

Does care matter – The Principles of The Polish Labor Law versus Care Practices.

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Abstract

In recent years, the interest in supporting working parents has become a more and more popular motivator for companies. Employers notice that introducing work-life balance support strategies may be crucial to the development of an organization by the better access to skilled employees who require some flexibility in working conditions due to their caring responsibilities. Therefore, they do not limit themselves only to the fulfilment of obligations under the law, but grant additional rights to caregivers and the children themselves. Because although, as a rule, in the Polish legal system, the care of employees is regulated by the Labour Code and other acts, various forms of supporting care may also be provided in corporate sources of labour law, collective agreements, work regulations, and other documents.

The principle of satisfying the living, social and cultural needs of employees expressed in Article 16 of the Labour Code is interpreted most often as an axiological basis for the functioning of the company's social benefits fund, while the content of Article 16 of the Labour Code should be understood as an instrument of social and employment policy, especially in the context of supporting parenthood. Further research is recommended on this principle, which is essential for the content of the labour law.

Keywords: Labour law; care; protection; working parents; policies.

1. Introduction.

In 2020, we had the unique opportunity to discover how important care was when it turned out that a significant part of the labor force would have to be withdrawn from the labor market due to the need to provide care to the offspring and other dependent persons from the moment the pandemic started. Perhaps nothing could better demonstrate this

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essential nature of care than the need to withdraw workers from the labor market to provide care.

Of course, we could say that in a period of pandemic uncertainty, we learned a lot about the functioning of societies, about solidarity or the lack of it, about health systems, but something that was not obvious, but turned out to be very important, is precisely the issues of care and its interdependence with labour, even if we have been realizing how important care is for cycle of work.

The authors conducted the research and dealt with, inter alia, determining whether employers have any social obligations towards employees and whether and in what form they may regulate them.¹

2. Pandemic and its consequences for understanding the nature of care.

The COVID-19 epidemic seems to have fundamentally changed our understanding of the issues of care, environment, and processes that take place within it. The experiences of the epidemic show, in particular, that the question of care is (for children and other dependents) constructed with inequalities: gender, economic, racial, class² and necessities or needs. Care as an issue of social justice,³ which is sometimes important in politics, is still neglected in other areas, despite its important social role.

The pandemic also showed how much our socioeconomic system depends on the world economy and is sensitive to sudden changes in the economic situation.⁴ We also saw how stopping the global trade affects the environment - we managed to stop excessive emissions and pollution of the environment for a while through often pointless logistic chains or just cancelling the process of production. Such an approach clearly shows the relationship between the political or social system and the categories in which we operate or which are to describe our lives.

We also saw that globalization has its dark sides. One of them was what was considered an opportunity and advantage which was the speed of spreading of information, goods and other stuff. This speed (or even possibility) turned into Bauman's ballast, when this what was an opportunity is suddenly turning into ballast,⁵ which prevents us from doing something,

¹ The article was published as part of the project "The principle of satisfying the living and social needs of an employee in company sources of law work in relation to parenthood", financed by the National Science Center (2017/25/B/HS5/00940).

² Majewska E., *Precarity and Gender: What's Love Got to Do with it?*, in *Praktyka Teoretyczna*, 38, 4, 2021, 20. See also Calasanti T. M., Slevin K. F., *Gender, social inequalities, and aging*, Rowman Altamira Press, Lanham, 2001.

³ See Barnes M., *Caring and social justice*, Bloomsbury Publishing, London, 2005; Barnes M., Brannelly T., *Achieving care and social justice for people with dementia*, in *Nursing ethics*, 15, 3, 2008, 384-395.

⁴ See i. e. Hynes W., Trump B. D., Kirman A., Latini C., Linkov I., *Complexity, interconnectedness and resilience: Why a paradigm shift in economics is needed to deal with Covid 19 and future shocks*, in Linkov I., Keenan J. M., Trump B.D. (eds.), *COVID-19: Systemic risk and resilience*, Springer, Cham, 2021, 61-73; Zakeri B. et al., *Pandemic, war, and global energy transitions*, in *Energies* 15, 17, 2022, 6114; Stevano S., Franz T., Dafermos Y., Van Waeyenberge E., *COVID-19 and crises of capitalism: intensifying inequalities and global responses*, in *Canadian Journal of Development Studies/Revue canadienne d'études du développement* 42, 1-2, 2021, 1-17.

⁵ Bauman Z., *Ponowoczesność jako źródło cierpienia*, Wydawnictwo Sic, Warszawa, 2000, 47.

or even changes our situation to opposite one. The pandemic certainly was such a turning point.

The pandemic also raised questions about the capitalist system, which in fact exposed the numerous failures of modern capitalism. Although previous crises started in the financial system, COVID-19 triggered a public health crisis that quickly turned into an economic and social crisis⁶ and was further exacerbated by Russia's invasion to Ukraine, the root of which one should look for Russia's imperialism. These situations have direct implications for climate, everyday life and trade, international trade, production processes, reproduction, and consumption, looking from different perspectives: individually, locally, and globally. They also became a turning point indicated by Bauman, which changed the optics of situations and the value of facts and relations.

The pandemic has also intensified the questions about the future of work "after", especially when many barriers so far insurmountable turned out to be possible to overcome, among others. by directing employees to work remotely, limiting or even immediate liquidation of some jobs, increasing occupational health and safety standards, developing new channels of the economy, more flexible organization of work, remote management and less control to employees, noting that employees may have needs and these needs (here: care) may become key objects of the employee's ability to perform the job. We also noticed with full depth that the worker has a body,⁷ although this is not a new discovery, nor is it particularly spectacular. And this body may be healthy or sick, it may be old, it may have needs, it may have a person it wants to care for, and it may live in an environment that is no longer seemingly safe, as it has been until now.

3. Protection as a priority.

Although social protection issues may appear to belong to the departing world of work, as we have learnt or even know about it, it is clear that protection for the multitude of workers plays a key role in ensuring the security of the income on which to meet the needs, including those related to environmental safety.

Uncertainty in the world of work is widespread and visible.⁸ Its universality consists not only in the uncertainty as to the future direction of development, but also in the enormous scale of impact on individual individuals. The uncertainty also applies to the future of the environmental conditions under which the work will be carried out.

When we talk about the protection of workers, we must also bear in mind the perspective in which we view this protection. When constructing social welfare systems, we have given employees and employers rights, forgetting about their needs.

⁶ Stevano S., Franz T., Dafermos Y., Van Waeyenberge E., nt. (4), 17.

⁷ Morgan D., Brandth B., Kvande E., *Thinking about gender, bodies and work*, in Morgan D., Brandth B. (eds.), *Gender, bodies and work*, Routledge, London, 2017, 1.

⁸ Centrum Badania Opinii Społecznej. Zadowolone z pracy i jej oceny. Komunikat z badań. Warszawa: Centrum Badania Opinii Społecznej, 2010, 3 et al.

This formulation, of course, does not imply a negation of the granting of rights because it is actually the first step to recognizing universal needs.

Insecurity does not apply to any particular class or social group, but can affect everyone who performs the work. This results in a lack of a sense of solidarity with the work community, a sense of alienation, an instrumental approach to duties and opportunism.⁹ Such an approach clearly shows the relationship between the political or social system and the categories in which we operate or those which are intended to describe our life.

There is no uniform definition of social protection. In the literature on the subject, it is most often recognised that social protection is a new paradigm of social policy, namely, it concerns the protection and assistance of the poor or particularly vulnerable to changes (including climate change) and labour market crises,¹⁰ or is aimed at risk management.¹¹ This vulnerability particularly affects women, the elderly, people with disabilities, migrants, and the unemployed. In the case of concluding - largely forced - civil law contracts, this susceptibility to changes and crises in the labor market is not limited by anything. By the way, it is worth noting that the objective characteristics of people most susceptible or exposed to undesirable phenomena on the labor market are also indicated as possible grounds for discrimination. Thus, the definition of social protection is usually agreed through its objectives, although these do not need to be clearly defined either. Unlike there is no uniform definition of social protection, the scope of social protection has not been clearly defined. There are ongoing discussions about which legal instruments constitute social protection and which category. Social protection is usually understood as a set of measures that ensure the distribution of income or consumption to the poor, protect people vulnerable to undesirable phenomena on the labor market from social risks, and improve the social status and rights of marginalized people. The actions taken aim to reduce the economic and social weakness of marginalised groups.¹² Social protection will vary according to the level of development of a country. They are usually focused on reducing poverty and marginalization, building self-esteem (social and economic), improving housing conditions, and other important issues related to economic, social, environmental, and care conditions.

Regarding the function of social protection, it can be argued that there are different conceptual approaches to analyzing the objectives and effects of social protection. Luckhaus explicitly states that the main goal of social protection is income security,¹³ understood as the amount and adequacy of remuneration and its regularity. This definition alone shows the relativity of the conceptual framework of social protection. The already quoted Devereux and Sabates-Wheeler present the most frequently used conceptual framework that describes

⁹ Kryńska, E., *Ekonomiczny kontekst problemu społecznego—przypadek prekariatu* Development trends, asymmetries and impact factors of youth employment in Ukraine, Problemy Polityki Społecznej. Studia i Dyskusje, 1, 2017, 14.

¹⁰ Sabates-Wheeler R., Waite M., *Migration and Social Protection: A concept paper*, Working Paper T2, Development Research Centre on Migration, Globalisation and Poverty, University of Sussex, Sussex Sussex, December, 2003, 3.

¹¹ Holzmann R., Jorgensen S., *A new conceptual framework for social risk management and beyond*, in *International Tax and Public Finance*, 8, 2001, 531.

¹² Devereux S., Sabates-Wheeler R., *Transformative social protection*, Working paper series, 232. Brighton: IDS, 2004.

¹³ Luckhaus L., *Equal treatment, social protection and income security for women*, in *International Labour Review*, 139, 2, 2000, 149.

the four functions of social protection: protective (providing benefits in the event of meeting any of the social risks in the form of, e.g., cash benefits), preventive (aimed at preventing the effects of in the form of, e.g., social security), promotional (understood as increasing income sources) and transformative (understood as related to social justice and inclusion, empowerment and granting rights (e.g., in the field of labor law)).¹⁴

Establishing an employment relationship determines the moment of obtaining the status of an employee and thus defines the rights and obligations resulting from the provisions of labor law. It should also establish a certain standard of stability, understood as security.

4. Care as a priority.

Many discussions are related to the issue of importance of care, however, taking care of close dependents undoubtedly belongs to the sphere of family life and as such is subject to the protection mentioned above. Providing such care depends to a large extent on the values that are valued individually and from a broader social perspective.

The concept and scope of care shape cultural values,¹⁵ i.e., what values guide us and what values build social cohesion.¹⁶ It is difficult to talk about a good social system when, among our values, caring for loved ones is not one of the priorities.¹⁷

Although guardianship laws were among the first issues to be addressed during the pandemic, the coronavirus has exposed an important issue that may not have sounded high enough to be obvious.

The total lockdown of the economy, unprecedented in history, revealed to what extent the performance of work by employees depends on providing care to all children, but also to other dependent persons - disabled people and other family members. In addition, it showed how important in this care system in particular, parents are in carrying out their care. In Poland, we had a small sample of the "guardian lock-down" almost exactly a year earlier during the mass strike of teachers, but then the guardianship matters could be entrusted to their parents, other family members, and nannies. This time, due to the specificity of the pandemic, it turned out to be almost impossible and even if possible - extremely irresponsible. Thus, at the time when the closure of schools, kindergartens, nurseries, and other places providing care was announced, it became clear that some employees would be forced to take advantage of layoffs in order to provide care, and therefore would not be able to work at all or in the current amount of care. their workplaces, especially in industrial production and certain service areas, e.g. trade. This resulted in the withdrawal of some of the employees at the initial stage of the lockdown not due to the rapidly spreading disease, but due to parental responsibilities. It is easy to see that at the beginning of the pandemic,

¹⁴ Devereux S., Sabates-Wheeler R., nt. (12).

¹⁵ Phillips J., *Care*, Polity Press, Cambridge, 2007, 6.

¹⁶ Golinowska S., *O spójności i kapitale społecznym oraz europejskiej i polskiej polityce spójności*, in *Polityka społeczna*, 38, 5-6 (446-447), 2011, 13.

¹⁷ Tronto J., *Beyond Gender Difference to Theory of Care*, in Larrabee M. J. (ed.), *An Ethic of Care: Feminist and Interdisciplinary Perspectives*, Routledge, New York, 1993, 240 ss.

many more workers did not work to care for dependent people than due to illness or isolation. In the context of school closings and the takeover of childcare, the responsibilities of working caregivers, especially for women, have increased significantly during the crisis.¹⁸

5. Understanding the principles in the Polish system.

These considerations become particularly important in a practical context, in particular, on how the principles of labor law work in the Polish labor law system in case of care. Article 9 of the Labour Code of 26 June 1974, hereinafter referred to as "the Labor Code" or "LC" provides that collective labor agreements and other collective arrangements, rules, and statutes (sources of law) based on the statutory law and specifying the rights and duties of the parties to an employment relationship may establish rights and liability of the parties to the employment relationship, so based on that, as part of further work, it was possible to empirically assess what policies were applied by enterprises in the field of parental benefits: whether they were limited only to the rights provided for in labor law, or whether they offer a wider range of benefits, so far not covered by statutory regulation. Only those organizations that have an obligation to create company sources of labor law, i.e., in practice employers with at least 50 employees, are required to create sources of employment law, and only those were taken into account. This approach has allowed us to assess the direction that may be expected in regulating this area of employment relations.

The legal basis is derived also from one of the fundamental principles of labour law expressed in Article 16 LC, according to which the employer, according to the possibilities and conditions, meets the living, social, and cultural needs of employees, and therefore those related to raising children. In addition, Article 94, Section 8 LC provides that the employer is required to meet the social needs of workers as far as the resources are available. In recent years, this principle has been somewhat devalued due to its narrow understanding as an axiological basis almost exclusively for establishing and interpreting provisions on the company social benefit fund.

However, such an approach to this issue is not justified. Although conducting a social activity is one of the basic obligations of the employer, it should be emphasized that the provisions do not give the employee the right to demand a specific benefit from the employing entity; they define the goal which the employer should reach, without specifying how or without specifying what may threaten the employer for not meeting the social needs of employees. This opinion was stated by the Supreme Court in its judgment of 15.07.1987, indicating that those benefits are discretionary and that their grant depends, first of all, on the fulfilment of the conditions laid down in the rules on the use of the benefits in question, the most important of which is the substantive situation of the entitled person. Therefore, as the same court points out in its judgment of 20.08.2001, an employer administering the funds of the company social benefit fund may not spend them in violation of the regulations

¹⁸ ILO, *Family-friendly policies and other good workplace practices in the context of Covid-19: Key steps employers can take*, Interim recommendations, 27 March 2020, https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_740708.pdf, 1, accessed 16 June 2023.

of company social activities, the provisions of which must not be contrary to the principle of granting benefits according to the social criterion, that is, social services and benefits can only be granted after examining the living, familial, and material situation of the person entitled to benefit from the fund and keeping the benefits at some money thresholds. Therefore, it is possible to provide that certain groups of eligible persons, but those with the highest income, do not receive benefits or receive them at a lower level because of their social nature. Moreover, as is pointed out in the doctrine, the satisfaction of the social needs of employees concerns the entire crew and not individual employees, and some even call it philanthropy. These benefits can be viewed as aimed at caregivers of children.

Taking this into account, from two points of view, this principle should now have a new meaning. On the one hand, the principle is related to the new perception of the place and role of parenthood in the lives of employees (or more broadly employed persons) and to a paradigm shift in this respect. In recent years, there has been a revolutionary change in the system of parental rights, consisting, first, of extending the personal scope of their beneficiaries to persons who are not considered employees within the meaning of Article 2 LC (from 1.01.2017 social security benefits during a period equal to the duration of maternity and parental leave are also available to persons who work on a basis other than their employment relationship, provided that they pay contributions to sickness insurance). Therefore, it is necessary to extend these rights to all parents regardless of the formal basis of employment, which should also be the case with other benefits and facilities for this group of employed persons. This approach is in line with the pro-EU interpretation of principles in which the issue of reconciling work and family life refers not only to persons with the status of employee, but also to self-employed persons as well. Notwithstanding the extension of the personal scope of entitlements, there is also a more flexible way for parents and family members to exercise their rights, including an increase in the sharing of custody by family members. These rights form part of the employee's entitlements and give rise to certain obligations on the part of both the employee and the employer.

However, this principle may be used as a guideline for granting benefits to employees and is related to the broadly understood concept of remuneration for work. With the purely "social" approach mentioned above, the goal of attracting and retaining top employees or specialists may not be met. Meanwhile, it should be emphasized that the principles of labor law are of fundamental importance for this branch of law, because they constitute both a directive for the legislator and the establishment of provisions, and for their addressees a guide on how to understand, interpret, and implement the provisions.

The principle of satisfying the living, social and cultural needs of employees is one of those principles that, in fact, have never been thoroughly discussed. In the doctrine of labor law, there are certain groups of views focused on reciprocity/nonreciprocity of benefits under Art. 16 of the Labor Code, the relevance/insignificance of the issues discussed in this article, and the historicity/ahistoricity nature of the provision.

In the authors' opinion, this principle provides a certain axiological reflection on what labor law is and what it should be. While it seems right to accept a broad interpretation of this principle, the wording "as far as possible" in the provision of the LC raises doubts as it means that in some interpretations it constitutes a reason to reject the universality of the

benefits granted on this basis. On the other hand, if the principle expressed in the provision is to be significant with a significant axiological load, then it seems necessary to extend it to other areas of employers' activity.

Based on this assumption, the principle expressed in Article 16 of the Labor Code may not be limited only to the application of the provisions on the company social benefits fund, but it is necessary to extend its scope also to the family and private spheres of the employee, in particular when it comes to employees providing care. Of course, such an approach may arouse resistance, but under the present conditions, with increasing automation and spread of electronic communication means, it is practically impossible to separate private and professional life. It is also a manifestation of an approach based on caring for people who have an employment relationship.

6. Policies of care.

Caring for workers often determines the employment relationship of a particular person. It is also worth considering how much parenthood determines starting work in precarious conditions, burdened with instability.

Employers implementing a policy of direct support for child carers must not be limited to social activities strictly but should treat benefits or facilities which do not under ordinary law as benefits of their kind. However, in order for these entitlements to pursue the three main objectives of the benefits granted to workers in general, contained in three words: *attract*, *motivate*, and *retain*, they should be claims. In order to achieve this goal, it seems optimal, also due to the requirements of the Labor Code, to introduce them in autonomous sources of labor law.¹⁹ Of course, the rights contained in employment contracts also fulfil those characteristics, in particular if they clarify the provisions of the works law or because of the specificity of the rights/benefits are the exclusive place of their regulation. However, because of their individual nature, it is difficult to make a broader assessment of them.

The above-mentioned approach responds, moreover, to the call of the European Union, which, in recital 50 of Directive 2019/1158 of the European Parliament and of the Council (EU) of 20.06.2019 on work-life balance for parents and caregivers and repealing Council Directive 2010/18/EU, encourages Member States, in accordance with national practice, to promote social dialogue with the social partners in order to promote the reconciliation of work and private life, including by promoting work-life balance measures at the workplace.

At this point, it should be mentioned that employers' interest in the issues of childcare workers in order to provide them with adequate support in this regard is not a matter of recent years in Poland but has a long tradition. These patterns, which are often forgotten, should, in our view, also be used, taking into account, of course, current circumstances.

The interest in this subject also has a wider dimension now because, for example, without employers being interested in the issues of child carers, the macroeconomic demographic

¹⁹ Walczak K., Godlewska-Bujok B., *Opiekunowie dzieci w zakładowych źródłach prawa pracy*, in *Praca i Zabezpieczenie Społeczne*, 12, 2019, 18.

policy of the state will not be possible in practice, i.e. the necessity to promote an increase in the fertility rate indicated in government documents. There is a doubt whether the high fertility rate policy is the best public policy option, especially in the face of the climate crisis and the changing age structure of society, which will trigger the need to change the social security model. Currently, increasing the fertility rate has become an issue to which both the Polish and other governments have devoted a great deal of attention or even perceive as a social problem. The literature indicates that future forecast changes will bring, among others, socioeconomic effects such as reduced potential of the population with higher qualifications, creativity, and a propensity to risk.²⁰ Thus, the replacement of generations is not only in the interest of an individual family but also of the whole society, hence the social policy of the state requires assistance for the family.²¹

As emphasized in the literature,²² the family policy of the state consists of the following:

- Instruments compensating for the costs of raising a child, i.e., cash benefits (which currently include m.in. family, maternity, parental allowances, the so-called "kosiniakowe" parental benefit and one-off childbirth support so-called "becikowe" in the amount of 1000 PLN for a newborn child, or introduced by the Act of 11.02. 2016 on State aid for raising children, the so-called 500+ scheme), tax credits, subsidies for services (e.g., public transport or housing allowances),
- instruments for reconciling work with family responsibilities, including, in particular, childcare leave and other childcare entitlements contained in the Labour Code,²³ which were initially only granted to women and have now also been extended to men,²⁴
- Other instruments, including legal guarantees of equal treatment in the workplace, pension scheme, housing schemes.

However, it should be clearly emphasized that, as indicated above, there is no doubt that the actions of the legislator in this respect are not sufficient. Therefore, in our opinion, it is necessary to reflect on this issue in the activities of employers. Because without their support, the possibility for employees to combine childcare with work is difficult to imagine. As a consequence, this would lead to the fact that the implementation of the above-mentioned macroeconomic objective, i.e. promoting an increase in the number of children, would in practice be illusory. As research conducted for many years shows, the problem of the decline in the fertility rate of women in Europe is closely related to the possibility of combining a

²⁰ Balcerzak-Paradowska B., *Polityka rodzinna w Polsce—wyzwania, stan, ocean*, in *Ubezpieczenia Społeczne. Teoria i praktyka*, 2, 125, 2015, 2.

²¹ Lisowska E., *Równouprawnienie kobiet i mężczyzn w społeczeństwie*, Szkoła Główna Handlowa, Warsaw, 2008, 184.

²² Wóycicka I., *Instrumenty polityki rodzinnej w Polsce na tle doświadczeń międzynarodowych* [Instrumente der Familienpolitik in Polen vor dem Hintergrund der internationalen Erfahrungen], Niebieskie księgi: Szanse na wzrost dzietności—jaka polityka rodzinna, 2005, 80.

²³ See more broadly Czerniak-Swędziol J. (ed.), *Uprawnienia pracowników związane z rodzicielstwem w świetle przepisów prawa pracy i ubezpieczeń społecznych*, Wolters Kluwer, Warsaw, 2016; Jackowiak U., *Prorodzinne regulacje prawa pracy*, in Góral Z. (ed.), *Studia z prawa pracy. Księga pamiątkowa ku czci Docenta Jerzego Logi*, Wydawnictwo Uniwersytetu Łódzkiego, Łódź, 2007, 22 ss..

²⁴ Mitrus L., *Ochrona rodzicielstwa w świetle zmian Kodeksu pracy*, in Patulski A., Walczak K. (eds.), *Jedność w różnorodności, Studia z zakresu prawa pracy, zabezpieczenia społecznego i polityki społecznej. Księga pamiątkowa dedykowana Profesorowi Wojciechowi Muszalskiemu*, C. H. Beck, Warsaw, 2009, 197.

profession and having a family.²⁵ CSO research also shows that one of the main reasons for postponing or suspending the decision to have children is the inability to combine work with caring for them.²⁶

In addition to macroeconomic issues, attention should also be paid to microeconomic reasons, because employees who already have children, without the support of employers who help to take care of them, will not want and be able to work with full commitment. Therefore, in practice, this will reduce the efficiency of the organization. Additionally, in some cases, these workers may even be forced to quit their jobs. A similar argument may be the basis for not taking up employment with a specific employer, if it turns out that he does not guarantee the possibility of reconciling work and personal life (work life balance), which includes in particular work family balance.

The aforementioned concepts assume that activities that make it possible to achieve harmony on these two levels should be promoted. There is no doubt that combining work and family into a coherent whole directly results in an increase in employee satisfaction and increases the sense of self-fulfillment resulting from successful work and a successful private life. The importance of this issue is perfectly emphasized by the statement "Work-life balance has always been important for employees, but in recent years this aspect has become crucial".

In the current situation on the labor market, even with visible crisis elements, where there is a "fight for talents", which due to their age are most often people of reproductive age or who already have children, failure to ensure this balance may cause serious problems directly for the employing entities themselves. We realize that recently it has been more and more often said that the Z generation, brought up in the world of modern technologies, prefers a different approach to work and private life, which is not so much work-life balance, but work-life blending. This approach assumes that it is impossible to separate these two spheres of life and work as an extension of private life is to be a pleasure, not a compulsion. However, even with this approach, it seems that work-family balance will continue to play an important role in the subject of these considerations.

Our hypothesis was based on the conviction that due to the changing labour market and the improving position of employees on it, employers will make changes to company sources of labour law so as to "attract, motivate, and retain" employees by offering specific instruments.

Their common feature is that benefits and entitlements are the result of an autonomous decision taken at the level of the employer and do not arise directly from common law, although in some cases they are its "creative development". The latter is the case, especially when it comes to the most popular forms of support from the company's social benefits fund. The studied group does not have a representative attribute, but even this percentage of the surveyed entities gives (1% of the overall number of entities employing at least 50

²⁵ McDonald P., *Sustaining fertility through public policy: The range of options*, in *Population*, 57, 3, 2002, 417 ss.; Hein C., *Reconciling work and family responsibilities: Practical ideas from global experience*, International Labour Organization, Geneva, 2005, 3 ss.

²⁶ Waligórska, M., Kostrzewa Z., Potyra M., Rutkowska, L., *Prognoza ludności na lata 2014-2050*, GUS, Departament Badań Demograficznych i Rynku Pracy, 2014.

employees), in our opinion, a fairly objective picture of reality and, as we indicated above, may be the basis for drawing more general conclusions, both scientific and practical.

6. Conclusions.

Benefits should be highly dependent on the needs of employees employed by a particular employer or in a given area. Where, for example, public care services are better organized, it may not be necessary to set up kindergartens or nurseries. In industries with high levels of professionalism and difficult-to-find competences on the labour market, it may be appropriate to consider more individualized instruments related, for example, to flexibility of working time. In sectors that use simple routine work, but with difficult access to qualified staff due to local circumstances, it may be important to introduce additional financial incentives. One could risk claiming that the catalogue of measures adopted to support working caregivers will depend on the knowledge of the needs of the crew. It is not possible to introduce an effective catalogue of benefits and services to support the sense of security of working parents without examining these needs.

Care is an extremely important part of an employee's life and, in fact, it is not easy to separate this sphere from the purely professional sphere. The needs of the employee do not disappear in the abstract creation of the employment relationship. Rather, they mean an employee's ability to perform work in a manner that ensures the highest professionalism. In a world of incompleteness, this sphere will become more and more visible, and the more difficult it will be to ignore it.

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