



# POLAND



Population: 38+ million people



Stonewall Global Diversity Champions: 45

## THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Poland is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

Two further zones exist. In Zone 2 countries, sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries sexual acts between people of the same sex are illegal.

### FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The Constitution protects the **rights to freedom of expression, association and assembly** under Articles 54, 57 and 58.

There are **no LGBT-specific restrictions or additions** to these rights.

### FAMILY AND SAME-SEX RELATIONSHIPS

**Sexual acts** between people of the same sex are **legal**.

There is an **equal age of consent** of 15 years for sexual acts regardless of gender under Article 200 of the Polish Penal Code.

**Same-sex marriage** is **not legal** and marriage is defined as a union between a man and a woman under Article 18 of the Polish Constitution and Article 1 of the Polish Family and Guardianship Code.

**Same-sex relationships** are **not** otherwise **recognised by law**.

Same-sex couples have **no legal right to adopt children** jointly or through second parent adoption under Section II of the Polish Family and Guardianship Code.

### EQUALITY AND EMPLOYMENT

Article 32 of the Constitution states that **everyone is equal before the law** and provides for **equal treatment and non-discrimination**. However, it **does not explicitly refer to sexual orientation and gender identity**.

**Employment discrimination based on sexual orientation is prohibited** under Articles 11<sup>3</sup> and 183<sup>a</sup> of the Labour Code.

There is **no legislation** explicitly **protecting trans people from discrimination**.

**Employment services provided** by the **state**, such as career counselling and job intermediation, should **follow the principle of equality** under Articles 36 and 38 of the Act on Promotion of Employment and Labour Market Institutions. This means **it is prohibited to create discriminatory requirements** (among others **on the grounds of sexual orientation**) regarding the access to these employment services.

**Hate crimes based on sexual orientation or gender identity** are **not** expressly **considered aggravating circumstances** in sentencing.

### GENDER IDENTITY

There is **no clear law** providing for **legal gender change**.

**Court practice** establishes that, **through a court ruling, trans people can change** their name and **legal gender** to male or female on all legal documents except for their extended birth certificate, which can only be annotated.

In order to **obtain** such a **court ruling**, as a rule the person needs to **file a lawsuit against their parents** under Article 189 of the Polish Code of Civil Procedure. Additionally, the **person cannot be married**.

The **court ruling can be used** as a legal ground for justifying **legal name change** when filing an application for name change to the Head Registry Office.

### IMMIGRATION

There are **no legal provisions** that specifically **support immigration of same-sex partners**.

As same-sex relationships are not recognised by law, **same-sex partners cannot obtain a dependant visa**.

## A VIEW FROM POLAND

**Pro Diversity Foundation** supports employers to create equal and inclusive workplaces for LGBT employees. The group offers workshops, consulting and networking to businesses and runs an annual index of workplace equality.



**Campaign Against Homophobia (KPH)** works nationwide to prevent violence and discrimination against LGBT people through advocacy work and the implementation of educational programmes for various professional groups.



Jej Perfekcyjność, chair of the board of Pro Diversity, and Magdalena Świder, member of the board of Pro Diversity and programme coordinator at KPH, spoke to Stonewall about the situation for LGBT people in Poland.

### Everyday life

In general, life is easier for LGBT people in cities than it is in more rural areas. However, many homophobic, biphobic and transphobic hate crimes are still committed across the country. As Poland's hate crime legislation does not recognise crimes based on sexual orientation and gender identity, the police and judges are often unable to adequately deal with instances of violence. Incidents of such hate crimes are now covered more frequently in the media than before. However, while this may be an awakening for some, the reporting unfortunately gives a lot of space to anti-LGBT voices, including the growing right wing in Parliament. A proposed law to make it easier for trans people to change their gender was passed in Parliament in 2015, but was then vetoed by the President. There has been little positive change recently, but there are some small improvements. For example, the Mayor of Poznań has participated in the city's Pride parade for the last two years. And 55 per cent of people in Poland would find it acceptable if same-sex couples were afforded some form of legal recognition, such as civil partnerships.

### LGBT groups and advocacy

In the past two years, attacks on LGBT people and groups have seen a dramatic increase. KPH's *Social situation of LGBTQA persons in Poland – 2015-2016* report revealed that 68.9 per cent of LGBTQA persons had experienced hate violence between 2015 and 2016. Offices of LGBT groups have been broken into, damaged, and had their walls covered with anti-LGBT slurs. One group had their windows smashed with stones and a smoke bomb was thrown at a film screening organised by an LGBT student group. These recent developments are scary and intimidating. However, groups are resilient and continue to fight for positive change. Some of our current priorities include LGBT-inclusive education at schools, the legal recognition of same-sex couples, and equal treatment in the workplace and health services. All of these are areas of life in which LGBT people are currently overlooked or discriminated against.

### Healthcare

The majority of people are covered by state health insurance. However, the healthcare available is not particularly inclusive of LGBT people. The university curriculum for health professionals usually doesn't cover LGBT topics. While some NGOs are working on further educating health professionals in this regard, many doctors don't know about health issues specific to sexual orientation and gender identity. They tend to assume all their patients are straight and cisgender. There is a particular lack of expertise and services in regard to trans issues. Many trans people have to resort to self-medicating. Gender reassignment surgeries also have to be covered financially by the individual. However, as not many specialists exist, trans people who wish to, and who can afford to, undergo surgery abroad. A national centre for HIV/AIDS does exist, though some worry about future state funding for it.

### Workplace

A wide survey conducted by the LGBT Business Forum in 2015 found that 46 per cent of LGBT people have been discriminated against in the workplace. This includes jokes, inappropriate language and being excluded from social events, among others. Because of this, many LGBT people hide their sexual orientation and gender identity, often with a negative effect on their mental health. KPH's *Social situation of LGBTQA persons in Poland – 2015-2016* report revealed that 71 per cent of LGBTQA individuals in Poland hide their sexual orientation and gender identity in their workplace. It also showed that 11 per cent of LGBTQA persons who had experienced hate violence, had experienced it in their workplace. While there is still a long way to go there is much businesses can do to help. Organisations should partner with and support NGOs to create inclusive working environments as well as wider equality in Poland. This includes educating staff, involving senior leaders, establishing LGBT employee support groups and introducing anti-discrimination policies and equal staff benefits.

## LGBT INCLUSION IN THE WORKPLACE

### THE FOUNDATIONS

There are several steps employers can take to start creating a supportive workplace environment for their LGBT employees in Poland:

- ✓ **Consult local LGBT organisations to understand the local context for LGBT people**
- ✓ **Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies**
- ✓ **Train HR staff and promote inclusive policies**
- ✓ **Carry out LGBT-inclusive diversity training**
- ✓ **Encourage senior managers to promote their commitment to LGBT inclusion and equality**

### NEXT STEPS

Once a foundation has been built, there are further steps employers can take to bring about positive change for LGBT people. For example:

- ✓ **Audit and extend partner benefits to same-sex partners**
- ✓ **Establish employee engagement mechanisms like LGBT networks and allies programmes**
- ✓ **Carry out LGBT awareness-raising events**
- ✓ **Partner with local LGBT groups to advance LGBT equality beyond the workplace**
- ✓ **Work with suppliers and partners to advance LGBT workplace equality**

Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. [www.stonewall.org.uk/gwei](http://www.stonewall.org.uk/gwei)



## LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

**Credit Suisse** Credit Suisse sets the foundation for an equal and inclusive workplace by referring explicitly to sexual orientation and gender identity in its anti-discrimination policies and Code of Conduct. To foster understanding of the importance of equality for all, employees are required to take an annual e-learning module on diversity and inclusion. In 2015, Credit Suisse extended its successful LGBT ally programme to Poland. The Country Head of Credit Suisse in Poland supported the launch by signing an internal message, which encouraged employees to become LGBT allies. Nearly 200 LGBT allies have since pledged their commitment to advancing equality for LGBT people at work. LGBT allies have been invited to attend various events, such as the LGBT ally training, network philanthropic days, a movie night and networking events. Credit Suisse in Poland also has an LGBT network group to drive inclusion and equality for LGBT staff across the organisation. In 2017, the network group ran a series of internal workshops on inclusive language. During these sessions employees had an opportunity to discuss everyday examples of discriminatory language and learned how to challenge it. In 2016, Credit Suisse officially attended the Wrocław Pride event, the first global company to do so. The Head of Credit Suisse Wrocław gave a short address during the event to express Credit Suisse's support for LGBT equality. Credit Suisse's presence at the event was covered by local media and communicated internally to employees.

**Procter & Gamble** Procter & Gamble (P&G) policies expressly prohibit discrimination based on sexual orientation and gender identity. Partner-related employee benefits apply equally to same-sex and different-sex couples. P&G also runs an LGBT employee and ally network, GABLE, in Poland. The network aims to create a workplace atmosphere where every LGBT employee can bring their whole self to work. Allies are seen as essential for reaching this goal. For example, GABLE runs an ally workshop and provides online training to educate employees about LGBT workplace issues, and to enable them to become better allies. Allies are also provided with rainbow flag stickers to stick to company badges and laptops to signal support for the LGBT community. News and updates from GABLE, as well as high-level executive ally support, is shared through a quarterly internal newsletter.

**RBS** RBS Poland's Dignity at Work policy aims to create an inclusive working environment free from bullying and harassment. It is accessible to all employees on the intranet. After a policy audit with Stonewall, the Dignity at Work policy was amended in 2015 to explicitly prohibit bullying and harassment based on sexual orientation and gender identity. This lays the groundwork for an inclusive work environment for LGBT employees. In 2017 RBS consulted with the local legal team to include questions on sexual orientation and gender identity within its annual employee survey. 2017 was also the second year that RBS attended Warsaw Pride. Over 100 employees paraded through the streets on an RBS-branded float. Senior leadership across RBS' Poland offices promoted the Pride activity through the bank's internal social media channel.



## GET INVOLVED



### THE ANNUAL LGBT CALENDAR

**June** - Warsaw Equality Parade. [www.paradarownosci.eu](http://www.paradarownosci.eu)

**September** - Poznan Pride Week. [www.grupa-stonewall.pl/poznan-pride-week](http://www.grupa-stonewall.pl/poznan-pride-week)

Check the events websites for the most up-to-date information on dates.



### FIND LGBT GROUPS AND COMMUNITIES

**Campaign Against Homophobia (KPH)** - a nationwide organisation working to prevent violence and discrimination against LGBT people through advocacy work and educational programmes for various professional groups. [www.kph.org.pl](http://www.kph.org.pl)

**Polish Society of Anti-Discrimination Law (PSAL)** - a group of Polish law practitioners, policy experts, NGOs and academics interested in promoting and improving anti-discrimination legislation. The society carries out litigation and provides legal guidance, education and monitoring of the state's performance. [www.ptpa.org.pl](http://www.ptpa.org.pl)

**Pro Diversity Foundation** - an organisation supporting employers to create equal and inclusive workplaces for LGBT employees. The group offers workshops, consulting and networking to businesses and runs an annual index of workplace equality. [www.prodiversity.pl](http://www.prodiversity.pl)

**The Stonewall Group** - an LGBT organisation operating in greater Poland and focusing on education as well as services for the LGBT community. [www.grupa-stonewall.pl](http://www.grupa-stonewall.pl)

**Trans-Fuzja Foundation** - a trans equality organisation focusing on research, education, counselling and assistance for trans people. [www.transfuzja.org](http://www.transfuzja.org)



### GET LOCAL LGBT UPDATES

**Queer.pl** - an online news portal for the LGBT community in Poland. [www.queer.pl](http://www.queer.pl)



## STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 45 ORGANISATIONS OPERATING IN POLAND.

Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact Stonewall.

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Every effort has been made to ensure that the information contained in this Global Workplace Briefing is correct as of February 2018. Introducing any new initiative requires careful consideration and the safety of staff should always be of paramount importance. This overview is for guidance purposes only and does not constitute, nor should it be interpreted as a substitute for, detailed legal advice. If you have any specific legal concerns, always consult with local legal experts. Stonewall Equality Ltd, Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)