

Poland¹

Anna Kurowska (University of Warsaw), **Piotr Michoń** (Poznań University of Economics) and **Barbara Godlewska-Bujok** (University of Warsaw)

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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 Labour and Social Policy)

Length of leave (before and after birth)

- Twenty (20) weeks in case of a single birth; no more than six weeks can be taken before the birth; it is obligatory for the mother to take at least 14 weeks.
- 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.

Payment and funding

- Twenty (20) weeks at either 80 per cent or 100 per cent of the mother's average earnings for the 12 months before the birth, with no ceiling on payments. If the mother (of a single child) chooses to take the 100 per cent option, any Parental leave taken afterwards will be paid at 100 per cent for the first six weeks and at 60 per cent for the remaining 26 weeks; if she chooses the 80 per cent option, any Parental leave will also be paid at 80 per cent.
- Funded from the Social Insurance Fund, financed by contributions by employees (2.45 per cent of earnings), self-employed workers and other insured persons with some additional finance from the State to cover pension contributions. There is no contribution from employers.

Flexibility in use

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- No longer than 21 days after birth, the insured mother may declare if she wants to take the 80 per cent option, i.e. an option of combined Maternity and Parental leave, for the total of 52 weeks of leave (see Parental leave).
- The mother can share this leave (80 per cent option) with the father according to the rules of Parental leave (see below). The mother may share the leave with other members of family, who are employed or insured.

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

- Insured workers, including all employees and self-employed women covered by social security insurance at the start of leave.

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, the 'Maternity leave' part, which is 20 weeks for one birth, is extended to 31 weeks for twins, 33 weeks for triplets, 35 weeks for quadruplets and 37 weeks for quintuplets.

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

Length of leave

- Up to two weeks.

Payment and funding

- One hundred (100) per cent of average earnings for 12 months before birth, with no ceiling on payments.

Eligibility

- Insured workers, including all employees and self-employed men covered by social security insurance at the start of leave. Not transferable to mothers or other members of the family.

Flexibility in use

- It can be taken any time during the 24 months after the birth of a child. The leave can be taken in two separate parts.

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

Length of leave

- Up to 32 weeks per family or 34 weeks in the case of multiple births. This is a family entitlement.

Payment and funding

- Payment depends on the payment option chosen by the mother taking Maternity leave. If during Maternity leave she opts to be paid at 100 per cent of earnings, the first six weeks of Parental leave (eight weeks in the case of numerous births) are also paid at 100 per cent, and the next up to 26 weeks of the Parental leave benefit are paid at 60 per cent of the mother's (or father's if he takes the leave) average earnings for 12 months before the birth, with no ceiling on payments; but if she opts for 80 per cent of earnings, the Parental leave benefit is paid at the same level.
- Funding as for Maternity leave (see above).

Eligibility

- Insured workers, including all employees and self-employed men and women covered by social security insurance at the start of leave.
- Parental leave must be taken immediately after Maternity leave, and only after the full statutory length of the Maternity leave have been taken. In a case when the mother, even uninsured, does not want or cannot take care of a child, an employed father or another employed member of the family may take the leave. Whilst Maternity leave is dependent on the mother's eligibility, mother's non-eligibility does not cause the loss of the eligibility of employed father or employed other member of the family (i.e. grandmother, uncle etc.) to Parental leave.

Flexibility in use

- The parents have to decide during the three weeks after birth if they want to use the Parental leave directly after the Maternity leave.
- Up to a 32 week period can be taken as one continuous period of leave or as up to 4 separate periods (but two of them must be taken continuously for a period of over 14 weeks), each not shorter than eight weeks. However, up to 16 weeks of Parental leave can be used in the time, which is not immediately after the previous part of the leave. Parents can use the leave until the end of calendar year in which the child turns six years old.
- Parental leave can be combined with part-time working (maximum half of full-time hours), with payment proportional to the working time. For the rest up to full time, a maternal benefit is paid.
- In the case of working parents, the leave can be proportionally extended up to 64 weeks. For example, if a parent combines half-time employment with the leave for eight weeks, the leave will be extended for an additional four weeks of full-time leave.
- Both parents can take leave at the same time. The overall length of leave must not exceed 32 weeks in the case of a single child.

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 a case of multiple births, Parental leave is extended to 34 weeks regardless of the number of children born.

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 a Childcare leave. It is not dependent on the Parental or Maternity leave. It is dependent on the period of work at the employer (over six months). Parents can use the leave until the end of calendar year in which the child turns six years old. Out of this, 34 months are a family entitlement, with one month as an individual entitlement for the mother and another month for the father.
- Up to 36 months for a disabled child. The same rules as for regular Childcare leave applies, except for the age of eligibility – which is extended up to the moment a 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 [€93.47]² 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 [€157.50]. Since 1 November 2017 the threshold has been PLN764 [€178.54]
- Funded from general taxation.

Flexibility in use

- Leave can be taken until the end of calendar year in which the child turns six years old.
- Parents can take leave in one continuous period or in up to 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 circumstances such as the father is unknown, the other parent died 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

² Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

18th birthday. A means-tested payment of PLN400 [€93.47] per month is made in these cases and the payment period can be extended up to 72 months.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for parents having their own children.
- Parental allowance is paid if the adopted child is seven years old or younger.

Time off for the care of dependants

- An employee can take leave of up to 14 days per year to provide personal care for a family member, 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 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 also paid at 80 per cent of earnings for up to 60 days.

Flexible working

- None.

Specific provision for (breast-) feeding

- Mothers who work at least 4 hours a day and breastfeed are entitled to breastfeeding breaks at work, which are included into the working time. The number of the breaks depends on the number of hours at work and the length of the break depends on the number of children. A mother of one child working full time would be allowed to two breaks per day of 30 minutes each. Breaks could be cumulated and granted at the beginning or end of the working day.

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. The benefit is therefore addressed particularly to unemployed persons, students and people working on some types of civil law contracts (uninsured). However, also inactive mothers and fathers (those not officially registered as unemployed) will be eligible for this benefit. The benefit is not means-tested.

Eligibility

- The first 14 weeks of parental benefit are available only for mothers.

Payment

- PLN1000 [€233,69] per month.
- It is important to stress that if the maternity benefit or Parental leave benefit

in a given month is lower than PLN1,000 [€233.69] per month, the difference will be paid to the parents. It is especially important for low-paid parents who decide for the formula 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 [€233.69], thus the difference will be covered by social insurance.

Length of the benefit payment

- Fifty-two (52) weeks; 65 weeks for twins; 67 weeks for triplets; 69 weeks for quadruplets; 71 weeks if five or more children were born.

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

The maximum period of paid post-natal leave available in Poland is four years, but most of this is means-tested and low paid; leave paid at a high rate runs for twelve months (in a case of single child). Since September 2017 there has been an entitlement to ECEC for three-year-olds or older children. Therefore, there is a two-year childcare gap between the end of the well-paid Parental leave and ECEC entitlement. Levels of attendance at formal services for children under and over three years are below the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the cross-country comparisons page.

3. Changes in policy since May 2017 (including proposals currently under discussion)

Since September 2017 there has been an entitlement to ECEC for 3 year olds or older children.

4. Take-up of leave

a. Maternity leave

- The Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*) 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 2014-2017 are not comparable, because until 2014 the data were only collected for employers with more than 20 employees.
- In 2017, 707,800 individuals took Maternity leave, Paternity leave or Parental leave. In 2016, it was 669,100. While men took mostly Paternity leave (see below) women took Maternity leave and Parental leave. Altogether women took advantage of 97 per cent of all benefit-days paid by ZUS.
- In 2016, parental benefit (see above, part f.) was paid every month to on average 78,000 families.

b. Paternity leave

- According to ZUS, in 2016 146,400 and in 2017, 174,200 Paternity leave benefits were paid (for at least one day). The average payment equaled to PLN123.90 [€28.95] per day, and in 2017 it was PLN128.74 [€30.08] per day. However, on average fathers used 13.2 days of Paternity leave in 2016

and 12.6 days in 2017.

c. Parental leave

- In 2016, 395,900 and in 2017 406,600 parents took Parental leave benefit of which 99 per cent (391,700 and 402,400 respectively) were women. The Parental leave benefit on average amounted to PLN72.33 [€16.90] per day in 2016 and PLN70.99 [€16.59] per day in 2017. It was relatively lower for women reflecting the gender pay gap. In 2016, on average women received 73 per cent of the benefit paid to men on average, and in 2017 this figure was 67 per cent. The data indicate that the Parental leave is mostly taken by women.

d. Childcare leave (*urlop wychowawczy*)

- According to ZUS, in 2015 every month (on average) the childcare leave benefit was paid to parents of 53,300 children.
- There are no regular and coherent government statistics and analyses on the use of Childcare leave and Childcare allowances. Particularly 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; and despite the fact that fathers are entitled to Childcare leave since 1996, no data about their take-up are collected.
- A representative, although already outdated picture of take-up of Childcare leave comes from analyses of data collected in the second quarter of 2005 using a module added to the Labour Force Survey^{3 4}.
- In the largest Polish survey *Diagnoza Społeczna*, published in 2011 and in 2013, the respondents were asked to select a solution that would facilitate the reconciliation of work and family responsibilities⁵. 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 men (20 per cent). In 2013, it was 24 per cent and 19 per cent respectively. However, in comparison to 2011, in 2013 other answers were on the top of the ranking: 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, 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, a long Maternity leave or Childcare leave is often discussed as a tool for encouraging people to have more children. In 2012, 27 per cent of Poles

³ 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.

⁴ 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], Scholar Publishing Company.

⁵ Czapiński J. and Panek T. (eds.) (2011) *Diagnoza społeczna.* [Social Diagnosis]. Available at: <http://www.diagnoza.com/index.html>.

indicated 'longer maternity leaves' as a tool to achieve this aim⁶; while in 2013 almost half of Polish society considered 12 months of leave (Maternity and Parental) after birth to be an effective tool for encouraging young people to have children⁷. 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 that the Maternity leave extensions that have taken place in the past in Poland did not influence childbearing among Polish women⁸. Furthermore, analyses of multiple conditions for childbearing in Poland and socio-economic context of recent changes undermine the chances for the recent reform to bring significant change in fertility rates in Poland⁹.

- Nevertheless, the extension in 2013 of Maternity leave, and introducing six months of 'Parental' leave, gained much support in Polish society; 91 per cent of adult Poles rated it beneficial¹⁰. 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 reconciling 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 7 years (33 per cent of men and 37 per cent of women)¹¹.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Recent years have brought a rising interest in childcare related issues. Studies of the changes in family policy in Poland have been carried out, often taking a comparative perspective and referring to EU policy; labour market developments and their possible impacts on family behaviours, as well as the effects of leave policies on employment careers, have also received attention. Moreover, in

⁶ CBOS (2012) *Polityka państwa wobec rodziny* [State policy towards the family] (No. BS/67/2012). Warszawa: CBOS.

⁷ CBOS (2013) *O roli kobiet w rodzinie* (No. BS/30/2013) [The role of women in the family]. Warszawa: CBOS.

⁸ Kurowska A. and Słotwińska-Roslanowska 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, No.1: 37-51. Available at: https://www.researchgate.net/publication/266684882_Zatrudnienie_a_pierwsze_i_drugie_urodzenia_wsrod_kobiet_w_Polsce

⁹ Kurowska A. (2013) 'Ocena zasadności założeń reform urlopów i zasiłków związanych z opieką nad małym dzieckiem', *Problemy Polityki Społecznej. Studia i Dyskusje*, Vol. 21, No.2: 155-170. Available at: <http://www.problempolitykispolecznej.pl/images/czasopisma/21/Kurowska%20PPS%2021-13-12.pdf>

¹⁰ CBOS (2013a) *Postawy prokreacyjne kobiet* (No. BS/29/2013) [Attitudes to women's fertility], Warszawa: CBOS.

¹¹ Czapiński, J. and Panek, T. (2013) '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.

studies on reconciling work and family life, gender issues and the role of employers are increasingly under consideration.

b. Selected recent publications

Kurowska, A. and Javornik, J., (2017) 'Work and Care Opportunities under Different Parental Leave Systems: Gender and Class Inequalities in Northern Europe', *Social Policy & Administration*, Vol.51, No.4: 617-637. Available at: <http://onlinelibrary.wiley.com/doi/10.1111/spol.12316/full>

This article analyses public parental leave in eight northern European countries, and assesses its opportunity potential to facilitate equal parental involvement and employment, focusing on gender and income opportunity gaps. It draws on Sen's capability and Weber's ideal-types approach to analyze policies across countries. It offers the ideal parental leave architecture, one which minimizes the policy-generated gender and class inequality in parents' opportunities to share parenting and keep their jobs, thus providing real opportunities for different groups of individuals to achieve valued roles as parents. Five policy indicators are created using benchmarking and graphical analysis. Two sources of opportunity inequality are considered: the leave system as the opportunity and constraint structure, and the socio-economic contexts as the conversion factors. The article produces a comprehensive overview of national leave policies, visually presenting leave policy across countries. Considering policy capability ramifications beyond gender challenges a family policy cluster idea and the Nordic-Baltic divide. It demonstrates that leave systems in northern Europe are far from homogenous; they diverge in the degree to which they create real opportunities for parents and children as well as in key policy dimensions through which these opportunities are created.

c. Ongoing research

Since May 2015 Anna Kurowska (University of Warsaw) has been carrying out research on the impact of Parental leave and childcare leave reforms in Poland, on the capabilities of mothers and fathers. The study is part of the RECAP project (Work-family reconciliation from the Capability Approach perspective) financed by National Science Centre in Poland (grant number: 2014/13/D/HS4/03645). Partial results of this project were presented at IAFFE Annual Conference in Seoul in June, 2017, and at the ESPAnet Annual Conference in Lisbon in September, 2017.

Since January 2018, Barbara Godlewska-Bujok has been carrying out research on the scope of parental entitlements in the collective agreements. The team intends to figure out whether there are any changes to company sources of law in the field of parental entitlements that could be wider than in the statutory laws.