

Poland¹

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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)

- 20 weeks. No more than six weeks can be taken before the birth; it is obligatory for the mother to take at least 14 weeks after birth.
- 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.

Payment and funding

- 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 upper limit 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, then at 60 per cent for the remaining period, up to 26 weeks; if she chooses the 80

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- 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

- No longer than 21 days after the 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 her family, if they are employed or insured.

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

- Insured persons, including all employees and self-employed women covered by social security insurance at the start of leave.
- There is no explicit ruling about eligibility for same-sex couples.

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, the Maternity leave part (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

- Two weeks.

Payment and funding

- 100 per cent of average earnings for the 12 months before the birth, with no upper limit on payments.

Eligibility

- Insured workers, including all employees and self-employed men covered by social security insurance at the start of the leave. Not

- transferable to mothers or other members of the family.
- 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

- 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, i.e. one week each.

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

Length of leave

- 32 weeks for the mother and the father, but only 32 weeks per family can be taken in total (e.g. if the mother takes 30 weeks, the father can only take two weeks). Leave, therefore, is effectively 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 26 weeks (maximum) 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 upper limit on payments. However, if the mother opts for being compensated 80 per cent of earnings, the Parental leave benefit is paid at the same level.
- Funding is the same as for Maternity leave (see above).

Eligibility

- Insured persons, including all employees and self-employed people 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 has been taken. In a case when the mother (even if she is uninsured) does not want to or cannot take care of a child, an employed father or another employed or insured member of the family may take the leave. Whilst Maternity leave is dependent on the mother's eligibility, a mother's non-eligibility for Parental leave does not cause the loss of the eligibility of an employed or insured father or

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

- 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 parents must decide, during 21 days after the 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 at least 14 weeks), each no 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 the 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 remainder, 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 part-time employment with leave for eight weeks, the leave will be extended for an additional four weeks of full-time leave unless s/he combines this four weeks period with part-time work, in which case leave is extended by eight weeks.
- 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 childcare leave. It is not dependent on the Parental or Maternity leave; it is dependent on the period of work at any employer (over six months). Parents can use the leave until the end of the 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 child turning 18 years old.

Payment and funding

- A parental allowance (*Dodatek z tytułu opieki nad dzieckiem w okresie korzystania z urlopu wychowawczego*) of PLN400 [€90.84]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 PLN764 [€173.50].
- 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 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 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 [€90.84] per month is made in these cases, and the payment

² Conversion of currency undertaken for 31 July 2020, using:
https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-pln.en.html

period can be extended up to 72 months.

e. Other employment-related measures

Adoption leave and pay

- The same regulations 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 10 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, 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 also paid at 80 per cent of earnings for up to 60 days.

Flexible working

- An employee has the right to apply for flexible forms of work or telework if they are:
 - a pregnant employee or a pregnant employee's spouse in case of a complicated pregnancy;
 - an employee who is the parent of a child who has a certificate confirming a serious and irreversible impairment or an incurable, life-threatening disease that arose in the pre-natal period of the child's development (or during the delivery referred to in article four, paragraph three of the Act of 4 November 2016 on support for pregnant women and families, 'For life' (OJ 2016, item 1860);
 - an employee who is the parent of a child with a disability certificate, as specified in the provisions on the vocational and social rehabilitation and employment of disabled people;
 - an employee who has made a decision about the need for early support for their child – i.e., special education or a ruling on the need for revalidation and education classes, referred to in the Act of 14 December 2016 - Educational Law (OJ 2018, item 996 and 1000);
 - 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 not accept 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.

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). 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.

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 people, 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 [€227.10] 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 [€227.10], 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 [€227.10], thus the difference will be covered by social insurance.

Length of the benefit payment

- 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.

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 12 months (in a case of single child). Since September 2017, there has been an entitlement to ECEC for children aged three and older. 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 both under and over three years of age are below the average for both 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 April 2019 (including proposals currently under discussion)

None reported.

Policy response to the Covid-19 pandemic up to end June 2020

Childcare and schools

- All nurseries (0-2) and kindergartens (3-6), both private and public, were closed between 12 March and 5 May 2020. As of 6 May, the government introduced the possibility of opening them, but left the decision to the regional authorities; on the first day, over 1,600 kindergartens, mostly in small towns, were opened and almost 11,000 children (about 1 per cent of all children) attended, rising to 14,000 (out of 22,000) kindergartens and 145,000 (out of 1,410,000) children by 29 May. The government recommended that access to kindergartens should be granted in the first place to children of employees in health care, uniformed services, and other jobs related to the prevention and combating of COVID-19.
- All classes in schools were also suspended from 12 March 2020, and compulsory online lessons were introduced from 26 March. On 25 May, primary schools could re-open for children from 1st to 3rd grades (aged 7 to 10-years-old), the main purpose being to enable parents to return to work; re-opening was not compulsory, with the final decision made by schools' governing bodies,

primarily local governments. There are no official data on children attending; however, it is estimated to be between 5 and 10 per cent of all children.

- For older children the schools have been closed until the Summer holidays.

Parental leave

- There were no modifications to Parental leave.

Other measures for parents and other carers

- Since 12 March 2020, there has been an additional care allowance in connection with the closure of ECEC services (including nannies and other individual caregivers) and schools. The allowance replaces 80 per cent of normal earnings (based on calculations for insurance purposes), and employers cannot terminate the contract of an employee receiving this allowance. The allowance is granted to parents or legal guardians who are looking after: a child under 8 years and who are covered by are covered by sickness insurance; or a child or young person up to 16 years with a disability certificate, or up to 18 years old with a certificate of severe or moderate disability, or up to 24 years of age with a special education certificate. Parents can apply for the allowance even where a service is already open, but the parents decide not to send their child to it. It is not paid if the other parent of the child can provide care for the child, e.g. because unemployed, taking maternity, parental or childcare leave. Self-employed workers are eligible, but only if they are insured for illness; as this insurance is not obligatory, most are not covered. The additional care allowance was originally introduced for a short period, then extended for further short periods; it is now planned to be paid until July 26, 2020
- Under new regulations, employers can order employees to switch to home working. Each employer may also apply for government financial support to help pay employees unable to work or having to work reduced hours; for up to 3 months, the state covers 40 per cent of earnings and the employer 40 per cent, while the employee takes a 20 per cent cut. Self-employed workers can also receive financial assistance for up to 3 months, the amount depending on how much their turnover has decreased (e.g. if turnover has fallen by at least 30 per cent, assistance may be awarded at 50 per cent of the minimum wage).

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 2018, 737,800 individuals took Maternity leave, Paternity leave, or Parental leave; in 2017, it was 707,800. 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.

b. Paternity leave

According to ZUS, in 2017, 174,200 Paternity leave benefits were paid out (for at least one day), and in 2018 that number rose to 196,000. The average payment was PLN136.57 [€31.01] per day in 2018, and in 2017 it was PLN128.74 [€29.24] per day. 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. Recent numbers of parents taking Parental leave benefit are 406,600 (2017) and 419,900 (2018) – of which 99 per cent (402,400 and 415,500 respectively) were women. The Parental leave benefit on average amounted to PLN70.99 [€16.12] per day in 2017 and PLN72.56 [€16.49] per day in 2018. It was lower for women, reflecting the gender pay gap: on average, women received 67 per cent of the benefit paid to men in 2017, and 63 per cent in 2018.

d. Childcare leave (*urlop wychowawczy*)

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.^{3 4}

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.⁵ 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, 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 aim⁶; 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.⁷ 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

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>.

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.

place in the past did not influence child-bearing among Polish women.⁸ 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.⁹

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.¹⁰ 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).¹¹

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 parental benefit. In 2017, expenditure on parental benefits amounted to PLN1,044.60 million [€23.722 million] and 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).

⁸ 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

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.problemy polityki społecznej.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.