
Navigating Employee Employment in Poland: Formal and Financial Considerations

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Anna Milewska¹, Maksymilian Bąk², Anna Kacprzak³, Aneta Chrząszcz⁴

*I believe that you must understand economics
and business before creating a strategy,
and that you must understand strategy before creating a structure.
If you do this in the wrong order, you will likely fail.
- Michael Dell, Founder Dell Inc.*

Abstract:

Purpose: The main goal of this article was to identify and show the scale of public law burdens associated with the employment of an employee. Presenting these aspects seems to be extremely important in the era of inclusivity, and alongside costs, there are also benefits for the employer and the community, not only those local.

Design/Methodology/Approach: The research methods involved in this work focused on a literature review. A dogmatic method was also used, analysing the contents of applicable legal acts (mainly those of the highest rank, i.e., statutory). A case study method was also applied (the identification of costs was conducted in relation to specific assumptions). Additionally, to obtain information, attention was focused on reports and industry materials as well as publications posted on the websites of auditing entities. Reasoning was conducted using both inductive and deductive reasoning.

Findings: Based on the conducted reviews and analysis, ranges of costs and benefits were indicated. It is often difficult to determine their measurable benefits (mainly financial) "here and now"; however, the authors made an attempt to identify them. The specific scope, specificity, and scale will depend on what actions the employer takes in creating jobs, including for people with disabilities.

Practical Implications: The formal and financial aspects identified and indicated in the article related to employee employment (including those with disabilities) can be helpful in planning and building employment strategies within a specific entity, as well as for Human Resources departments regarding their employment and personnel development policies.

¹Institute of Economics and Finance, Warsaw University of Life Sciences-SGGW, Poland, ORCID: 0000-0003-4776-6049, e-mail: anna_milewska1@sggw.edu.pl;

²Institute of Economics and Finance, Warsaw University of Life Sciences-SGGW, Poland, ORCID: 0000-0002-9903-8409, e-mail: maksymilian_bak@sggw.edu.pl;

³Warsaw Management University, Poland, ORCID: 0000-0002-8224-3895, e-mail: kacprzakania@interia.eu

⁴Faculty of Economics, John Paul II University in Biala Podlaska, Poland, ORCID: 0000-0001-9749-274X, e-mail: aneta.chrzaszcz@op.pl;

Originality/Value: *The authors present the obligations and benefits for the employer associated with creating a job focused in one material. This material may be helpful in further industry research as well as in training and educational processes.*

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JEL codes: *B55, J01, J08, J32.*

Paper type: *Research article.*

1. Introduction

Engaging in economic initiatives and other forms of professional activity is inherently associated with incurring certain costs, including those related to the employment of an employee. These costs are independent and identical in both the public and private spheres. A natural issue is the aspect of self-employment, when a person starting a business performs a dual role, meaning they are self-determining and embody both the role of employer and employee. In such a situation, they therefore incur costs related to these two aspects.

Among the main burdens associated with creating a job for an employee, the following should be classified:

- contributions for social insurance (pension, disability, or accident) as well as
- non-insurance targeted funds (Labor Fund and Guaranteed Employee Benefits Fund).

In the context of calculating net remuneration for an employee, the amount of the advance payment for personal income tax must also be taken into account. In this matter (despite the obligation to calculate, collect, and transfer the aforementioned advance payment by the payer to the appropriate entity), these will not be costs for the employer. Furthermore, the advance payment for the tax does not apply to all employees. The privileged group in this regard consists of employees who have not yet reached the age of 26.

The specific and accepted estimates of public tax costs in this article were made in relation to a person employed under an employment contract. At the same time, in order not to narrow this issue, no specific type or profile of activity and entity in

which they could be employed was indicated. This, thus, expanded the spectrum of the amounts of burdens associated with the assessment of accident insurance contributions and indicated its differentiation.

Alongside the costs associated with creating a job, benefits are also identifiable. The authors aimed in this article to draw attention mainly to those resulting from employing people with disabilities. The flexibility and openness of employers to their employment is indeed measurable for both parties (Czainska *et al.*, 2021).

For people with disabilities, beyond income-related aspects, work provides opportunities to build social connections, satisfaction, higher self-esteem, and can even serve as a form of rehabilitation. In relation to the employer, aside from social aspects, they can count on additional financial support from public funds. This may take the form of cash transfers as well as waivers (or reductions) of the collection of selected public taxes.

2. Identification of Public Law Burdens Associated with Employee Employment – Social Insurance

One of the employer's obligations inherently linked to the employment of an employee is the implementation of contributions for pension insurance. This amounts to 19.52% of the assessment base (Act, 1998, Art. 22). The assessment base in the case of an employee is the gross salary.

It should be noted, however, that the costs of this contribution are borne equally (9.76% each) by both the employee and the employer. It is also worth emphasizing that since the introduction of this contribution, it has not undergone any fluctuations; namely, since January 1999 (the enactment of the Act), it has remained unchanged in its amount.

The payment of contributions for this insurance represents a contribution to building a pension system, whose main task is to ensure income for individuals and members of a given community after ceasing professional activity and retiring.

In the literature, there is an opinion that the basis for providing a dignified benefit and meeting basic needs after the period of employment is to include citizens in the pension insurance program and for them to accumulate funds in one or several pension accounts (Kompa and Witkowska, 2015). Such an organization provides a foundation for creating a structured and uniform pension system for individuals working in various sectors of the national economy.

It is also indicated that pension plans in leading countries (e.g., the Netherlands or Denmark) primarily include mandatory or nearly mandatory participation. As a result of most workers being covered by collective programs, the percentage of insured individuals in the second pillar of pension insurance reaches 90% there.

The solutions of the third pillar consist of additional, individual pension insurances. Their main participants are self-employed individuals (Koterba, 2015).

At this point, it should also be mentioned that according to the provisions of the Act on Employee Capital Plans (Act, 2018), since 2019, Employee Capital Plans (PPK) have been established and are functioning. They represent a savings system for working individuals that is implemented jointly with their employer.

PPK is an initiative modelled on solutions from Western countries, particularly from Great Britain. In preparing Polish solutions, attention was mainly focused on "Workplace pension" (mojeppk.pl, 2024; Compensa, 2024).

An employee can voluntarily join the program – then their contributions are supplemented by mandatory contributions from the employer as well as a welcome payment and annual state subsidies.

The saved funds are directed to a private account of the participant, who has the opportunity to withdraw them at any time during their savings period. It should be remembered that automatic enrolment in the program is renewed every four years (Zarzycki, 2021, p. 297).

As a rule, the obligation to establish PPK rests on all entities with two exceptions. The first group consists of those who have micro-enterprise status if there is no willingness to participate from employees and all submit declarations resigning from making contributions and belonging to this program.

The second group consists of employers who run another "savings" program, namely Employee Pension Programs (PPE). This occurs only when at least 25% of employees have joined PPE and the calculated and paid basic contributions to PPE amount to at least 3.5% of remuneration.

In the financing of contributions, in relation to PPK, three entities participate:

- employed workers (who have not submitted a resignation from participation in the program),
- the employer,
- the public law entity – the state.

The first two entities, namely the employee and the employer, make monthly contributions. These are classified as: mandatory basic contributions and voluntary additional contributions. These contributions are calculated as a percentage of the gross salary (which serves as the basis for their calculation).

The specifics of the contributions and the entities responsible for them have been presented in Table 1.

Table 1. *Classification of Contributions to Funds in PPK*

Specification of contribution	Contribution amount (in %)	Assessment base	Contribution funding entity
Basic	2	Gross salary of employee	Employee
Additional	up to 2		
Basic	1,5		Employer
Additional	up to 2.5		
Welcome payment	250	(in PLN)	State
Annual	240		

Source: Own study based on: *The Act of October 4, 2018, on Employee Capital Plans, Journal of Laws 2018, item 2215, and data from: - MojePPK.pl*

In the Employee Capital Plans (PPK), there are currently 3.56 million participants from 324,000 entities, reflecting a month-on-month increase of 30,000 individuals. Meanwhile, the number of active PPK accounts stands at 4.21 million. The current participation rate in the program is 48.38%, with more dynamic growth observed in the private sector compared to the public sector (Bulletin, 2024).

Many employers, in addition to offering the basic contribution and incentives for employees to stay in the PPK system—such as actively seeking new hires—provide this additional contribution as a form of benefit. While these contributions represent extra costs for employers from a financial standpoint, they increasingly recognize the tangible benefits in terms of employment stability and long-term workforce development.

Another obligation is the contribution for disability insurance, which amounts to 8% of the assessment base (Act, 1998, Art. 22). Like the pension insurance contribution, it is calculated based on the employee's gross salary. However, the distribution of costs associated with this contribution is not uniform. Details regarding the burdens on employees and employers, as well as trends in its amount, are presented in Table 2.

Table 2. *Amount of Disability Insurance Contribution – Trends in Changes*

Specification/years	Employer	Employee	Total costs associated with disability contribution
	(in %)		
01.01.1999 – 30.06.2007	6,5	6,5	13
01.07.2007 – 31.12.2007	6,5	3,5	10
01.01.2008 – 31.01.2012	4,5	1,5	6
01.02.2012 - currently	6,5	1,5	8

Source: Own study based on: *The Act of October 13, 1998, on the Social Insurance System, Journal of Laws 1998 No. 137, item 887; as amended by the Journal of Laws of 2024, items 497 and 863.*

While the previous two taxes (although at different rates) applied to both parties and were uniform across all professional groups, the next burden, namely the

contribution for accident insurance, deviates from this principle (Sidorowicz, 2018, p. 115).

In most economically developed countries, the basis for differentiating accident insurance contributions is a cost-based system. In this system, the basis for determining contributions at both the level of activity groups and enterprises consists of benefits paid due to workplace accidents and occupational diseases by insurance institutions. Similarly, in Poland, during the interwar period, the cost-based system was the foundation for differentiating the accident insurance contribution (Rzepecki, 2013). Due to systemic changes and the economic situation, these conditions in Poland have evolved.

Currently, the contribution for accident insurance is entirely covered by the employer. It depends on several factors. One of these is the base rate determined for specific types of business every three years. The percentage rate of the accident insurance contribution is set for a contribution year lasting from April 1 of a given year to March 31 of the following year (Gaik and Panek, 2024). The amount of this contribution is also dependent on the risk of an accident occurring while performing specific work and undesirable situations that may arise due to its nature.

The method of determining the percentage rate of the accident insurance contribution is also dependent on the number of insured individuals that the payer reports for accident insurance (ZUS, 2024). A payer who reports no more than 9 insured individuals or who is not registered in the REGON register (in this case, the number of employees reported for insurance is not limited to 9) is required to pay a flat rate for each of them. This rate amounts to half of the highest percentage rate applicable for that contribution year for activity groups.

The percentage rate of the accident insurance contribution for activity groups is established based on the risk category assigned to that group. This is determined according to the frequency of occurrence (so-called frequency indicators):

- 1) the total number of individuals injured in workplace accidents;
- 2) the number of individuals injured in fatal and serious workplace accidents;
- 3) confirmed occupational diseases;
- 4) individuals employed in hazardous conditions (Act, 2002).

Selected amounts of accident insurance contributions applicable to specific activity groups are presented in Table 3.

At this point, it should be noted that according to the provisions of this legal act (Regulation, 2024), there are 64 activity groups, and specific rates of insurance contributions have been established for them. However, this does not mean that there are 64 different contribution amounts, as the data in Table 2 indicates that the same amount has been assigned for many groups.

Table 3. Amount of accident insurance contributions –a selected scope

No.	Type of business activity	Contribution (%)
1.	Mining of hard coal and lignite	3,33
2.	Service activities supporting mining and quarrying	3,33
3.	Metal ore mining	2,26
4.	Activities related to the collection, processing, and disposal of waste; recovery of raw materials	1,73
5.	Works related to the construction of land and water engineering structures	1,47
6.	Water transport	1,20
7.	Healthcare and social work	1,20
8.	Land and pipeline transport	0,93
9.	Recruitment activities	0,93
10.	Education	0,93
11.	Aviation transport	0,67
12.	Information and communication	0,67
13.	Financial and insurance activity	0,67
14.	Professional, scientific and technical activity	0,67

Source: Regulation of the Minister of Family, Labor and Social Policy of March 25, 2024, amending the regulation on differentiating the percentage rate of contributions for social insurance due to workplace accidents and occupational diseases based on occupational hazards and their consequences

As a rule, the employer is also obliged to calculate, collect, and transfer the amount of the sickness insurance contribution for each employee to the appropriate public authority. The amount of this contribution is 2.45% of the assessment base (the gross salary of the employee is used as the assessment base). In this case, however, the entire contribution is deducted from the employee's salary, and the employer is not burdened with its amount. In other words, it is not a cost for them.

This contribution serves as a kind of “security” for the employee's salary during their time on sick leave due to health issues caused by illness or a workplace accident.

The contribution entitles them to receive compensation for time off due to illness (sickness benefit) when they cannot be professionally active for objective reasons. The amount of such a benefit is 80% of the assessment base.

In this case, the assessment base is the average monthly salary paid over the 12 calendar months preceding the month relevant to the incapacity (if incapacity occurred, for example, in August 2024, then the base is calculated for 12 months back – i.e., up to July 2024 inclusive).

For the first 33 days of incapacity for work, this benefit, known as salary during illness, is paid and financed by the employer. For employees who are over 50 years

old, this period is shortened to 14 days. This benefit is granted for each day of incapacity for work, including statutory holidays. The sickness benefit is paid from the 34th day of health incapacity, and in this case, the costs of its payment are borne by the Social Insurance Institution.

However, there are identified situations when the benefit is paid at a rate of 100% of the assessment base. These include cases where incapacity for work:

- occurred during pregnancy (regardless of whether it pertains to pregnancy or health issues),
- resulted from an accident (on the way to or from work),
- occurred while undergoing necessary medical examinations required for candidates to donate cells, tissues, and organs and during procedures for collecting cells, tissues, and organs.

Summarizing this issue, as indicated by the above characteristics of levies in the form of social contributions, the highest burden on wages and the greatest cost for the employer is the pension insurance contribution (9.76%). Next in line are the disability insurance contribution (6.5%) and accident insurance (regardless of its rate, which falls within the range of 0.67% to 3.33%).

An employee's absence from work due to illness often results in additional costs and disruption of work organization for the employer (Torbus 2019, p. 455). Although the sickness insurance contribution is not, as noted, a direct burden on the employer, in the case of employee incapacity, the employer assumes the formal obligation to cover the employee's remuneration during sick leave. This applies up to and including the 33rd day of the employee's incapacity. It is also necessary to ensure the continuity and regularity of tasks performed or services provided.

3. Non-Insurance Special Purpose Funds – Specifics of Functioning

The legal status of state earmarked funds is defined by the provisions of the Public Finance Act (Act, 2009). According to these provisions, such entities are part of the public finance sector, and their financial management is subject to the principles outlined in the act. However, these principles are not comprehensively regulated in the mentioned legal act. The legal framework in this regard is complex, and individual funds are established based on separate acts, which also include provisions concerning their financial management (Ofiarski, 2016, p. 113). This is precisely the case with the Labor Fund.

The Labor Fund is a state earmarked fund, managed by the minister responsible for labour. The obligation to contribute to this fund, at a rate of 2.45% of the assessment base (generally the employee's gross salary), is borne by the entity that is the employer in relation to individuals who are, among others (Act, 2004):

- in an employment or service relationship,
- performing work based on a home-based employment contract,
- performing work under an agency contract or service agreement or other service provision contract (with certain exceptions, such as for individuals who have student status and have not yet reached 26 years of age).

However, employers are not required to pay contributions for employees returning from maternity, parental, or childcare leave within 36 months from the first month following their return from such leave.

Additionally, these contributions are not paid for a period of 12 months (counting from the first month after signing an employment contract) for individuals aged 50 or older. In this case, it is also important that, within 30 days prior to employment, they were registered as unemployed with the district labour office. Moreover, employers do not pay contributions to this fund for a period of 12 months (starting from the first month after signing an employment contract) for individuals under 30 years of age who were previously unemployed and referred to work.

The main sources of revenue for the Labour Fund include:

- employer contributions,
- grants from the state budget, and
- funds from the general budget of the European Union.

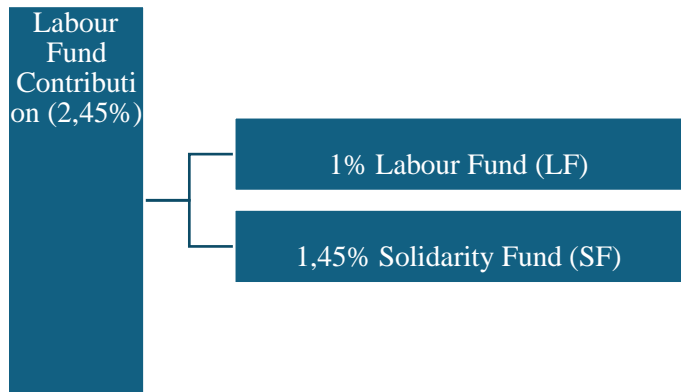
Funds obtained from these sources are allocated, among other things, to:

- the costs of training employees, the unemployed, and other eligible individuals,
- the reimbursement of costs for creating, equipping, or retrofitting workplaces,
- wage subsidies,
- activation bonuses,
- the costs of social insurance contributions for specified groups of employees.

It should be noted that the Labour Fund does not have legal personality. The contributions collected are directed to the appropriate bank account, and their collection is managed by the Social Insurance Institution (ZUS).

As previously mentioned, the contribution rate for each employee is generally equivalent to 2.45% of the assessment base. Due to legal changes and the establishment of the solidarity fund in 2018 (Act, 2018), as of January 1, 2019, the scope of entities authorized to manage revenues from contributions was expanded. Details are presented in Figure 1.

Figure 1. Distribution of revenues from Labor Fund contributions.



Source: Own elaboration.

Based on the information (Figure 1), it must be stated that a significant portion of the contribution, which was previously managed by the Labour Fund, has been redirected to the Solidarity Fund. The Solidarity Fund is also a state earmarked fund, and its administrator is the minister responsible for social security, as referred to in the Act of July 19, 2019, on ensuring accessibility for persons with special needs (Act, 2019).

The funds accumulated in the Solidarity Fund are intended, among other things, to provide financial, professional, social, and health support for persons with disabilities. The idea behind its establishment was also to support activities aimed at ensuring (or improving) accessibility for persons with special needs.

In addition to the contribution payments, another source of funding for the Solidarity Fund is the solidarity levy. This levy is paid annually by individuals whose income in a given tax year exceeds PLN 1 million (at a rate of 4% on the excess over PLN 1 million). The specifics of its calculation are presented in Table 4.

Table 4. Income tax scale and calculation of the solidarity levy in 2024

Basis for tax calculation (in PLN)		Calculation and tax amount:
above	to	
30.000	120.000	12 % of the tax base - tax reduction amount PLN 3600 (at an annual scale)
120.000	1.000.000	PLN 10 800 + 32% of the excess over PLN 120 000
1.000.000	x	PLN 10 800 + 32% of the excess over PLN 120 000 + 4% of the excess over PLN 1.000.000 of the tax base (so called solidarity levy)

Source: Own elaboration.

Given that this levy is paid by individuals and not strictly by businesses, once a certain income threshold is exceeded, it will not be the subject of further discussion in this article. However, it has been noted as an additional source of funding for the Solidarity Fund. Approximately 40,000 of the highest-earning individuals in Poland pay the solidarity levy (Wiązowska, 2024).

The Employee Guaranteed Benefits Fund is another fund that imposes obligations on the employer. The employer is required to contribute 0.1% of the gross salary of each employed worker. The basis for the contribution, similar to previous cases, is the employee's gross remuneration.

The fund was established by the Act of December 29, 1993, on the Protection of Employee Claims in the Event of Employer Insolvency, and it is a state earmarked fund. The primary sources of its funding are employer contributions and recovered funds from reimbursed benefits. The main purpose of the fund is to satisfy employee claims in cases where the employer is unable to meet them due to insolvency (Filarecka, 2024).

Currently, the fund's operation is regulated by the provisions of the 2006 Act on the Protection of Employee Claims in the Event of Employer Insolvency (Act, 2006). According to this act, the funds accumulated in the fund are used, in the event of employer insolvency, to satisfy claims related to, among others:

- wages, vacation pay and compensation for unused vacation,
- severance pay due under separate regulations,
- compensation,
- wage supplements, and social insurance contributions owed by employers.

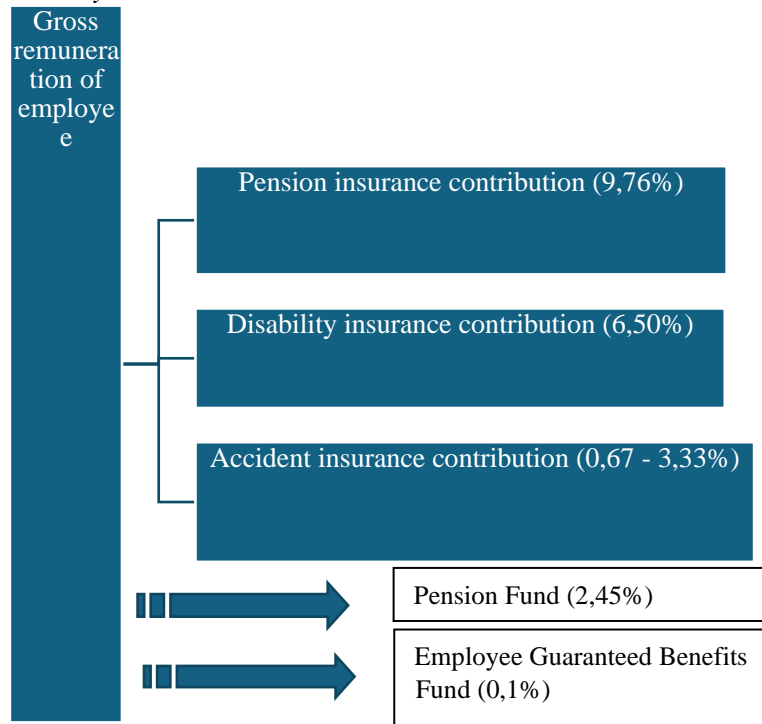
Taking into account the above considerations regarding the burdens borne by the employer in relation to employee employment, a summary overview is presented in Figure 2. After considering all the costs associated with social insurance, such as contributions to pension, disability, and accident insurance, the percentage of these burdens for the employer will range from 16.93% to 19.59%. Therefore, the employer is obligated to allocate this amount in their budget.

Including contributions related to non-insurance purpose funds, these costs increase by an additional 2.45% and 0.1%. Thus, the total burden can range from 20.05% to 22.14%.

4. Employing Workers with Disabilities: Challenges and Opportunities

Current and future formal and legal regulations, especially those related to the need for sustainability reporting, including aspects of inclusivity, are increasingly focused on supporting and integrating individuals with disabilities into active employment.

Figure 2. Summary overview



Source: Own elaboration.

For them, this is not only a form of professional activation related to financial independence but also a form of therapy, socialization, and participation in decision-making processes within their professional community.

Key documents related to the employment and activation of individuals with disabilities include:

- The Labour Code (Act, 1974),
- The Act on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (Act, 1997), and
- The Strategy for People with Disabilities 2021–2030 (Resolution, 2021).

According to these documents, one of the provisions that employers should consider is the fact that the working hours for a person with a disability cannot exceed 8 hours per day and 40 hours per week.

For individuals classified as having a severe or moderate level of disability, this time is further reduced. In such cases, working hours cannot exceed 35 hours per week and 7 hours per day. These individuals are also entitled to an additional 10 working days of vacation per calendar year.

However, this additional leave does not apply if they are already entitled to a vacation exceeding 26 days or to other forms of additional leave under different legal provisions. They are also entitled to additional paid leave (once per year, while retaining their right to wages) for up to 21 working days if participating in a rehabilitation camp.

Furthermore, persons with disabilities cannot be employed for overtime or night shifts, and their workplace should be adapted to meet their individual needs.

While these regulations, which provide individuals with disabilities additional days off, may cause concern for potential employers, research shows that companies offering inclusive work environments for people with disabilities achieved, on average, 28% higher revenues, 30% higher profit margins, and twice the net income compared to other companies in their industry.

This is confirmed by data from the report “Getting to Equal: The Disability Inclusion Advantage,” which analysed the inclusion practices of the largest companies in the United States and the financial results of firms participating in the Disability Equality Index (Olszewski, 2021).

Available data also shows that Southern European countries have the smallest employment gap for people with disabilities. Stricter regulations protecting employment prove to be beneficial for people with disabilities in the labour market.

However, other labour market policies aimed at benefiting this group do not play as significant a role. These findings confirm the perspective of social investment and show that social policies can have a positive impact on the employment of people with disabilities (Zwan and Beer, 2021, p. 473).

While recognizing the need to create such inclusive work environments, it is essential to consider a longer-term perspective than just one year, especially given that both in Europe and globally, we cannot predict or “price in” extraordinary situations that may also affect economic processes.

Nevertheless, in the longer term, the benefits should be visible for all parties involved: the employer, the employee, the local economy, and the community, as well as on a national and broader territorial scale.

Immediate benefits associated with employing individuals with disabilities include monthly wage subsidies, which come from the State Fund for the Rehabilitation of Disabled Persons (PFRON). However, it is important to ensure that the employee is registered in the employment records maintained by this fund.

The monthly subsidy cannot exceed 90% of the actual and timely incurred monthly labour costs. In reference to the previous points in this article, labour costs include:

1. gross wages, and
2. mandatory employer-financed labour costs, such as
 - contributions to pension, disability, and accident insurance calculated based on the gross wages,
 - mandatory contributions to the Labor Fund, the Guaranteed Employee Benefits Fund, and the Solidarity Fund.

Additionally, employers with at least 25 full-time employees, where at least 6% of employees are individuals with disabilities, are exempt from paying contributions to the State Fund for the Rehabilitation of Disabled Persons.

Employers can also apply for reimbursement of costs related to the setup and adaptation of the workplace, as well as subsidies for training costs. Access to broadly defined education and skills development is essential for the effective social and professional activation of people with disabilities.

5. Conclusions

Employing a worker undoubtedly involves costs for employers. These include, among other things, public charges related to pension, disability, and accident insurance. Additionally, due to the formal and legal solutions in place in Poland, employers are also required to contribute to other non-insurance purpose funds. Their operation is linked to the employee in a broader context.

However, besides the costs, it is also important to identify the benefits. The most noticeable in the short term are financial benefits, but attention should also be paid to those observed over a longer period.

Due to the need for sustainability reporting, workplace inclusivity will become a necessity. An employer who diligently develops a human capital management strategy within their organization will be seen as a responsible business partner. This can contribute to building their reputation in the industry and also expand their business horizons by attracting new market segments and clients. For employees, a responsible and supportive employer means job stability and reduced turnover.

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