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THE IMPACT OF EUROPEAN LAW UPON REGULATIONS GOVERNING RIGHTS RELATED TO PARENTHOOD IN POLISH LABOUR LAW

1. INTRODUCTORY REMARKS

The process of adjusting Polish law to European Union standards began in 1996 which saw the signing of an association agreement mandating Poland to harmonize its laws with EU law. Poland acceded to the EU on 1 May 2004 and has ever since been obliged to enact laws in accordance with the EU benchmark. The adjustment obligation, as maintained in the literature, is permanent and dynamic, namely that the domestic legislator is bound to ensure that conformity with EU law subsists in its legal system at every moment, by adjusting domestic laws to the European standard on an ongoing basis[1]. As parenthood is an area of intensive legislative activity of the European legislator, it has also come within the ambit of the adjustment obligation. Relevant here are, first and foremost, Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding[2] and Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC[3]. The latter replaced Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC[4]. It is clear at first glance, however, that domestic adjustments in the area were not revolutionary as Poland has boasted a high level of protection afforded to pregnancy and motherhood by cause of its ratification of the 1952 Maternity Protection Convention (C103) of the Interna-

[1] L. Mitrus, *Wpływ regulacji wspólnotowych na polskie prawo pracy*, Warszawa 2006, p. 115.
[2] Official Journal of the European Union, L 348, 28.11.1992, pp. 1–7.
[3] Official Journal of the European Union, L 68, 18.3.2010, pp. 13–20.
[4] Official Journal of the European Union, L 145, 19.6.1996, pp. 4–9.

tional Organization and the fundamental rationales underpinning the socialist legislative philosophy.

2. HEALTH PROTECTION OF PREGNANT AND BREASTFEEDING WOMEN

One of the aims of the European legislator as pronounced in Directive 92/85 is to protect pregnant women from harmful effects of the working environment. To that end, employers are burdened with an obligation to assess the impact of the working environment on pregnancy and breastfeeding and to take steps to neutralize dangers resulting from the working environment for pregnant and breastfeeding women. Employers must inform of the results of these assessments and to take preventative measures consisting in altering working hours or conditions with a view to eliminating a given danger, transfer an affected pregnant or breastfeeding worker to another work or, if that is implausible, release her of the obligation to provide work. In addition, the European legislator obliged the Member States to ensure that pregnant women have access to time off work to perform necessary medical checks and that pregnant and breastfeeding women are not obliged to provide night work.

The Polish Labour Code has, since its enactment in 1974, included a wide variety of instruments of protection of pregnant women from harmful effects of the working environment. Article 176 provides that pregnant and breastfeeding women cannot perform arduous, hazardous, or detrimental-to-health works that may have an adverse impact on their health, the pregnancy, or breastfeeding. Subsection 2 of the Article gave grounds for a Council of Ministers' Regulation that specified a list of such detrimental and harmful works. Pregnant women cannot be compelled to perform overtime work (Article 178) nor employed in systems of work where working time exceeds 8 hours per day (Article 148). As we can see, the level of health protection of pregnant women had been high even before the process of harmonization began. Therefore, adjustment to EU standards relied more on specifying and particularizing the existing scope of protection rather than introducing entirely new mechanisms into Polish legislation. Chiefly, employers' obligations regarding the prohibited employment of pregnant and breastfeeding women were recast in more detail. Before it was brought in line with the EU standard, Article 179 of the Labour Code had mandated the employer to transfer an affected woman to another work. On the contrary, Directive 92/85 envisions a far wider array of remedies: the employer should, first and foremost, shall take the necessary measures to ensure that, by temporarily adjusting the working conditions and/or the working hours of the worker concerned, the exposure of that worker to such risks is avoided (Article 5). If such adjustment proves technically

or objectively impossible, or cannot reasonably be required on duly substantiated grounds, the employer shall take the necessary measures to move the worker concerned to another job. If a transfer, in turn, is not technically or objectively feasible or cannot reasonably be required on duly substantiated grounds, the worker concerned shall be granted leave in accordance with national legislation and/or national practice for the whole of the period necessary to protect her safety or health. The Polish parliament adjusted the domestic provisions by differentiating the employer's obligations depending on the detrimental factor in question. The types of factors considered detrimental or otherwise harmful to health, existence of which rules the possibility of employing pregnant and breastfeeding women, are indicated in a regulation enacted on the basis of Article 176 § 2 of the Labour Code. Until recently it was the Regulation of the Council of Ministers of 10 September 1996 on the List of Particularly Arduous and Detrimental-to-Health Works for Women[5], which now has been replaced by the Regulation of 3 April 2017 on the List of Detrimental, Hazardous and Arduous Works for the Health of Pregnant and Breastfeeding Women[6]. By reference to the list employers concretize, in internal rules of work, the works pregnant and breastfeeding women cannot be required to do. Prohibited works include works pregnant women cannot perform due to the intensity of the prohibited factor, i.e. absolute prohibition (e.g. sewage works, work in caissons), and those in respect of which prohibition comes in where a given maximum intensity of a prohibited factor is surpassed. Where pregnant or breastfeeding workers perform absolutely prohibited work, their employer must transfer them to another work or, if that would be impossible or ungrounded, release the worker from her obligation to work whilst retaining her pay. Where pregnant or breastfeeding workers perform work prohibited only at a certain intensity, the employer must, first, alter the conditions of work or its timeframe so that the impact of the prohibited factor is eradicated. Only if this proves impossible is the employer obliged to transfer the affected worker to another work or, if that would be impossible or ungrounded, release the worker from the obligation to perform work for as long as may be required, whilst retaining her pay.

Adjustment of Polish labour law to the requirements stemming from Directive 92/85 encompassed rules governing night work of pregnant women. It must be noted that the Labour Code since its inception contained an appropriate prohibition, however it did not determine the obligations resting on the employer by reason of employing a pregnant women at night. Article 178 § 1 envisaged merely that the employer may not employ a pregnant woman at night time. On the contrary, Article 7 of Directive 92/85 stipulates that women shall not be obliged to perform night work during their pregnancy and for a period following childbirth,

[5] Consolidated text: Polish Official Journal of Laws of 2016, item 2057.

[6] Polish Official Journal of Laws of 2017, item 796.

and the employer must transfer her to day work or provide her with leave. To promulgate those regulations in Polish law, Article 178[1] was introduced into the Labour Code, pursuant to which the employer shall modify a pregnant woman's working time pattern for the period of her pregnancy, so that work is not performed at night time as far as possible, and if this is impossible or ungrounded – the pregnant worker shall be employed in another position where night work is not required. In turn, if no such transfer is possible, the employer shall release the worker from the obligation to perform work for as long as may be required, whilst retaining her pay. One should note that the prohibition on night work and employers' obligations resulting therefrom (Articles 178 § 1 178[1] of the Labour Code) attach only to women in pregnancy, whereas the scope of the prohibition in Directive 92/85 also covers breastfeeding women. It follows that, *de lege lata*, there is no labour law in Poland that would prohibit employing breastfeeding women at night time. It is a matter of dispute whether EU regulations were transposed correctly into Polish labour law in this respect. Perhaps to ensure effective implementation of the Directive the already existing ban on employing at night time, without their consent, workers caring for children under the age of four is sufficient. Even if that is the case, however, Polish law does not prescribe any consequences or obligations for employers who do resort to such employment, whilst the Directive does envisage legal ramifications in respect of employment of breastfeeding women at night time. It appears, therefore, that there is no full correspondence between domestic and EU law here and Articles 178 § 1, 178[1] of the Labour Code should be expanded so as to include breastfeeding women.

The legislator need not have embarked on any legislative activity to transpose Article 9 of the Directive on the duty of employers to grant their pregnant workers time off for ante-natal examinations. Such a stipulation had existed in Polish labour law long beforehand – an employer shall grant time off work (fully paid) to a pregnant worker for the purpose of undergoing medical examinations according to doctor's orders in connection with the pregnancy (Article 185 of the Labour Code).

3. LEAVE RELATED TO PARENTHOOD

EU Member States are obliged, under Directive 92/85, to grant women the right to maternity leave of at least 14 continuous weeks, allocated before and/or after confinement (or peripartum), and render the compulsory nature of maternity leave of at least two weeks. Also in this case Poland's laws before the accession allowed female workers in pregnancy and confinement the right to maternity leave for a period of 16 weeks in respect of the first child, and 18 weeks for every subsequent child. The worker could choose to use 2 weeks of that time before giv-

ing birth. These regulations already met the requirements subsequently laid down in Article 8 of Directive 92/85. Nowadays, a woman has a right to 20 weeks' leave if she gives birth to one child, and the number increases should more children be born out of one birth. The upper threshold is 37 weeks for five children or more born out of one birth. A woman may use up to 6 weeks of the leave she is entitled to before the birth. Throughout her leave, she is entitled to a maternity allowance in the amount of 100% of her pay, in line with Article 11 of Directive 92/85. The provisions concerning maternity leave did not require alterations in the light of the Directive. The mere difference between the respective regulations of the Labour Code and the Directive is the obligatory character of maternity leave. For European law states that only 2 weeks before or after birth are compulsory, whilst under Polish law this applies, in principle, to the entire duration of the leave[7]. In some circumstance the leave may be taken out by a child's father or a close relative, but if neither of those persons chooses to do it, the mother must, in principle, use it up in full. A woman cannot waive her right to maternity leave. *Prima facie* there is no incompatibility between Polish law and the Directive in this respect, as the latter allows for the introduction of more beneficial solutions. Even so, one may wonder whether an obligation to be subjected to leave on a full-time basis with no possibility of derogation is indeed more beneficial than the appropriate provision in the Directive. Without a doubt it helps a woman re-energise and replenish after birth and assists in providing care to a newborn. On account of the long duration of maternity leave (20 weeks), women's right of self-determination is thereby drastically impeded. Whilst the duty to go on leave for 8 weeks does not trigger any major doubts – it is a so-called peripartum break that serves a woman to regenerate and return to full health following childbirth – the obligatory character of the remainder of the leave appears gratuitous and unnecessary. In the literature it is even argued that it is a violation of EU law to take away from a female worker her freedom to decide to (partially) waive her right to maternity leave[8].

Contrary to the above, family leave was subject to more far-reaching adjustment measures. Under Polish law, family leave is considered the equivalent of parental leave; the latter phrasing is favoured in EU law as prescribed in Directives 96/34 and 2010/18. The adjustment process went through several stages and it progressed together with the evolution of the appropriate EU standards (2010 saw the enactment of a new directive on parental leave). Member States must rgant an individual right to parental leave of at least four months, one of which must be non-transferable and must be taken up by a given parent. The leave may be taken until the child reaches a certain age as regulated in national law, yet no higher than 8 years.

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[7] A. Sobczyk, *Prawo dziecka do opieki rodziców jako uzasadnienie dla urlopu i zasiłku macierzyńskiego*, "Praca i Zabezpieczenie Społeczne" 2015, issue 9.

[8] L. Mitrus, *Wpływ regulacji*..., p. 254.

Unpaid leave given to take care of a small child was introduced in Polish law as early as 1968[9]. It was subsequently named "family leave". Relevantly in the context of EU law, since its beginnings it was separate from the entitlement to maternity leave (the right to maternity leave was in no way a prerequisite for taking family leave). It was also optional and could be used up until the child reached a certain age – in this respect it was in line with the Directives' requirements. To qualify for the leave one must have at least 6 months of employment, well within the limit under Directive 2010/18 (up to one year). Also in accordance with the Directive, the right to family leave is accorded regardless of one's type of contract. Distinctly, the length of the leave has always been significant – originally 3 years (currently 36 months), which is many times more than the lower threshold imposed by the Directives (initially 3, now 4 months). That was all for similarities, however. Initially, family leave could only be taken up by women. The first manifestation of adjustment activity, therefore, consisted in extending the right to family leave to cover men[10]. Yet even after the enactment of the Regulation of the Council of Ministers of 28 May 1996 on Leave and Parental Allowance it was impossible for both parents to go on the leave simultaneously, whilst Directive 2010/18 lays down that leave is an individual right of each of the parents. The Polish legislator gradually proceeded to relax the domestic requirement by deciding to allow both parents to take up leave simultaneously for a specified time period – first it was 3 months, then 4. Not until the 2015 amendment of the Labour Code[11] was the right to family leave formulated as a joint right of both parents or custodians of the child so that parents may use the leave at the same time (thereby full correspondence with Directive 2010/18 was achieved).

Controversies were sparked by the duty, imposed by Directive 2010/18, to accord at least one month of family leave inalienably to each parent. By opting for this instrument the European legislator intended – as admitted in the preamble to the Directive – to encourage fathers to more actively engage in childcare and improve the deteriorating demographic situation. Adjustment of Polish law in this respect met with some opposition from domestic social partners. Trade unions voiced concerns that in practice this will reduce the amount of leave taken up by mothers, and pushed for extending the duration of family leave by one month. This, in turn, was vehemently protested by employers' associations that argued that the current amount of leave is long, the longest in Europe. Consequently, the

[9] By means of the Regulation of the Council of Ministers of 29 November 1975 on Unpaid Leave for Mothers in Work Caring for Small Children (Polish Official Journal of Laws of 1975, No. 43, item 219).

[10] This change was enacted by the Regulation of the Council of Ministers of 28 May 1996 on Leave and Parental Allowance (Polish Official Journal of Laws of 1996, No. 60, item 277 as amended).

[11] Act of 4 November 2014 on Amending the Labour Code and Numerous Other Acts (Polish Official Journal of Laws of 2014, item 1502).

legislator decided to take out from the entire duration of the leave (36 months) one month for each parent and made those inalienable. Thereby the minimal requirements of Directive 2010/18 were met, and it was left to those interested which parent (custodian) should use rest of the leave[12]. The 2015 amendment is compatible, as shown, with the EU requirements yet, in substantive terms, is quite unsatisfactory. In comparison to the long duration of the entire leave, 36 months, one month is very short – it is difficult to expect that the aims pursued by the European legislator will be thus attained. On the other hand, one should remember that family leave is unpaid whereas men in Poland are still better remunerated than women[13]. Inalienability of a larger part of family leave could discourage, for financial reasons, fathers from taking it at all, thereby producing an opposite result to that initially envisaged. It is submitted that there is no societal pressure or need to effect more far-reaching changes in this regard.

Entitlement to family leave applies for each child. The legislator did not predict a situation, however, where a woman gives birth to more than one child at a time. The Supreme Court has held that in such a case one family leave is due[14]. This position is questionable, also from the perspective of compatibility with EU law. Although EU legislation does not explicitly necessitate according "double" family leave in such cases, however the CJEU's case law stands for the proposition that extraordinary circumstances of the parents shall be taken into account. In its judgment of 16 September 2010 in Case C-149/10 *Zoi Chatzi v Ypurgos Oikonomikon* the Court held that the Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC cannot be interpreted in a way that in the event that twins are born, parents are automatically entitled to two periods of leave. Nonetheless, under Article 2 of Directive 2010/18it appears that, interpreted through the prism of the of equal treatment, the national legislator must enact such regulations pertaining to family leave that ensure that parents of twins are appropriately treated in a way that pays due respect to their specific needs. It is for a national court to verify whether national laws comply with this requirement and, if necessary, to interpret them so that they correspond, to the greatest possible extent, with EU law. It is difficult to pinpoint any Polish provisions that would – in line with the judgment – take into account the needs of parents of twins. An exception relates to a benefit added on top of parental allowance by virtue of childcare belonging to a person on parental leave who takes care of more than one child (Article 10 of the Act of 28 November 2003 on

[12] For more on this, see: M. Latos-Miłkowska, *Dylematy związane z dostosowaniem polskiej regulacji urlopu wychowawczego do wymogów dyrektywy 2010/18*, "Monitor Prawa Pracy" 2012, issue 9.

[13] *Cf.* the report of the Central Statistics Office of Poland, *Kobiety i mężczyźni na rynku pracy*, Warszawa 2016.

[14] Judgment of the Supreme Court of 28 November 2002, II UK 94/02 (OSNP 2004, No. 6, item 106).

Family Benefits, consolidated text: Polish Official Journal Of laws of 2016, item 1518). Parents of more than one child (provided they were born together) are entitled to that benefit for a period of 36 months (as opposed to 24 months in all other cases), however the amount of the allowance does not change[15]. It is worth considering, therefore, whether the Polish standard lives up to the ideal envisioned by the CJEU with reference to the duty to account for extraordinary needs and circumstances of workers where more than one child is born at once.

Under Article 5 of Directive 2010/18, use of family leave should not deprive a worker of rights they accrued beforehand – this provision prompted the Polish legislator to amend the laws regulating annual leave. Under former law, taking up family leave for more than one month resulted in a proportionate reduction of the amount of annual leave due. Adjustments consisted in an elimination of the family leave from the catalogue of circumstances giving rise to a reduction of annual leave in Article 155^2 § 2 of the Labour Code. Currently, if a worker takes up family leave during a year in which they accrued a right to annual leave, no reduction in the amount of annual leave due will eventuate.

4. WORK-LIFE BALANCE ARRANGEMENTS

Directive 2010/18 puts a never-before-seen emphasis on instruments that facilitate reconciliation of professional life with childcare. Work-life balance is perceived by the European legislator as an expression of equality on the labour market and a vital element of the concept of *flexicurity* (recital 8 of the preamble). Under Article 3 of the Directive, a Member State decide whether parental leave is granted on a full-time or part-time basis, in a piecemeal way or in the form of a time-credit system, taking into account the needs of both employers and workers. Furthermore, in order to promote better reconciliation Member States and/or social partners shall take the necessary measures to ensure that workers, when returning from parental leave, may request changes to their working hours and/or patterns for a set period of time. Employers shall consider and respond to such requests, taking into account both employers' and workers' needs. It appears that it is possible, under Polish labour law, to grant family leave on a part-time basis. For during family leave, a worker may perform work against payment for the current or any other employer (Article 186^2 of the Labour Code). Whilst the legislator did not explicitly referred to a part-time basis, a purposive construction leads clearly in this direction as the undertaking of work on a fulltime basis equals the end of the family leave. Consequently, the idea of Article 186^2 implies

[15] *Cf.* judgment of the Voivodeship Administrative Court in Wrocław of 16 January 2016, IV SA/Wr 454/13.

to be that, if employed during family leave, a worker is using its family leave on a part-time basis[16]. Independently, a worker entitled to family leave may apply to the employer in writing for a reduction of their working time (Article 186^7). It is an alternative right as against the right to family leave, and the reduction cannot exceed half of the worker's full working time, whilst the employer is under an obligation to accept the request. The right to have one's working time reduced is connected with the right to family leave so that one must be entitled to the latter to be eligible to apply for the former. The reduction may be benefited from without using up one's family leave; it is also available following a worker's return from her family leave provided that she still has a right to that leave. It is not possible, however, to take advantage of the reduction after one's right to family leave has expired (or where it has been fully used up). It is difficult and complex to assess the compatibility of Article 186^7 with EU law. On the one hand, the Polish legislator treats using of the right to reduction as separate from the using of family leave, therefore it is not the case (which, on a side note, would still be in line with the Directive) that workers by choosing to exercise their right to reduction thereby take up their family leave on a part-time basis. However, the right to reduction does not fully correspond to the right in Article 6 of the Directive as it is not tied to a worker's return from family leave. This is not to say that the Polish regulation breaches the Eu standard. One must consider the sheer length of the leave and that for full 36 months a worker is able to freely choose between family leave and reduced working time. Even so, J. Skoczyński has noted that Articles 186^2 and 186^7 of the Labour Code treat workers entitled to family leave inconsistently, which is liable to fall in breach of the constitutional principle of equality before the law. One way to remove the incompatibility would be to assume that a worker entitle to family leave, who chooses to reduce their working time, is thereby a worker benefitting from family leave in the form of a reduction of their working hours[17].

5. SPECIAL PROTECTION OF STABILITY OF THE EMPLOYMENT RELATIONSHIP

Both Directives – 92/85 and 2010/18 – compel the Member States to institute instruments aimed at protecting workers from termination of employment contract on account of taking up maternity or parental leave. Polish has for long now guaranteed high standards of protection for women on maternity

[16] Some doubts in this respect are voiced in: J. Skoczyński, (in:) L. Florek (ed.), *Kodeks pracy. Komentarz*, Warszawa 2011, p. 930.

[17] *Ibidem*.

leave (Article 177 of the Labour Code) and workers who apply for and use family leave (Article 186[1]) by preserving the stability of the employment relationship through prohibitions on giving notice on and terminating employment contracts. No adjustment was necessary here as this standard went beyond what the European legislator required. These protections are complemented by, in line with Directive 2010/18, a guarantee of safe return to work following maternity and family leave – the employer must permit the worker to work in the post as beforehand or, if this is impracticable – in an equivalent position or one that corresponds with the person's qualifications.

6. PROTECTION AGAINST DISCRIMINATION

European law puts strong emphasis upon protection from discrimination and less favourable treatment by virtue of the use of maternity and family leave. Clause 4(4) of Directive 2010/18 stipulates that to guarantee the possibility of taking up family leave to workers, the Member States and social partners take, in accordance with national law, collective agreements and commercial practice, every essential step to establish legal means of shielding workers from less favourable treatment or redundancies in the event that they apply for such leave. The Polish legislator transposed the EU prohibition on discrimination into Polish law in Article 18[3a] *et seq.* of the Labour Code. It appears, however, that as those provisions do not single out parenthood as a standalone basis for discrimination, they fall short of living up to the EU standard[18]. A prohibition on less favourable treatment on account of sex is not sufficient where family, parental and, in some cases, maternity leave may be taken up by men and women alike. Workers of both sexes cannot be susceptible to less favourable treatment when they wish to benefit from such leave[19]. Whilst some progress has been made thanks to the activity of the courts, the legislator, I submit, should institute into Part VIII of the Labour Code a provision prohibiting less favourable treatment by virtue of all the characteristics laid out in the Directive, as it did in relation to teleworking[20]. Optionally,

[18] This is made especially clear in the Polish Supreme Court's construction, according to which discrimination connotes merely less favourable treatment of workers by reason of the characteristics listed in Article 183a of the Labour Code. *Cf.* judgment of the Supreme Court of 9 January 2007, II PK 180/06, OSNP 2008, No. 3–4, item 36; similarly the judgment of the Supreme Court of 28 May 2008, I PK 259/07, M.P.Pr. 2008, No. 10, item 532.

[19] Practice shows that discrimination for those reasons may apply to men to a greater degree than women. Whilst it is socially acceptable for a woman to benefit from her parental rights, instances where men use their entitlements are considered by many employers as a kind of a "fantasy".

[20] Article 67[15] of the Labour Code.

parenthood may be added to the catalogue of characteristics which are capable of giving rise to discrimination, listed in Article 18^{3a} of the Labour Code.

7. CONCLUSIONS

Adjustment of Polish laws to the EU standard of rights related to parenthood has not been of a revolutionary magnitude and scale. Primarily, it relied on supplementing or specifying solutions that had already been the law. The most major changes affected family leave, considered the equivalent of parental leave regulated in Directive 2010/18. It is worth noting, however, that EU provisions in this respect have been amended several times, which has prompted the Polish legislator to review domestic law on an ongoing basis. Notwithstanding that 12 years have passed since Poland's accession to the EU, some issues are still controversial, particularly lack of a clear domestic prohibition on employment of breastfeeding women at night time. Protections against less favourable treatment on account of one's use of rights related to parenthood also appear insufficient, and part-time family leave needs urgent reconsideration.

THE IMPACT OF EUROPEAN LAW UPON REGULATIONS GOVERNING RIGHTS RELATED TO PARENTHOOD IN POLISH LABOUR LAW

Summary

Membership in the European Union has created for the Polish legislator the duty to adjust Polish law to European standards. As parenthood is an area of intensive legislative activity of the European legislator, it has also come within the ambit of the adjustment obligation. Relevant here are, first and foremost, Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding and Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave. Adjustment of Polish laws to the EU standard of rights related to parenthood has not been of a revolutionary magnitude and scale. Primarily, it relied on supplementing or specifying solutions that had already been the law. The most major changes affected family leave, considered the equivalent of parental leave regulated in Directive 2010/18. It is worth noting, however, that EU

provisions in this respect have been amended several times, which has prompted the Polish legislator to review domestic law on an ongoing basis. In some fields, like the ban of night work of breastfeeding women compliance with EU standards still has not been obtained.

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SŁOWA KLUCZOWE

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