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# Poland

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# Introduction

This collection of country reports is part of the research on Digital Skills, Accommodation and Technological Assistance for Employment, conducted by the European Disability Forum (EDF) with the support of [Google.org](https://www.google.org).

The aim of the study is to explore the situation of persons with disabilities in the open labour market, focusing in particular on the potential of digital skills training and the use of accessible and assistive technologies to foster inclusion in the workplace.

National experts from each EU Member State (with the exception of Luxembourg) and the UK analysed their respective national contexts. They outline policies and programmes to support reasonable accommodation as a Human Resources (HR) procedure, map trends in the use of accessible and assistive technologies in the workplace, and explain the main limitations experienced by employees with disabilities in acquiring accessible or assistive technology that meets their needs. They also analysed the barriers faced by persons with disabilities related to digital skills and highlight some good practices at national level.

The national reports cover the following countries: the UK, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden. Luxembourg is the only EU Member State that is not part of the study due to not finding a suitable national expert on the topic.

# Glossary

**Assistive devices:** external devices that are designed, made, or adapted to assist a person to perform a particular task. Many people with disabilities depend on assistive devices to enable them to carry out daily activities and participate actively and productively in community or professional life.

**Assistive technology:** any item, piece of equipment, service or product system including software that is used to increase, maintain, substitute or improve functional capabilities of persons with disabilities or for, alleviation and compensation of impairments, activity limitations or participation restrictions.

**Disability allowance:** payments that persons with disabilities can receive from the State to cover basic living costs and services.

**Discrimination:** any distinction, exclusion or restriction on the basis of one or several grounds (sex, race, disability, sexual orientation, gender identity, etc.) that damages or nullifies the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field, on an equal basis with others.

**European Union (EU):** a unique economic and political union between 27 European countries, as it stands at the time of publication of this report.

**EU Statistics on Income and Living Conditions (EU-SILC):** a regular cross-sectional and longitudinal sample survey by Eurostat that provides data on income, poverty, social exclusion and living conditions in the European Union.

**General Comment:** a General Comment is a treaty body's interpretation of human rights treaty provisions, thematic issues or its methods of work. General Comments often seek to clarify the reporting duties of State Parties with respect to certain treaty provisions and suggest approaches to implementing those provisions.

**Member State(s) (of the EU):** the EU currently consists of 27 countries, also called "Member States". Each Member State is party to the founding treaties of the European Union and is therefore subject to the privileges and obligations of membership. Unlike members of most international organisations, the Member States of the EU are subject to binding laws in exchange for their representation within the common legislative and judicial institutions.

## 4 The European Disability Forum

**Number of observations (n):** indicates the number of employers each national expert managed to interview.

**Open labour market:** this refers to work in a mainstream or “regular” employment setting, as opposed to a setting that has been created specifically to employ a specific group of employees, such as persons with disabilities.

**Organisations of Persons with Disabilities (OPD):** represent the interests of their members with disabilities and have the mandate to advocate for the realisation of their human rights and lobby for the consideration of their interests.

**Percentage points:** this term expresses the arithmetic difference of two percentages, whereas percent (%) refers to the rate of change. For example, if Country A has an employment rate of 30% and Country B has an employment rate of 60%, Country B’s employment rate is 30 percentage points higher than Country A’s but is also higher by 100%.

**Persons with disabilities:** individuals who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.

**Reasonable accommodation:** the necessary and appropriate modification and adjustments, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms. To be “reasonable”, the accommodation cannot impose a disproportionate or undue burden. Denial of reasonable accommodation is a form of discrimination.

**The Digital Economy and Society Index (DESI):** an index that the European Commission reports between 2014-2022, monitoring Europe’s overall digital performance and tracks the progress of EU countries in their digital competitiveness.

**United Nations Convention on the Rights of Persons with Disabilities (CRPD):** an international human rights treaty that reaffirms that all persons with disabilities must enjoy all human rights and fundamental freedoms. The CRPD clarifies that all persons with disabilities have the right to participate in the civil, political, economic, social and cultural life of the community in the same way as anyone else.

## National Overview

The employment rate for persons with disabilities was 43.3% compared to 75.8% for other persons in 2019, as indicated by the EU-SILC data<sup>1</sup>. This is around 8% below the average of EU27. Król (2022) notes that the employment rate for persons with disabilities has improved in the last decade, yet Poland remains a Member State with one of the widest disability employment gaps<sup>2</sup>.

Although the target rate of economically active people with disabilities of working age is 45% for 2030 (ITS value was 28.3% in 2018), Król notes that active labour market policies are not sufficiently addressing persons with disabilities without work<sup>3</sup>.

OPDs interviewed noted that persons with disabilities are employed both in sheltered workplaces and in the open market. Nevertheless, employers' prevailing perception about the capabilities and potential contributions of people with disabilities is still mostly negative, and according to one of the OPDs, a significant portion of employers hire individuals with disabilities primarily due to the financial incentives offered, rather than a genuine belief in their abilities.

# Digital Skills

Despite several initiatives carried out in recent years, digital competences of Polish residents in general are below the EU average. In terms of human capital resources, in DESI 2021 Poland was ranked 24th among European Union countries<sup>4</sup>.

One of the groups with the lowest educational and training levels in digital skills are people with disabilities. According to data from the 'Digital Competence Development Programme', only 27% of people with disabilities in Poland used digital technologies. The same data show that between 80% to 84% of people with disabilities in Poland do not have even basic digital skills<sup>5</sup>.

In addition to the development of appropriate competences, a key role in the digital integration of people with disabilities is to ensure digital accessibility of services and content.

Research shows that today only 31% of the ICT employees responsible for publishing content on websites of public entities have completed training in ensuring the accessibility of digital content, while 21% had experience in adapting content to the needs of people with disabilities.

Adopted in 2021, the 'Strategy for People with Disabilities 2021-2030' indicates the need to provide access to content posted on the Internet and services created for everyone, which is related to both the ability of public sector employees to create digitally accessible content and services, and the digital competence of recipients so that they can freely use the content made available to them<sup>6</sup>.

The Digital Competence Development Programme is a Polish governmental programme which aims to raise the level of digital competences of all Polish citizens, including people with disabilities. The programme is to be implemented until 2030. PLN 234 million is to be allocated for this purpose<sup>7</sup>.

thanks to which citizens will be able to develop digital competences according to their needs and expectations as well as changing technological, social, and economic conditions.

It defines actions within five priorities for the development of digital competences:

- development of digital education,
- providing everyone with the opportunity to develop digital competences,
- support for digital competences of working people,
- development of advanced digital competences,
- strengthening the management and coordination of activities in the field of digital competence development.

The programme, among others, aims that by 2030 80% of the inhabitants of Poland will have at least basic digital competences and 40% above-basic digital competences, but sets no specific goals regarding persons with disabilities.

Many of the actions planned are relevant for improving the digital skills of persons with disabilities, such as:

- Improving the digital competences of citizens. Depending on the citizens' needs, the training will focus on using e-services, computer operations, online communication, as well as the use of useful digital tools including assistive technology for people with disabilities – and more. This action will be implemented between 2023 and 2026.
- Special training for people who lack or have very low digital competences, including people with disabilities. Here the aim is to minimise the barriers that prevent people from using digital technologies and the Internet. The training will use informal education, and people with disabilities will be equipped with necessary assistive technology that will enable them to use acquired digital skills.
- Improving the digital skills of employees in the public sector to ensure that public websites and apps are accessible and employees produce accessible content.

Over 1.5 million citizens are foreseen to take part in the training. The participation goals are broken down into different categories (e.g., employees of small and medium enterprises, teachers, employees of public administration, etc.) but no goal is set regarding persons with disabilities.

## 8 The European Disability Forum

Digital skills training for persons with disabilities is mostly organised via projects. The EU-funded “Digital Competence Without Limits” project aimed to increase ICT competences for at least 160 people by mid-2018, among them at least 32 persons with disabilities – to basic and intermediate levels, and an ECCC (European Certificate of IT Competence) exam to prove it<sup>8</sup>.

Another project is the “Diversity in IT” scholarship fund, launched in 2021. This private initiative aims to increase diversity in the IT sector as well as helping people in difficult financial and life situations – among others, persons with disabilities – get employed in IT. The fund provides access to specific IT training (e.g., software tester, frontend developer, UX designer), as well as a three-month mentoring programme and an English course dedicated to the IT domain<sup>9</sup>.

The ‘Bet on Work’ initiative aims to increase the employability of persons with disabilities with a comprehensive and individualised offer. Among other areas, it offers training to improve digital competences. Its first instalment ran between 2019–2022<sup>10</sup>, and its second instalment is running between 2022–2025<sup>11</sup>.

The EDF employer survey (n=21) shows that 24% of the employers think that the lack of digital skills is a burden when hiring persons with disabilities. 19% responded having training for employees related to digital skills, but none of them seem to provide such training for employees with disabilities. Among the respondents, no one seems to have an HR policy with specific guidelines on hiring persons with disabilities or participating in any programme aimed at improving employment inclusion of persons with disabilities – although some of them are aware of public systems supporting the employment of persons with disabilities.

According to OPDs, there are initiatives and programmes that aim to enhance the skills of persons with disabilities through training and other means. They are either offered by OPDs, companies or are public programmes. However, a persistent challenge remains: the lack of dedicated funding specifically for persons with disabilities.

OPDs also mentioned that often there is no immediate access to the training and the offer might not be sufficient: within certain programmes there are limits on hours, and many people would need more hours to become skilled. On the other hand, training opportunities are predominantly linked to physical labour, and there is a noticeable gap when it comes to digital skills development.

## Assistive Technologies

As part of the support provided by the public administration to employers for adaptations in the workplace<sup>12</sup> (reasonable accommodation), a company employing a person with a disability for at least 36 months can be reimbursed for software and other assistive or adapted technology used by employees with disabilities<sup>13</sup>.

Apart from the data regarding sheltered workplaces using assistive technology (see below, under "Reasonable Accommodation"), we found no research data about the usage of assistive technologies in the workplace.

In order to minimise barriers to the professional activity of people with disabilities, Polish law introduces a number of support instruments. The legal framework establishes the obligation to provide reasonable accommodation, and failure to do so is considered a form of discrimination.

The Polish Labour Code forbids discrimination based on disability and ensures equal rights and opportunities to work for people with disabilities (Article 18/3a of the Labour Code)<sup>14</sup>. A number of instruments to support people with disabilities are provided in the Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of People with Disabilities. One of them is the obligation to provide an employee with a disability a workplace equipped with accessible and assistive technology according to the person's needs.

Moreover, the Act on Vocational and Social Rehabilitation and Employment of People with Disabilities enables employers to create so-called "sheltered workplaces". This is an enterprise with a special legal status, which is adapted to employ people with higher degrees of disability. The main goal of the company, apart from making a profit, is also the professional activation of disabled people who would have problems performing their tasks in an ordinary workplace.

The required employment rate of people with disabilities in a sheltered workplace is:

- at least 50%, including at least 20% of all employees, are persons classified as severely or moderately disabled, or
- at least 30% of the blind or mentally ill classified as severely or moderately disabled.

A sheltered workplace should meet the requirements for facilities and rooms used by the workplace:

## 10 The European Disability Forum

- comply with the provisions and principles of occupational health and safety;
- take into account the needs of people with disabilities in terms of adapting workstations, hygienic and sanitary rooms, and communication routes and meet the requirements of accessibility.

The workplace should also provide emergency and specialist medical care, counselling, and rehabilitation services.

OPDs underlined various aspects that make obtaining adequate assistive technology and its efficient usage difficult. As a systemic limitation of the provision framework, they mention that it does not cover all costs and maximum limits are announced each year. The requirement of having to keep the employee in employment or employ another person with the same disability for a specific time period can demotivate employers. The most problematic issue is that an employee with a disability may benefit from the state funding only once every three years, which is a serious obstacle given rapid technological advancement. Additionally, it is also difficult to find training on how to use assistive technology.

On the employers' side, OPDs highlight that employers are often unfamiliar with the range of assistive technologies available, and the majority of the corporate IT systems are not fully accessible, and therefore do not work well with assistive technology, impeding the employee from performing all tasks independently.

A further obstacle mentioned, resulting from the high price of assistive technology, is that those who are not in employment and very often cannot use state funding, cannot obtain the skills necessary to enter the job market.

The EDF employer survey does not show a favourable picture regarding the use of assistive technology. Only 15% of the employers are aware of employees using assistive technology (mentioning screen readers and wheelchairs). While 25% of the respondents know about the legal framework or public programmes supporting the acquisition of assistive technologies, it is not part of their company policies.

## Reasonable Accommodation

The Act on Vocational and Social Rehabilitation and Employment of People with Disabilities obliges the employer to provide reasonable accommodation to a person with a disability in the recruitment process, undertaking vocational or professional training or an internship, or during their employment. The burden cannot be considered disproportionate if it is sufficiently remedied by public funds<sup>15</sup>.

The Central Institute for Labour Protection – National Research Institute (in collaboration with the State Fund for the Rehabilitation of People with Disabilities, the National Audit Union of Associations of Persons with Disabilities and Associations of Blind Persons, and the Association of Friends of Integration) issued a set of guides with best practices to support the employment of persons with disabilities. The publications address the employment of persons with vision impairment, hearing impairment, mobility impairment, and intellectual disabilities, providing guidance that covers reasonable accommodation both in recruitment and during employment<sup>16</sup>.

The research covers sheltered workplaces, which by definition use reasonable accommodation as an HR procedure in employment. According to data from the Government Plenipotentiary's Office for Persons with Disabilities, at the end of December 2022, there were 691 sheltered workplaces. Total employment was 114,119 people, and 88,591 people with disabilities were employed in sheltered workplaces. The share of people with disabilities in total employment in sheltered workplaces was 77.6%.

People with disabilities in Poland have the right to get reimbursement from the state to cover costs incurred as a result of their disabilities. Reimbursements cover accommodation, assistive technologies, rehabilitation tools, education, and more. The cost of reimbursement and what can be reimbursed depends on the level and type of disability. The State Fund for the Rehabilitation of People with Disabilities (PFRON) is responsible for handling the reimbursements.

Anyone with:

- a significant, moderate or light degree of disability or a certificate of disability in the case of persons under 16 years of age;
- needs resulting from disability that can be met thanks to the co-financing, and the subject of the application will enable or significantly

## 12 The European Disability Forum

facilitate the disabled person to perform basic daily activities or contact with the environment;

has the right to apply for and receive subsidies to eliminate technical barriers (including reimbursement for assistive digital technology) and subsidies to eliminate communication barriers.

The subsidies (co-financing) can be used to eliminate technical barriers and communication barriers preventing people with disabilities from functioning independently. (Communication barriers are limitations that prevent or hinder a person with a disability from freely communicating and/or sharing information.) The amount of co-financing is up to 95% of the costs, but not more than fifteen times the average salary, and it can be received once every 3 years.

Employers can also receive financial assistance for adapting the workplace for the employment of persons with disabilities.

The funds can be spent on:

- adapting the premises of the workplace to the needs of people with disabilities, in particular those incurred in connection with the adaptation of created or existing workplaces for these people, according to the needs arising from their disability;
- adaptation or purchase of devices that make it easier for a disabled person to perform work or function in the workplace;
- purchase and authorisation of software for the use of disabled employees and assistive technology devices or devices adapted to the needs resulting from their disability;
- recognition by occupational medicine services of the needs referred to above.

The maximum amount of aid for adapting one workstation is twenty times the average wage for each adapted workstation of a person with a disability<sup>17</sup>.

The OPDs interviewed represent persons with visual impairments, hearing impairments, and in general persons with disabilities. In their view, the most common accommodations required by employees are easy access to the workplace, adjustments of the workspace, and ensuring the accessibility of software and documents. Beyond those, employees with disabilities also

have the right to shorter working hours, additional breaks, additional annual leave, leave for rehabilitation, leave for medical examinations, and telework. However, as raised by an OPD representing deaf and hard of hearing persons, providing a sign language interpreter is not an adjustment that is reimbursed. OPDs mentioned the lack of knowledge on the part of the employers, the extra administrative burden, and the not 100% reimbursement as limitations for providing reasonable accommodation.

According to the EDF employer survey, companies do not have specific policies or standardised procedures for providing reasonable accommodation or for accessible recruitment. At the same time, 25% of the employers were aware of the legal framework or public programmes supporting the provision of reasonable accommodation, and at least 20% of the respondents have applied reasonable accommodation. As examples, they mentioned the adaptation of the physical environment (wheelchair accessible workstation and restroom) and assistive technology. The provision of these adaptations is mentioned as the main cost of reasonable accommodation, and the financial aspect was highlighted as the main limitation, without listing other barriers.

## 14 The European Disability Forum

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