

Stonewall

ABOUT THIS RESOURCE

This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at www.stonewall.org.uk

Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.

POLAND

 **Population: 38+ million people**

THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations. Please note, the zoning system is currently defined only by laws relating to sexual orientation.

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 LGBTQ+-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 11³ and 183^a 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 (on the grounds of sexual orientation, but not explicitly including gender identity)** regarding 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 **trans people can change** their name and **legal gender** through a court ruling.

All legal documents can be amended to show gender as 'male' or 'female', except for extended birth certificates, which can only be annotated.

In order **to obtain** such a **court ruling**, 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 of the Registry Office.

There is **no legal gender marker** option **other than 'male' or 'female'**.

IMMIGRATION

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

As same-sex relationships are not recognised by law (as non-marriage relationships in general), **same-sex partners cannot obtain a dependant visa**.



A VIEW FROM POLAND

Stonewall spoke to Franciszka Sady, Program Coordinator at **Campaign Against Homophobia** (KPH) and Magdalena Świder, Trainer and Consultant at **Diversity Drill**, about the situation for LGBTQ+ people in Poland.



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

Everyday life

The political climate in Poland makes life very challenging for LGBTQ+ people. The anti- LGBTQ+ rhetoric from the ruling party, the shrinking space for non-governmental organisations, and the public voices of right wing and religious fundamental groups all have an impact on daily life for the community.

For example, these groups were behind the 'LGBT-free zones' which have appeared across the country.

In general, life is easier for LGBTQ+ 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. General awareness and public support of LGBTQ+ issues is slowly growing, but at the same time there is consistent negative representation of LGBTQ+ people across state-owned media, right wing private media and from institutions with a wide influence.

Since the situation for the LGBTQ+ community in Poland has become more well-known, there are service providers and businesses that are starting to support us more actively, and people are mobilised to act. Recently there has been more visibility of trans and non-binary people in the media, and LGBTQ+ organisations are also trying to increase the visibility of bi communities. Social media is one of the strongest forms of community for young people, and this is definitely helping to raise awareness of LGBTQ+ issues.

LGBTQ+ groups and advocacy

Since 2018, LGBTQ+ groups and the LGBTQ+ community in general have become much more visible in Poland. This has been demonstrated through a large increase in the number of annual Pride events that take place across the country which has grown from 5 to around 30. LGBTQ+ advocacy really is a grassroots movement, and local organisations across different cities are working together and taking to the streets. There is clearly energy and frustration, and people want to do something about it.

We have also seen great collaboration across LGBTQ+ groups and different rights challenges, for example the women's rights movement. In terms of funding, some large LGBTQ+ organisations are receiving donations and external support thanks to the awareness of the current situation in Poland. At KPH, for example, we are then distributing this funding to smaller organisations across the country. Unfortunately, we don't have any expectations of legal protections and recognition for the LGBTQ+ community changing soon, but our main focus is to ensure that the situation doesn't get any worse.

Healthcare

The majority of people are covered by state health insurance. However, the healthcare available is not particularly inclusive of LGBTQ+ people. The university curriculum for health professionals usually doesn't cover LGBTQ+ 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. Confidence among the community in reporting misconduct or discrimination in healthcare settings is increasing, which is helping to drive positive change.

Workplace

LGBTQ+ people often face discrimination in the workplace including jokes, inappropriate language and being excluded from social events, among other things. Because of this, many LGBTQ+ people hide their sexual orientation and gender identity at work, often with a negative effect on their mental health. However, since 2018, perhaps due to more awareness of the situation for LGBTQ+ people in Poland, there has been a large increase in businesses reaching out to LGBTQ+ organisations to offer fundraising support, donations, and to ask for advice on building safer and more inclusive workplace environments.

In the past, businesses haven't wanted to work directly with LGBTQ+ organisations, but this is definitely changing. Local Polish businesses as well as larger international corporations are understanding their responsibility in supporting the community and influencing in the public sphere. The key action businesses can take is to reach out to a local LGBTQ+ group and come up with a solution which has mutual benefit and creates real change. For example, the LGBTQ+ group might be able to support with internal training, and the business could participate in Pride events and provide funding to help their important work continue.

LGBTQ+ INCLUSION IN THE WORKPLACE

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBTQ+ workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBTQ+ inclusion work across the globe.

The Index evaluates an organisation's performance across key areas of employment policy and practice. In line with these areas, in Poland, employers can work to:

1. Implement LGBTQ+–inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies, and equal partner and family benefits.
2. Carry out comprehensive **all-staff training** on sexual orientation and gender identity.
3. **Engage staff** by setting up local LGBTQ+ employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBTQ+ inclusion within your organisation and advocate for equality.
5. Assess whether you can **monitor** sexual orientation and gender identity data in order to understand and improve the experiences of LGBTQ+ employees.
6. Evaluate your **procurement** practices to ensure LGBTQ+ inclusion forms part of the tendering process and your engagement with potential and existing suppliers.
7. Work to understand the **local context** and support **local communities** by partnering with local LGBTQ+ groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Poland with adequate, LGBTQ+–specific information.



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 an 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. Over 400 LGBT+ allies across both offices in Poland have since pledged their commitment to advancing equality for LGBT+ people at work. Since 2014, an internal LGBT+ network group has driven inclusion and equality for LGBT+ staff across the Polish organisation. The group organizes trainings, personal story sharing meetings, and celebrations for major events for LGBT+ people such as Pride, IDAHOBIT and Coming Out Day. In 2016, Credit Suisse Poland was the first global company to officially attend the Wrocław Pride event, and they have since inspired and encouraged other companies to join the annual march. In 2019, Credit Suisse introduced a global campaign for Pride, with senior management encouraging others to sign up as LGBT+ Allies. This substantially increased the number of allies in Poland from around 200 to the current 400. In response to the extended harassment and discrimination currently faced by the LGBT+ community in Poland, Credit Suisse Poland responded with additional sessions for management across all seniority levels about the importance of being an LGBT+ ally. This ran alongside additional internal communications about inclusion and support for LGBT+ employees, including the 'Wall of Fame' initiative where global allies provide their picture with encouraging slogans, and additional sessions with psychologists for employees in need.

Procter & Gamble

P&G started its LGBTQ+ inclusion journey in 1992, when it added sexual orientation to the Equal Employment Opportunity Statement. P&G Central Europe joined the movement in 2015 and formed the GABLE network (lesbian, gay, bisexual, transgender, queer and ally employees). In addition to ensuring equal treatment in policies, career opportunities and benefits for LGBTQ+ employees, the network holds training sessions, empowers others to become allies, and issues a quarterly newsletter on relevant events and resources. In 2019 more than 200 employees joined the Warsaw Pride parade with their family members. Covid-19 didn't stop these efforts, as initiatives became virtual and even more accessible, with over 300 employees joining the virtual 'Can't Cancel Pride'. The network measures its effectiveness with an annual survey. In 2021, 96% of P&G Poland LGBTQ+ employees reported they feel accepted at their workplace and 80% are out to their colleagues. Its leadership team demonstrates the values of diversity, contributing to our wider company values and helping to build a world free of bias. GABLE network was externally awarded with 'Excellence in Belonging' in the Central European region by We Are Open foundation in 2020. With recent events in Poland, GABLE's mission to create a LGBTQ+ inclusive culture within the company is more important than ever.



GET INVOLVED



THE ANNUAL LGBTQ+ CALENDAR

May - Queer May Festival. www.queerowymaj.org/festiwal-queerowy-maj

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

June - Warsaw Equality Parade. www.paradarownosci.eu

June - Poznan Pride Week. www.grupa-stonewall.pl/poznan-pride-week



FIND LGBTQ+ GROUPS AND COMMUNITIES

Campaign Against Homophobia (KPH / Kampania Przeciw Homofobii)

- 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

Polish Society of Anti-Discrimination Law (Polskie Towarzystwo Prawa Antydyskryminacyjnego)

- 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

The Stonewall Group (Grupa Stonewall)

- an LGBT organisation operating in greater Poland and focusing on education as well as services for the LGBT community. www.grupa-stonewall.pl

Trans-Fuzja Foundation (Fundacja Trans-Fuzja) - a trans equality organisation focusing on research, education, counselling and assistance for trans people. www.transfuzja.org

Lambda Warszawa - the longest operating LGBT organization in Poland providing support to LGBT individuals. www.lambdawarszawa.org

Kultura Równości (The Culture of Equality) - an LGBT organisation operating in Wrocław focused on community building, events and providing support for LGBT persons in the Lower Silesia region. www.kulturarownosci.org

My, Rodzice (Us, Parents) – A nationwide group for parents of LGBT people and their supporters, focused on educational programmes, workshops and individual support and guidance for parents of LGBT people and their families. www.myrodzice.org

Tolerado - an LGBT organization based in Gdańsk focusing on individual support and guidance for LGBT people and their families through workshops, support groups, events and panels. www.tolerado.org

Queerowy Maj (Queer May) - an LGBT organization based in Kraków focusing on educational and cultural events such as the Equality Parade in Kraków and Queer May festival. www.queerowymaj.org

Fundacja Interakcja (InterAction Foundation) - an Intersex organization working to educate on intersex issues, provide guidance and support for intersex people and their parents. www.interakcja.org.pl



GET LOCAL LGBTQ+ UPDATES

Queer.pl - an online news portal for the LGBT community in Poland. www.queer.pl



STONEWALL'S **GLOBAL DIVERSITY CHAMPIONS** PROGRAMME WORKS WITH A RANGE OF ORGANISATIONS OPERATING IN POLAND.

The Global Diversity Champions programme gives employers the tools they need to take a strategic and structured approach to LGBTQ+ equality initiatives globally and provides a network to keep them informed of legal changes and implications for their staff wherever they are in the world. Our team of workplace advisors offers tailored one-to-one advice on how to create LGBTQ+ -inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBTQ+ inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact memberships@stonewall.org.uk

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Legal Partner



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Our use of the acronym LGBTQ+ may differ across our interviews with civil society and case studies from employers as we seek to reflect the language that they use to represent their communities. Every effort has been made to ensure that the information contained in this Global Workplace Briefing is correct as of March 2021. 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)