Poland became a European Union member in 2004. Since the 1990s, Poland has transitioned into a market oriented country and its unemployment rate is now lower than the EU average. Poland has a population of 38.5 million people and a total of 46 Stonewall Global Diversity Champions operate there.

**THE LEGAL LANDSCAPE**

In Stonewall’s Global Workplace Equality Index, broad legal zoning is used to respond to the differing challenges faced by organisations across their global operations. Poland is classified as a Zone 1 country, which means same-sex relationships are legal and clear national employment protections exist for lesbian, gay, and bisexual people.

Two further zones exist. In Zone 2 countries, same-sex relationships are legal but no clear national employment protections exist on grounds of sexual orientation, while in Zone 3 countries same-sex relationships are illegal.

<table>
<thead>
<tr>
<th>FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY</th>
<th>FAMILY AND SAME-SEX RELATIONSHIPS</th>
<th>EQUALITY AND EMPLOYMENT</th>
<th>GENDER IDENTITY</th>
<th>IMMIGRATION</th>
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<td>Chapter 2 of the Polish Constitution grants the rights to freedom of expression, association and assembly. No negative laws specifically target LGBT people or organisations in regard to freedom of expression, association and assembly. There are no laws in place that regulate hate crimes motivated on the grounds of sexual orientation or gender identity.</td>
<td>Sex between people of the same sex is legal. There is an equal age of consent regardless of sexual orientation and gender identity. There is no legal recognition of same sex couples. Article 18 of the Polish Constitution grants special protection to marriage, which is “understood” as a union between a man and a woman. Same-sex couples have no legal right to adopt.</td>
<td>Article 32 of the Constitution of Poland provides for equality before the law and the right to equal treatment by public authorities. Article 32 of the Constitution further stipulates that “no one shall be discriminated against in political, social or economic life for any reason whatsoever”. In 2004, Poland implemented the EU Employment Directive 2000/78/EC into national law. The Directive prohibits discrimination on the grounds of sexual orientation and provides victims with the possibility of seeking redress. There is no non-discrimination legislation explicitly protecting trans people.</td>
<td>There is no clear legislation providing for the opportunity to change one’s legal gender. Polish case law establishes that trans people can change their legal gender. The change of legal gender is subject to surgical intervention, a medical diagnosis and a lawsuit against the person’s parents.</td>
<td>There are no provisions in law that support immigration of same-sex spouses or partners.</td>
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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.
What are the biggest challenges facing LGBT people in Poland? There is little legislation protecting LGBT people and providing for equality, which has many negative impacts for the LGBT community. For instance, violence is frequently directed against LGBT people, but Poland’s hate crime legislation does not recognise crimes based on sexual orientation and gender identity. As such, police and judges are often unable to deal with instances of violence adequately. Some positive developments include training for judges and police, but without legislation avenues for action are still limited. Same sex couples also lack legal protection, as they are not legally recognised.

What specific issues affect lesbians, bisexual women and trans people? Women are less visible than men in Poland’s LGBT movement, and have to face further problems connected to the patriarchal culture in Poland. The Polish LGBT community is somewhat unique in that trans people have been included and involved since the beginning of the movement in 1989. However, we have seen recent negative developments in the advancement of trans rights. A law that was meant to create clear legal grounds for gender recognition was vetoed by the President. This means that trans people will continue to have to sue their parents in court in order to be able to gain legal recognition. The transitioning process is also not funded by the state.

How are LGBT people portrayed in the media? The way in which LGBT people are portrayed in the media varies greatly. While right wing media often portrays LGBT people as deviants, there is a consensus in the mainstream media not to discriminate against LGBT people. But even within mainstream media, indirect discrimination exists, for instance in the form of harmful stereotypes.

What is the workplace like for LGBT people and what can organisations do to promote equality? A survey conducted by LGBT Business Forum in 2015 found that 46% of LGBT people have been discriminated against in the workplace. The forms of discrimination include jokes and inappropriate language, but also physical attacks. The journey towards an LGBT inclusive workplace only really started in 2010 in Poland and we still have a long way to go. But there is a lot businesses can do to help with this journey. Organisations should partner with, and support, NGOs to work together towards an inclusive work environment as well as wider equality in Poland. Supporting LGBT equality publically is also key to becoming an attractive employer to a talented and diverse pool of people.

USEFUL RESOURCES

LGBT ORGANISATIONS AND INITIATIVES IN POLAND

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. kph.org.pl

KdT Fundacja Kultura dla Tolerancji - Culture for Tolerance Foundation organises various LGBT focused events, such as festivals as well as academic conferences and seminars, to support the development of acceptance of LGBT people in Poland. kulturadlatolerancji.org

LGBT Business Forum is an organisation raising awareness and working for equality and non-discrimination of LGBT people in the workplace. The forum conducts market and workplace research, and runs diversity training, as well as an LGBT Business Forum Conference. lgbt.biz.pl/en/

Polish Society of Anti-Discrimination Law (PSAL) brings together a range of Polish law practitioners, policy experts, NGOs and academics interested in promoting and improving anti-discrimination legislation. The society provides legal guidance and litigation, education and monitoring of the state’s performance. ptpa.org.pl

Trans-Fuzja Foundation: Supporting Transgender People is an organisation that aims to create a society in which transgender issues are not taboo and knowledge about sex, genders and sexual identities is widely available. Their activities focus on research, education, counselling and assistance for trans people. transfuzja.org

Warsaw Equality Parade has been marching in the streets of Warsaw since 2001. The Warsaw Equality Parade takes place annually in June and is an important celebration for all people who value equality, diversity, and the freedom of each individual. paradarownosci.eu
PRACTICAL APPROACHES TO LGBT INCLUSION

THE FOUNDATIONS

There are several steps that employers should be taking to create a workplace environment that is respectful and supports basic equality for their LGBT employees in Poland:

- Start by introducing an anti-discrimination / bullying and harassment policy
- Engage in online internal awareness-raising with inclusive messages from senior global and national staff
- Carry out LGBT-inclusive diversity training
- Audit and extend equal benefits to same sex partners
- Establish employee support mechanisms like LGBT networks and allies programmes

ROYAL BANK OF SCOTLAND

RBS Poland’s Dignity at Work policy aims to create an inclusive working environment free from bullying and harassment and 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.

CREDIT SUISSE

Credit Suisse sets the foundation for an equal and inclusive workplace by referring explicitly to sexual orientation and gender identity in its Equal Employment Opportunity and Dignity at Work policies, as well as its Code of Conduct. In order to foster understanding of the importance of equality all employees, including those based in Poland, are required to take an annual e-learning module on diversity and inclusion. In 2015, Credit Suisse extended its successful LGBT Ally program to Poland. The Country Head of Credit Suisse in Poland supported the launch through signing an internal message which encouraged employees to become LGBT Allies. Nearly 200 LGBT Allies have since pledged their commitment to advancing fair treatment of 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. The group enjoys support from top local managers, to whom the network had a chance to present its aims and achievement at the Wroclaw 100 Leaders Club meeting. The network is committed to building a community of engaged employers and has started sharing good practice with other organisations. In the lead up to a local Pride event, Credit Suisse initiated a “Rainbow Corporate Meeting” in collaboration with LGBT Business Forum. The meeting was attended by representatives from Google and LGBT Business Forum.

NEXT STEPS

The best employers should be looking at how they can build on their inclusive policies and practices to initiate a culture shift with tangible benefits for LGBT staff. Stonewall suggests organisations take steps to:

- Raise awareness internally by carrying out physical events
- Offer targeted leadership and career development opportunities to LGBT staff
- Support diversity forums and NGOs who champion LGBT equality
- Engage in external community engagement such as Prides
- Visibly champion LGBT equality in public media
- Work with supply chains to further LGBT equality

Stonewall’s Global Diversity Champions programme works with 46 organisations operating in Poland. Our team of workplace advisors offer tailored one to one advice on how to create LGBT inclusive workplaces globally. Please contact Stonewall for further information.

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Every effort has been made to ensure that the information contained in this Global Workplace Briefing is correct as of April 2016. 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.

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