing thanks to the programme. The implementation of the Work for Inmates programme is financed primarily by convicts themselves, and not from taxpayers' money. Therefore, the more convicts work, the larger the amounts deducted from their remuneration and allotted to the Fund for Vocational Activation of Convicts and Development of Prison Industrial Workshops.

Benefits of convict labour

At this point, we will try to answer the question of what practical benefits convict labour brings in addition to the above-mentioned relief for the Treasury. What we have in mind are both benefits for the convict and a specific penitentiary where they happen to serve their sentence. To this end, a dual division into tangible and intangible benefits will be employed, as work brings with it not only touchable values, the result of transformation of the world but primarily personal values, transforming and improving the humans themselves (Nowakowski, 2005).

The category of intangible benefits includes most of all the inmates' opportunity to acquire funds from paid employment. They receive remuneration for the work they perform, in accordance with the provisions of the Executive Penal Code and the Regulation of the Minister of Justice dated 9 February 2004 on specific rules for the employment of convicts. The funds earned increase the chance of proper functioning in society after their release and make it possible to repay financial obligations, as well. It may happen that a tangible result of convict labour, which is pointed out by Izabela Wrzosek (2011), are their personal achievements that also constitute a certain kind of tangible benefit, i.e. manuscripts, literary works, works of art, and patents. On the other hand, penitentiaries use convict labour mainly in an indirect manner. The activity of convicts results in the development of a penitentiary's infrastructure and the improvement of living conditions, which positively affects the functioning of the prison. What constitutes a measurable profit are the proceeds from deductions from remunerations for the benefit of the above-mentioned funds, repairs and renovations carried out by convicts for their facility, keeping order in the prison, help in organising activities as well as other work for the penitentiary and fellow prisoners (Wrzosek, 2011).

Intangible benefits are harder to quantify and measure, but they become obvious in light of the results of evaluation processes carried out by correction officers. What has to be included amongst the advantages of professional activity of convicts are development of identity, attitudes, beliefs, life goals, recognised values, the attitude towards the world and other people (Pstrąg, 2014). In addition, as Rafał Żywica rightly observed, work "often gives the opportunity to serve the sentence outside the walls of a penitentiary, in external employment. The duration of the sentence seems to be shorter then. Nevertheless, not everyone can appreciate the opportunity which employment while serving a sentence provides, treating it as a necessary evil" (2012, p. 64). Indeed, work in conditions of prison isolation reduces everyday monotony, prevents boredom and loneliness, and is an important factor preventing deprivation of needs. Work also helps develop sensitivity and interpersonal skills, acquire skills to recognise one's own emotions and those of others, provides a way in which to vent frustration, and raises self-esteem (Glińska-Lachowicz, 2008; Grabias, 2006; Węgrzyn-Białogłowicz, 2006). Professional activity makes one realise the value of legal, honest and socially valued work, allows one to maintain a sense of responsibility for actions performed, peaks interests, and allows for

the acquisition and development of professional qualifications, which can be used successfully after release. Moreover, cooperation entails the ability to acquire the skills to work in a team, teaches healthy competition, regularity, conscientiousness, and how to value one's own work and that of others; whereas the feeling of being valuable and needed increases along with the increasing effort put into the entrusted tasks (Glińska-Lachowicz, 2008; Grabias, 2006; Wróbel-Chmiel, 2017; Żywica, 2012).

The results of research conducted by Izabela Wrzosek (2011) among penitentiary superintendents are interesting. Her participants observed the following benefits of convict labour: a change in approach to reality, a change in the perception of social relations, improved well-being, increased self-esteem, satisfaction of the need to exercise and be active, constructive management of free time, comfort of leaving the cell, revision of antisocial behaviour, low contentiousness, learning how to work in a group, improved communication and the ability to establish constructive interpersonal relations, respect for work and workers, acquisition of skills to perform practical work, a feeling of being needed by society, a sense of satisfaction with performed work. The changes that take place in inmates' personalities under the influence of work also include an added value for the penitentiaries themselves. In that regard, the most visible intangible benefits listed by the participants included: a change in public awareness regarding inmates, a good opinion of the local community about the facility, increased public confidence towards the prison system, and, finally, positive parole and permission statistics.

Conclusion

Work performed during a stay in prison is a source of satisfaction, as well as a source of qualifications and livelihood for convicts. It provides an apprenticeship opportunity, is a legal way to improve financial situations, a plane to establish ties of friendship, as well as allows one to maintain physical and mental fitness. Yet, it becomes a therapeutic measure in conjunction with other correction and social rehabilitation interactions (Odyniec, 2008). Benefits perceived from the outside, which result from the work performed by convicts, are mutual, as not only inmates take advantage of its effects but also penitentiaries that reap benefits of employing cheap labour force and provision of services for the benefit of society (Glińska-Lachowicz, 2008). On the other hand, it should be borne in mind that the work be paid and consistent with

the qualifications and interests of inmates, as well as that it guarantees fair remuneration. Meeting these expectations is not always possible in Polish penitentiary conditions. It is worth taking special care to find adequate work for inmates serving long custodial sentences. Over time, they lose needed support from loved ones and exactly at that time work, becoming one of the basic forms of activity, gives meaning to their lives and, most importantly, enables them to satisfy their current financial needs, contributing to the post-penitentiary fund at the same time (Wróbel-Chmiel, 2017). When looking even further at work as a correction method, one has to conclude that it has a significant advantage in the form of the ability to adapt it relatively easily to the individual needs of the inmate and their penitentiary; what is meant here are the personal predispositions of a person undergoing social rehabilitation influences, their skills and professional experience gained during the period of free life as well as the financial and infrastructural opportunities of their facility (Glińska-Lachowicz, 2008).

Abstract: The paper touches upon the issue of work of persons serving a sentence in Polish penitentiaries. The authors state that a prison is an example of a total institution. Discussing legal, psychological and pedagogical aspects of human work, the specificity of convict labour was analysed considering convicts' vocational activation, as well as tangible and intangible benefits arising out of the employment undertaken. Ethical and social aspects of work in prison isolation conditions were listed as well.

Keywords: penitentiary isolation, convict labour, vocational activation of convicts, Polish prison system

Streszczenie: W artykule poruszono problem pracy osób odbywających karę w polskich zakładach penitencjarnych. Autorzy wskazują, że więzienie stanowi egzemplifikację instytucji totalnej. Omawiając prawne, psychologiczne i pedagogiczne aspekty ludzkiej pracy, poddano analizie specyfikę pracy osadzonych z uwzględnieniem kwestii ich aktywizacji zawodowej oraz materialnych i niematerialnych korzyści płynących z podejmowanego zatrudnienia. Wskazano również na etyczne i społeczne aspekty pracy w warunkach izolacji więziennej.

Słowa kluczowe: izolacja penitencjarna, praca więźniów, aktywizacja zawodowa więźniów, więziennictwo polskie

References

- Ciosek, M. (2003). *Psychologia sądowa i penitencjarna*. Warszawa: Wydawnictwo Prawnicze Lexis Nexis.
- Dłubacz, W. (2003). *Antropologiczny wymiar pracy*. In: W. Dłubacz (ed.), *Człowiek – praca – globalizacja*. (s. 11–15). Nowy Sącz: Civitas Christiana.
- Gajewski, M. (2018). Samotność w społeczeństwie wielokulturowym. Wskazówki dla praktyki terapeutycznej. In: M. Gajewski, Z. Dołęga (eds.), *Spoleczne i osobiste przestrzenie samotności* (pp. 83–101). Warszawa & Milanówek: Centrum Profilaktyki Społecznej & Oficyna Wydawnicza von Velke.
- Gavin, H. (2013). *Criminological and forensic psychology*. London: SAGE.
- Gillespie, W. (2003). *Prisonization: individual and institutional factors affecting inmate conduct*. New York: LFB Scholarly Publishing.
- Glińska-Lachowicz, A. (2008). Praca jako forma oddziaływań resocjalizacyjnych w polskim systemie penitencyjnym po 1925 r. In: Z. Jasiński (ed.), *W czterdziestolecie polskiego więziennictwa* (s. 223–260). Opole: Wydawnictwo Uniwersytetu Opolskiego.
- Goffman, E. (2007). *Asylums: essays on the social situation of mental patients and other inmates*. New Brunswick, NJ: Aldine Transaction.
- Grabias, J. (2006). Wolontariat – Praca społeczna jako alternatywa dla kary pozbawienia wolności. In: F. Kozaczuk (ed.), *Optymalizacja oddziaływań resocjalizacyjnych w Polsce i w niektórych krajach europejskich* (s. 209–216). Rzeszów: Wydawnictwo Uniwersytetu Rzeszowskiego.
- Johnsen, B., Granheim, P.K., & Helgesen, J. (2011). Exceptional prison conditions and the quality of prison life: Prison size and prison culture in Norwegian closed prisons. *European Journal of Criminology*, 8(6), 515–529.
- Kozaczuk, F. (2009). Determinanty skutecznej resocjalizacji w opinii skazanych i wychowawców. In: F. Kozaczuk (ed.), *Prawne i socjokulturowe uwarunkowania profilaktyki społecznej i resocjalizacji* (s. 318–330). Rzeszów: Wydawnictwo Uniwersytetu Rzeszowskiego.
- Kuźma, Z. (2000). *Sytuacja tymczasowo aresztowanych i skazanych odbywających karę pozbawienia wolności w warunkach art. 88 § 3 kkw*. Biuletyn RPO. Materiały, 42.
- Machel, H. (2003). *Więzienie jako instytucja karna i resocjalizacyjna*. Gdańsk: Arche.
- Machel, H. (2007). *Sens i bezsens resocjalizacji penitencjarnej – casus polski. Studium penitencjarno-pedagogiczne*. Kraków: Oficyna Wydawnicza “Impuls”.
- Neal, T.M.S. (2018). Forensic psychology and correctional psychology: Distinct but related subfields of psychological science and practice. *The American Psychologist*, 73(5), 651–662.
- Nowakowski, P.T. (2005). *Psychologiczno-pedagogiczne aspekty środowiska pracy*. In: M. Czapka (ed.), *Psychospołeczne i pedagogiczne uwarunkowania pracy* (s. 39–56). Bytom: Wyższa Szkoła Ekonomii i Administracji.

- Odyniec, A. (2008). Praca skazanych w jednostkach penitencjarnych we Francji i Hiszpanii a nasza polska rzeczywistość. In: F. Kozaczuk (ed.), *Efektywność oddziaływań resocjalizacyjnych* (s. 383–391). Rzeszów: Wydawnictwo Uniwersytetu Rzeszowskiego.
- Ostrowska, K. (2010). Integralne podejście do resocjalizacji skazanego. In: S. Bębas (ed.), *Współczesne oblicze resocjalizacji penitencjarnej* (s. 257–265). Radom: Wyższa Szkoła Handlowa.
- Ośrodek Wsparcia Ekonomii Społecznej. (2014, November). Model aktywizacji zawodowej i społecznej osób skazanych z wykorzystaniem narzędzi z obszaru ekonomii społecznej realizowany w ramach Programu “Ekonomia ku Wolności”. Retrieved from http://www.stajniaiskra.pl/Model_Ekonomia_ku_Wolnosci.pdf/.
- Pawela, S. (2007). *Prawo karne wykonawcze: zarys wykładu*. Warszawa & Kraków: Wolters Kluwer Polska.
- Potępa, M. (2005, April). CREIN – program reintegracji zawodowej i społecznej skazanych kobiet, the paper delivered at the academic conference “Teoria i praktyka penitencjarna”, Popowo nad Bugiem.
- Pstrąg, D. (2014). Praca w procesie readaptacji społecznej skazanych. *Lubelski Rocznik Pedagogiczny*, 33, 148–164.
- Rekosz, E. (2010). Przygotowanie skazanych do zwolnienia. Wyniki badań na temat oddziaływań penitencjarnych w polskich zakładach karnych. *Analizy, Raporty, Ekspertyzy*, 3(32), 1–25.
- Siegel, L.J., Welsh, B.C., Senna, J.J. (2006). *Juvenile delinquency: theory, practice, and law*. Belmont: Thomson/Wadsworth.
- Służba Więzienna. (2018, December). Program “Praca dla więźniów”. Retrieved from <https://www.sw.gov.pl/strona/ministerialny-program-pracy-wiezniow/>.
- Urban, B. (2005). *Zachowania dewiacyjne młodzieży w interakcjach rówieśniczych*. Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego.
- Wakefield, S., & Apel, R. (2016). Criminal justice and the life course. In: M. J. Shanahan, J. T. Mortimer, & M. Kilpatrick Johnson (eds.), *Handbook of the life course. Handbooks of sociology and social research* (pp. 301–319). Cham: Springer International Publishing.
- Wexler, H.K., & Prendergast, M.L. (2010). *Therapeutic communities in United States’ prisons: Effectiveness and challenges*. *Therapeutic Communities*, 31(2), 157–175.
- Węgrzyn-Białogłowicz, K. (2006). Warsztaty twórcze w pracy wychowawczo-terapeutycznej z nieletnimi. In: F. Kozaczuk (ed.), *Optymalizacja oddziaływań resocjalizacyjnych w Polsce i w niektórych krajach europejskich* (s. 247–254). Rzeszów: Wydawnictwo Uniwersytetu Rzeszowskiego.
- Wróbel-Chmiel, A. (2017). Praca w warunkach izolacji więziennej a poczucie sensu życia skazanych odbywających kary długoterminowe. *Probacja*, 1, 69–89.

Wrzosek, I. (2011). *Wykorzystanie pracy jako formy wpływu resocjalizacyjnego w działalności wybranych placówek penitencjarnych i resocjalizacyjnych na terenie południowo-wschodniej Polski* (bachelor's thesis). Stalowa Wola: Wydział Zamiejscowy Nauk o Społeczeństwie.

Żywica, R. (2012). Oddziaływanie przez pracę w warunkach izolacji więziennej. *Przełęcz Naukowo-Metodyczny "Edukacja dla Bezpieczeństwa"*, 5(1), 63–72.

Legal acts

Act dated 6 June 1997 – Executive Penal Code (Journal of Laws of 2019, item 125, consolidated text).

Act dated 28 August 1997 on the employment of persons in custody (Journal of Laws of 2017, item 2151, consolidated text).

Regulation of the Minister of Justice dated 12 August 1998 on the rules and regulations of administering a custodial penalty (Journal of Laws of 1998, No. 111, item 699).

Regulations of the Minister of Justice dated 9 February 2004 on specific rules of employment of convicts (Journal of Laws of 2018, item 1887, consolidated text).

Date of the submission of article to the Editor: 25.08.2018

Date of acceptance of the article: 07.12.2018