

# Poland<sup>1</sup>

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For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members page](#) on the Leave Network website.

## 1. Current leave and other employment-related policies to support parents

### a. Maternity leave (*urlop macierzyński*) (responsibility of the Ministry of Family and Social Policy)

#### *Length of leave (before and after birth)*

- Twenty weeks: no more than six weeks can be taken before the birth.
- It is obligatory to take 14 weeks after birth.

#### *Payment and funding*

- Twenty weeks at either 100 per cent or 81.5 per cent of the mother's average earnings for the 12 months before the birth, with no upper limit on payment. If the mother chooses to take the 100 per cent option, Parental leave taken afterwards will be paid at 70 per cent of average earnings; if the 81.5 per cent option is taken, then Parental leave will be paid at that level.
- Payments are taxed.
- Funded from the Social Insurance Fund, financed by contributions by employees (2.45 per cent of earnings), self-employed workers, and other

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insured persons, working based on atypical forms of employment, with some additional finance from the state to cover pension contributions. There is no contribution from employers.

#### *Flexibility in use*

- No later than 21 days after the birth, the insured mother may declare if she wants to take the 81.5 per cent option, i.e., an option of combined Maternity and Parental leave, for the total of 52 weeks of leave (see Parental leave below).
- The mother can transfer non-obligatory periods of Maternity leave, i.e., six weeks, to the father if she opts for the 81.5 per cent option (see Parental leave below).

#### *Eligibility (e.g., related to employment or family circumstances)*

- Insured workers, including all employees and self-employed men covered by social security insurance at the start of the leave.
- There is no explicit ruling about eligibility for same-sex couples, however the way that the provision is worded may lead to such a possibility: in some parts the legislation refers to the 'mother', but in others it refers to the 'other parent'.

#### *Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to person other than the mother*

- In the case of multiple births, Maternity leave is extended to 31 weeks for twins, 33 weeks for triplets, 35 weeks for quadruplets, and 37 weeks for quintuplets and more.
- The mother may share this leave with other members of her family, if they are employed or insured and if the mother is not able to take care of a child.
- In the case of the death of a baby before the end of the eighth week, the mother has the right to eight weeks of leave in total, and to at least seven days after the death of a child who was older than eight weeks of age.

### **b. Paternity leave (*urlop ojcowski*) (responsibility of the Ministry of Family and Social Policy)**

#### *Length of leave*

- Two weeks.

#### *Payment and funding*

- One hundred per cent of average earnings for the 12 months before the birth, with no upper limit on payment.

- Payments are taxed.

#### *Eligibility*

- The same as for Maternity leave, i.e., insured workers, including all employees and self-employed men covered by social security insurance at the start of the leave.
- Same-sex couple eligibility remains unclear: there have not yet been cases in Poland where two men have had the legal status of being the father of the same child.

#### *Flexibility in use*

- Leave can be taken any time during the 12 months after the birth of a child.
- Leave can be taken in two separate parts, i.e., one week each.

### **c. Parental leave (*urlop rodzicielski*) (responsibility of the Ministry of Family and Social Policy)**

#### *Length of leave*

- Forty-one weeks.
- Twenty-three weeks of leave is a family entitlement; the remaining period of 18 weeks is an individual, non-transferable entitlement with nine weeks for mothers and nine weeks for fathers.

#### *Payment and funding*

- Payment depends on the payment option chosen by the mother taking Maternity leave. If, during Maternity leave, the mother opts to be paid at 100 per cent of earnings, Parental leave is paid at 70 per cent of average earnings for 12 months preceding the birth, with no upper limit on payment; if the mother opts to be paid 81.5 per cent of earnings during her Maternity leave, the Parental leave benefit is paid at the same level throughout. Payment for the father is 70 per cent of earnings.
- Payments are taxed.
- Funding is the same as for Maternity leave (see 1a).

#### *Eligibility*

- The same as for Maternity leave: i.e., insured persons, including all employees and self-employed people covered by social security insurance at the start of leave.
- Parental leave must be taken before the end of the year when a child turns 6 years. A mother's non-eligibility for Parental leave does not cause the loss of the eligibility of an employed or insured other parent or employed or

insured other member of the family (i.e., grandmother, uncle, brother, child etc.).

- If the employment contract expires during the Parental leave, the parent loses a right to the remaining part. However, s/he does not lose the right to maternity allowance, which s/he will receive until the end of the original period of this leave.
- Same-sex parenthood is not recognized in Polish law, making it impossible for same-sex parents whose child is born in Poland to share Parental leave.

#### *Flexibility in use*

- The 41 week period can be taken as one continuous period of leave, or as up to five separate periods. Parents can use the leave until the end of the calendar year in which the child turns six years old.
- Parental leave may be combined with part-time working, with a maximum of working half-time hours. In this case, payment is proportional to the working time, and leave is also extended proportionately, up to 82 weeks.
- Both parents can take leave at the same time, though the overall length of leave must not exceed 41 weeks in the case of a single birth.

*Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother*

- In the case of multiple births, Parental leave is extended to 43 weeks, regardless of the number of children born.
- Parents of a child holding a 'Za życiem' ('for life') certificate have the right to take Parental leave in order to take care of the child for up to 65 weeks, in the case of one child, or 67 weeks, in case of multiple births. The certificate is issued in cases where a child has an incurable or life-threatening illness.

#### **d. Childcare leave (*urlop wychowawczy*) (responsibility of the Ministry of Labour and Social Policy)**

##### *Length of leave*

- Up to 36 months can be taken as childcare leave. It is not dependent on the Parental or Maternity leave, but the parent must have worked for over six months with any employer. Thirty-four months are a family entitlement, with one month as an individual entitlement for the mother and another month for the father.
- A further 36 months can be taken for a disabled child. The same rules as for regular childcare leave applies, except for the age of eligibility, which is extended until the child turns 18 years old.

### *Payment and funding*

- A parental allowance (*Dodatek z tytułu opieki nad dzieckiem w okresie korzystania z urlopu wychowawczego*) of PLN400 [€89.38]<sup>2</sup> per month is paid for 24 months to parents taking leave as a supplement to family benefit if monthly household income per capita does not exceed PLN674 [€150.60] or PLN764 [€170.71] in the case of a family with a child with a disability.
- Funded from general taxation.

### *Flexibility in use*

- Leave can be taken until the end of the calendar year in which the child turns six years old.
- Parents can take leave in one continuous period or in a maximum of five separate blocks.
- Parents can take leave at the same time.
- Both parents have an individual, non-transferable right to one month of the leave. However, it could be transferable due to certain legal circumstances, such as the father being unknown, the other parent dying, etc.
- During the leave period, parents may be employed and claim parental allowance (if they are eligible), if working does not prevent them from caring for their children. A working parent can switch employment while on leave.

### *Eligibility (e.g., related to employment or family circumstances)*

- Employees with a work record of at least six months.

### *Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents*

- The basic payment can be extended to 36 months where there is more than one child.
- Leave may be extended for another 36 months if a child is disabled or chronically ill and requires care, but can be taken no later than the child's 18th birthday. A means-tested payment of PLN400 [€89.38] per month is made in these cases, and the payment period can be extended up to 72 months.

## **e. Other types of leave and flexible working**

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<sup>2</sup> Conversion of currency undertaken for 06 July 2023, using: <https://sdw.ecb.europa.eu/curConverter.do>.

### *Adoption leave and pay*

- The same regulations apply as for parents having biological children.
- Parental allowance is paid if the adopted child is seven years old or younger (and in some cases up to 14 years).

### *Time off for the care of dependents*

- An employee can take leave of up to 14 days per year to provide personal care for a family member (child or adult) living in the same household, paid at 80 per cent of earnings.
- An employee can take leave to care for a child up to eight years of age (14 years of age if the child is disabled or chronically ill) in the case of an unforeseen closure of a nursery school, kindergarten, or school; or the illness or childbirth of the spouse caring permanently for the child. This leave is paid at 80 per cent of earnings for up to 60 days.
- An employee with a child under 14 years is entitled to two days (or 16 hours) of fully paid leave per year.
- An employee is entitled to two days or 16 hours off work during a calendar year due to *force majeure* arising from urgent family matters caused by illness or accident, if the employee's immediate presence is necessary. This leave is paid at half of earnings.
- An employee is entitled to carers' leave of five days during a calendar year to provide personal care or support to a person who is a family member or lives in the same household and who requires care or support for serious medical reasons. This leave is unpaid.

### *Specific provision for (breast)feeding*

- Mothers who work at least four hours per day and breastfeed are entitled to breastfeeding breaks at work, which are included in their working time. The number of breaks depends on the number of hours at work, and the length of the break depends on the number of children being breastfed (i.e., children not necessarily born at the same delivery and with no limit for the age of child breastfed). A mother of one child working full-time would be allowed two breaks per day of 30 minutes each. Breaks could be combined and granted at the beginning or end of the working day.

### *Flexible working*

- An employee has the right to apply for flexible forms of work or remote work in certain conditions, such as: a pregnant employee or a pregnant employee's spouse in the case of a complicated pregnancy; an employee who is the parent of a child who has a 'Za życiem' certificate (see Section 1c) or other certificate for a disability. The right to apply for flexible forms of working time is also available to employees whose children have already turned 18 years of age.
- The employer has the right to refuse the application submitted by the employee if it is not possible due to the organisation of work, or the type

of work performed by the employee. In which case, the employer must inform the employee about the reason for refusal.

## **f. Other non-employment-related measures**

### *Parental benefit*

- Individuals who are not eligible to receive maternity benefit (thus also parental allowance) are eligible for parental benefit of PLN1000 [€223.45] per month. The benefit is addressed particularly to unemployed people, students, and people working on some types of civil law contracts (uninsured); but economically inactive mothers and fathers (those not officially registered as unemployed) are also eligible. The benefit is not means-tested.
- The benefit is paid for 52 weeks for one child; 65 weeks for twins; 67 weeks for triplets; 69 weeks for quadruplets; and 71 weeks if five or more children were born. The first 14 weeks of benefit are available only for mothers (unless she is alive or takes care over a child).
- It is important to stress that if the maternity benefit or Parental leave benefit in a given month is lower than PLN1,000 [€223.45], the difference will be paid to the parents. It is especially important for low paid parents who decide to receive compensation at 100 per cent for 26 weeks or 60 per cent for 26 weeks. In the case of minimum wage earners, their Parental leave benefit will be lower than PLN1000 [€223.45], thus the difference will be covered by social insurance.

## **2. Relationship between leave policy and early childhood education and care policy**

- The maximum period of post-natal leave is four years, but most of this is means-tested and low paid; leave paid at a high rate runs for 12 months (in a case of a single child). There is an entitlement to Early Childhood Education and Care (ECEC) from three years of age. There is, therefore, no gap between the end of leave and an ECEC entitlement, but there is a two year gap between the end of well-paid leave and an ECEC entitlement.
- For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' on the cross-country comparisons page.

## **3. Changes in policy since April 2022 (including proposals currently under discussion)**

Poland introduced new provisions to implement the EU Directive 2019/1158 on the work-life balance for parents and carers; it is one of the most substantial

amendments to leave policy for many years, with all leaves amended. This includes increasing the length of Parental leave, and introducing a mother-only and father-only period. In addition, two new leaves - *force majeure* leave and carer's leave - were implemented, together with some policies for parents with children holding 'Za życiem' certificates (see Section 1c). At the same time Poland has changed its policies toward non-biological parents.

## 4. Uptake of leave

### a. Maternity leave

- The Social Insurance Institution (*Zakład Ubezpieczeń Społecznych, ZUS*) collects data on Maternity, Parental, and Paternity leave benefits. It must be stressed that the data on Maternity leave benefit and Parental leave benefit collected for 2012-2013 and 2014-2018 are not comparable, because until 2014, the data were only collected for employers with more than 20 employees.
- In 2021, 668,864 individuals took Maternity leave, Paternity leave or Parental leave; in 2020 it was 698,700 and in 2017, 707,800; the main cause of falling numbers taking leave is a reduction in births reaching a record low of 331,400 births in 2021. While men took mostly Paternity leave (see below), women took Maternity leave and Parental leave. Altogether, women took 97 per cent of all benefit days paid for by ZUS for Maternity, Paternity and Parental leave. The average payment in Jan-Feb 2022 was PLN99.73 [€22.28]

### b. Paternity leave

- According to ZUS, in 2021 the number of Paternity leave benefit recipients was 185,233, slightly lower than in 2020 when it was 188,400. The average payment Jan-Feb 2022 was PLN165.43 [€36.97] per day, compared with PLN153.82 [€34.37] per day in 2020, and PLN128.74 [€28.77] per day in 2017. On average, fathers used 13.2 days of Paternity leave in 2016, 12.6 days in 2017, and 12.3 days in 2018.

### c. Parental leave

- The data indicate that Parental leave is mostly taken by women (99 per cent). Recent numbers of parents taking Parental leave benefit are: 380,766 in 2021, of which 377,108 were women, and only 3,658 were men), compared with 399,700 in 2020 and 419,900 in 2018. In January-February 2022, Parental leave benefit on average amounted to PLN95.51 [€21.34] per day, compared with PLN84.24 [€18.82] per day in 2020 and PLN72.56 [€16.21] per day in 2018. It was lower for women, reflecting the gender



pay gap: on average, women received 67 per cent compared with 63 per cent in 2018.

- The results of qualitative research conducted by Katarzyna Suwad<sup>3</sup> suggest that although the institutional system gives fathers legal opportunities to take Parental leave, it does not encourage men to take it. Some people are not aware that men also have the right to Parental leave or treat it as a mother's right, which can be transferred to the father in exceptional circumstances. In many narratives, parents do not distinguish between Maternity and Parental leave, but speak of one-year Maternity leave.

#### **d. Childcare leave**

- According to ZUS, in 2015, every month (on average), the childcare leave benefit was paid to the parents of 53,300 children.
- There are no regular and coherent government statistics and analyses on the use of childcare leave and childcare allowances. In particular, the available official statistics do not show the incidence of childcare leave among parents entitled to take leave, the proportion of parents who receive childcare allowance, or the average duration of leave. Furthermore, despite the fact that fathers have been entitled to childcare leave since 1996, no data about their uptake are collected. A representative, although already outdated, picture of the uptake of childcare leave comes from analyses of data collected in the second quarter of 2005, using a module added to the Labour Force Survey<sup>4 5</sup>.
- In the largest Polish survey, *Diagnoza Społeczna* (published 2011 and 2013), the respondents were asked to select a solution that would facilitate the reconciliation of work and family responsibilities<sup>6</sup>. In 2011, a longer Maternity leave was most often given as the best solution for reconciling work and family life, both by women (26 per cent) and by men (20 per cent). In 2013, this view was given by 24 per cent and 19 per cent respectively. However, in comparison to 2011, in 2013, other answers had a higher response: flexible working time (indicated by more than half of women and men), childcare facilities for children below the obligatory school age, and higher childcare leave benefit. It seems that, after the changes in the leave policy, the respondents now stress the need for developing childcare facilities (the participation rate is rather low in Poland) and increasing the allowances for those who care for children at home. However,

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<sup>3</sup> Suwada, K. (2021) 'Ojcowie na urlopach rodzicielskich. Przekraczanie tradycyjnych ról płciowych w życiu rodzinnym w Polsce' ['Fathers on parental leave. Crossing traditional gender roles in family life in Poland'], *Przegląd Socjologiczny*, Vol.70, 1. Available at: <https://doi.org/10.26485/PS/2021/70.1/6>

<sup>4</sup> Kotowska I.E. and Baranowska, A. (2006) *Praca a obowiązki rodzinne w 2005 r.* [Work and family in 2005, Information and Statistical Analyses], Warsaw: Central Statistical Office.

<sup>5</sup> Matysiak, A. (2007) 'Organizacja czasu pracy i opieki' ['Work and care'], in I.E.Kotowska, U. Sztanderska, and I. Wóycicka I. (eds.) *Aktywność zawodowa i edukacyjna a obowiązki rodzinne* [Economic and educational activities and family], Warsaw: Scholar Publishing Company.

<sup>6</sup> Czapiński J. and Panek T. (eds.) (2011) *Diagnoza społeczna*. [Social Diagnosis]. Available at: <http://www.diagnoza.com/index.html>.

the most important change is in the social attitude towards flexible working time. The comparison of men's and women's responses leads to the conclusion that women are more interested in the development of childcare facilities, while for men childcare allowance is a tool for reconciling work and family life.

- Similarly, long periods of Maternity leave or childcare leave are often discussed as a way of encouraging women to have more children. In 2012, 27 per cent of Poles indicated 'longer Maternity leaves' as a way to achieve this aim<sup>7</sup>; while, in 2013, almost half of Polish society considered 12 months of leave (Maternity and Parental) after birth to be an effective means for encouraging young women to have children<sup>8</sup>. By the same token, Polish society does not consider Paternity leave to be an important policy tool. It is worth noting, however, that academic studies show how the Polish Maternity leave extensions that have taken place in the past did not influence child-bearing among Polish women<sup>9</sup>. Furthermore, analyses of multiple conditions for child-bearing in Poland, plus the socio-economic context of recent changes, undermine the chances for the recent reform to bring significant change in fertility rates in Poland<sup>10</sup>.
- Nevertheless, the 2013 extension of Maternity leave, and introducing six months of Parental leave, gained much support in Polish society: 91 per cent of adult Poles rated it as beneficial<sup>11</sup>. But, most people (58 per cent) did not think men were interested in taking the Parental leave part. After the extension of Maternity leave, two other measures to support the reconciliation of work and family have considerable support: flexible working hours (55 per cent of men and 57 per cent of women) and childcare facilities for children under seven years of age (33 per cent of men and 37 per cent of women)<sup>12</sup>.

#### **e. Parental benefit for non-employed parents**

- The parental benefit, introduced from 1 January 2016, is provided to women who have given birth to a child and who do not receive maternity benefit or

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<sup>7</sup> CBOS (2012) *Polityka państwa wobec rodziny* [State policy towards the family] (No. BS/67/2012). Warszawa: CBOS.

<sup>8</sup> CBOS (2013a) *O roli kobiet w rodzinie* (No. BS/30/2013) [*The role of women in the family*]. Warszawa: CBOS.

<sup>9</sup> Kurowska A. and Słotwińska-Roślanowska E. (2013) 'Zatrudnienie a pierwsze i drugie urodzenia wśród kobiet w Polsce' ['Employment and the first and the second births among Polish women'], *Studia Demograficzne*, Vol.163, 1: 37-51. Available at: [https://www.researchgate.net/publication/266684882\\_Zatrudnienie\\_a\\_pierwsze\\_i\\_drugie\\_urodzenia\\_wsrod\\_kobiet\\_w\\_Polsce](https://www.researchgate.net/publication/266684882_Zatrudnienie_a_pierwsze_i_drugie_urodzenia_wsrod_kobiet_w_Polsce)

<sup>10</sup> Kurowska A. (2013) 'Ocena zasadności założeń reform urlopów i zasiłków związanych z opieką nad małym dzieckiem', *Problemy Polityki Społecznej. Studia i Dyskusje*, Vol. 21, 2: 155-170. Available at: [http://www.problempolitykispolecznej.pl/images/czasopisma/21/Kurowska\\_per cent20PPS\\_per cent2021-13-12.pdf](http://www.problempolitykispolecznej.pl/images/czasopisma/21/Kurowska_per cent20PPS_per cent2021-13-12.pdf)

<sup>11</sup> CBOS (2013b) *Postawy prokreacyjne kobiet* (No. BS/29/2013) [*Attitudes to women's fertility*]. Warszawa: CBOS.

<sup>12</sup> Czapiński, J. and Panek, T. (2014) 'Diagnoza społeczna 2013: warunki i jakość życia Polaków' ['Social Diagnosis 2013: conditions and quality of life of Poles'], *Quarterly of the University of Finance and Management in Warsaw* (special issue), vol.7.

parental benefit. In 2017, expenditure on parental benefits accounted for 10.6 per cent of all expenses for family benefits: on average, the benefits were collected by 94,900 people. Compared to the previous year, there was an increase in both the amount and the monthly average of parental benefits paid out (by 21.1 per cent and 21.6 per cent respectively).

- In 2020, expenditure on parental benefits for non-employed parents amounted to PLN862.9 [€192.81] million and accounted for 8.0 per cent of all expenditure on family benefits, and was collected by an average of 79,100 people per month<sup>13</sup>.

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<sup>13</sup> GUS (2021) *Świadczenia na rzecz rodziny w 2020 r.* [Family benefits in 2020]. Informacje Sygnalne GUS, Available at: [www.stat.gov.pl](http://www.stat.gov.pl)