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# Reasonable Accommodation as a Means of Ensuring Access to Work for Persons with Disabilities in the Polish Legal System

This paper describes the obligation to provide reasonable accommodation in the Polish legal system to remove barriers experienced by persons with disabilities in accessing work. The presentation of this issue will be made in the context of how the standards of the CRPD (United Nations Convention on the Rights of Persons with Disabilities) and the Employment Equality Directive are implemented in the Polish labour legislation. The concept of reasonable accommodation and the scope of entities obliged to provide it to persons with disabilities who are just seeking employment and those already in employment will be analysed. It will be followed by characterising the limits of implementing this obligation, which allows for considering the resources at the disposal of the entities obliged to provide reasonable accommodation. Finally, the author discusses the legal consequences of failure to provide reasonable accommodation and the legal remedies available to persons with disabilities in such a situation. The analysis, taking into account the body of doctrine and jurisprudence, will make it possible to indicate practical difficulties in the application of the legal regulation of reasonable accommodation and, as a result, to formulate *de lege ferenda* postulates.

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# 1 | Normative sources of reasonable accommodation in the Polish legal system

The Constitution of the Republic of Poland<sup>[1]</sup>, the most important act in the hierarchy of the Polish legal system, establishes regulations providing the basis for introducing reasonable accommodation. Restricting to those most important, it should be noted that labour is under the protection of the Republic of Poland (Article 24), and as a result, everyone is guaranteed the freedom to choose and pursue an occupation and to choose the place of work (Article 65, paragraph 1). In doing so, freedom means not only the absence of coercion but also the absence of barriers to free access to work<sup>[2]</sup>. Public authorities are, therefore, obliged to pursue an active policy aimed at full, productive employment by implementing programmes to combat unemployment (Article 65(5)). Although public authorities are the addressees of this obligation, other public entities, including those private, also participate in its implementation, particularly employers who fulfil certain obligations towards employees. The principle of equal treatment (Article 32) should be regarded as an important guarantee of free access to work. It ensures equal opportunity to realise freedoms and rights by prescribing that the legal situation of entities considered similar according to an established criterion (the so-called relevant characteristic) is shaped equally<sup>[3]</sup>.

Furthermore, equality before the law is also the legitimacy of choosing such, and not another, criterion for differentiating between subjects of the law<sup>[4]</sup>. Undoubtedly, disability is such a criterion, which, by accumulating many barriers, weakens a person's social position and possibilities to independently satisfy needs through gainful employment. In turn, the realisation of the principles of social justice (Article 2) requires that everyone, i.e. also a person with a disability, has an equal opportunity to enjoy the rights guaranteed to him/her, including the right to freely chosen work, which requires the establishment of certain additional measures. This is

<sup>1</sup> Journal of Laws of 1997, No. 78, item 483 as amended.

<sup>2</sup> Paluszkiwicz Magdalena, „Wolność pracy osób z niepełnosprawnościami jako wartość prawnie chroniona” (Łódź: Wydawnictwo Uniwersytetu Łódzkiego, 2019), 249 and literature cited therein.

<sup>3</sup> Judgment of the Constitutional Court of 15.07.2010, K 63/07, OTK-A 2010/6/60.

<sup>4</sup> Judgment of the Constitutional Court of 27.09.1997, K 15/97, OTK 1997/3-4/37, Judgment of the Constitutional Court of 6.05.1998, K 37/97, OTK 1998/3/33.

confirmed in Article 69 of the Constitution, which implies the obligation of public authorities to provide these persons with, among other things, increased protection to equalise their opportunities in competition for jobs<sup>[5]</sup>. This provision provides the basis for adopting additional equalisation measures in the form of a law. The main regulation in this respect is the Act of 27 August 1997 on social and vocational rehabilitation and employment of disabled persons<sup>[6]</sup>, which introduces the obligation to provide reasonable accommodation. In turn, the limits of activities undertaken for the benefit of persons with disabilities within the framework of equalisation of opportunities are set primarily by the constitutional principle of proportionality (Article 31), which, by protecting the interests of other entities, such as employers, prevents the creation of unjustified privileges<sup>[7]</sup>. Thus, the introduction of reasonable accommodation is permissible under the Polish Constitution and necessary to enable persons with disabilities to exercise their rights, including the right to employment, to the extent that others enjoy it.

The regulation of reasonable accommodation was introduced into Polish legislation in 2011<sup>[8]</sup> as Article 23a of the Rehabilitation Act, through which Article 5 of Directive 2000/78/EC<sup>[9]</sup> was implemented. Due to this Directive's limited scope of regulation, reasonable accommodation became a means of ensuring the principle of equal treatment in employment. Subsequently, in 2012, Poland ratified the UN Convention of 13.12.2006 on the Rights of Persons with Disabilities<sup>[10]</sup>. As is well known, reasonable accommodation is the cornerstone of this act and a prerequisite for persons with disabilities to enjoy all human rights equally with others<sup>[11]</sup>. They play an important

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<sup>5</sup> Teresa Liszcz, „Charakter, zakres obowiązywania i treść art. 24 Konstytucji”, [in:] *Prawo pracy. Refleksje i poszukiwania. Księga Jubileuszowa Profesora Jerzego Wrątnego*, ed. Gertruda Uścińska (Warszawa: Instytut Pracy i Spraw Socjalnych, 2016), 45.

<sup>6</sup> Consolidated text Journal of Laws 2023, item 100 as amended, hereinafter: the Rehabilitation Act.

<sup>7</sup> See more extensively Paluszkiwicz, „Wolność”, 254 and the literature cited therein.

<sup>8</sup> Act of 3.12.2010 on the implementation of certain provisions of the European Union on equal treatment, Journal of Laws No. 254, item 1700 as amended.

<sup>9</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, p. 16–22).

<sup>10</sup> Journal of Laws No. 1169 with effect from 25 October 2012. Hereinafter: CRPD.

<sup>11</sup> Rosemary Kayess, Phillip French, „Out of Darkness into Light? Introducing the Convention on the Rights of Persons with Disabilities” *Human Rights Law Review*, No. 8 (2008): 10.

role not only for the right to employment (Article 27(1)(i) of the CRPD) but also for other rights conditioning the effective performance of work, such as the right to education (Article 24(2)(c) of the CRPD) or the right to freedom of movement (Article 20 in conjunction with Article 2 of the CRPD). As a result of the ratification of this Convention, the definition of reasonable accommodation standardised in Article 2, paragraph 4 of the CRPD became part of the Polish legal system<sup>[12]</sup>.

Another regulation of reasonable accommodation in Poland appeared with the Act of 19 July 2019 on Ensuring Accessibility for Persons with Special Needs<sup>[13]</sup>. This act is implementing the Government Accessibility Plus Programme 2018–2025<sup>[14]</sup>. It should also be regarded as the implementation of the obligation to ensure accessibility arising from Article 9 of the CRPD and the fulfilment of the constitutional obligation expressed in Article 69 of the Constitution of the Republic of Poland. One of the assumptions of this government programme was the adoption of accessibility as a horizontal principle for the implementation of all public policies, i.e. employment policy, including the creation of a systemic accessibility law<sup>[15]</sup>. The assumption of its systemic scope of influence has not been achieved, as the regulation of accessibility is still contained in other legal acts<sup>[16]</sup>. The obligation to ensure accessibility arising from this law concerns the public sphere, so it may not only support the independent handling of various administrative matters related to employment but also employment itself in entities operating in this sphere<sup>[17]</sup>.

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<sup>12</sup> Pursuant to the provision of Article 91 of the Constitution of the Republic of Poland, a ratified international agreement, once promulgated in the Journal of Laws of the Republic of Poland, constitutes part of the domestic legal order and is directly applicable, unless its application depends on the enactment of a law.

<sup>13</sup> Journal of Laws, item 696, as amended; hereinafter: Accessibility Act.

<sup>14</sup> Resolution of the Council of Ministers No. 102/2018 on the establishment of the Government Accessibility Plus Programme. However, it has not been published in any promulgation body.

<sup>15</sup> Explanatory Memorandum to the Bill on Ensuring Accessibility for Persons with Special Needs, 8th term of Sejm, Sejm print no. 3579, 2, 4.

<sup>16</sup> Specifically, the Act of 4.04.2019 on the digital accessibility of the websites and mobile applications of public sector bodies (Journal of Laws 848 as amended, hereinafter: UDC), which implements Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327 of 02.12.2016, p. 1–15).

<sup>17</sup> Explanatory Memorandum to the Draft Law on Ensuring Accessibility for Persons with Special Needs, 8th term of Sejm, Sejm print no. 3579 – Economic effects of the introduced regulation, p. 9.

Thus, we currently have four reasonable accommodation regulations in the Polish legal system – two arising from international law and two from national legislation. Although there are differences in the definitions of reasonable accommodation under Article 5 of Directive 2000/78 and Article 2 of the CRPD, the Convention is binding on the European Union<sup>[18]</sup>. Therefore, the provisions of the Directive should be interpreted, where possible, in accordance with the Convention<sup>[19]</sup>. On the other hand, national laws should be in line with binding international standards<sup>[20]</sup> or at least interpreted in accordance with them. In case of irreconcilable contradictions, the relevant self-executing international or EU norms should apply, disregarding national laws. Despite these rather clear interpretative principles, applying reasonable accommodation regulations gives rise to numerous interpretative doubts in practice.

## 2 | Reasonable accommodation in the Rehabilitation Act

### 2.1. The notion of necessary reasonable accommodation

The analysis should begin with terminological remarks. Article 23a of the Rehabilitation Act uses the term „necessary” reasonable accommodation (plural in Polish). This is a formulation that deviates from international standards – the Convention and the Directive use the term „reasonable accommodation” (singular). Moreover, as aptly pointed out in the doctrine, this is an unjustified and restrictive treatment of reasonable accommodation<sup>[21]</sup>. The Directive in Article 5 refers to „appropriate measures” (i.e., according to recital 20 of its preamble, effective and practical).

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<sup>18</sup> Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, (OJ L 23 of 27.01.2010, p. 35–36).

<sup>19</sup> Recitals 31–32 in CJEU judgement of 11 April 2013, case C335/11 and C337/11, EU:C:2013:222.

<sup>20</sup> Article 91 of the Constitution of the Republic of Poland.

<sup>21</sup> Katarzyna Roszewska, „Komentarz do art. 2”, [in:] *Ustawa o zapewnianiu dostępności osobom ze szczególnymi potrzebami. Komentarz*, ed. Katarzyna Roszewska (LEX 2021).

In contrast, the Convention refers to „necessary and appropriate modifications and adjustments” (Article 2 CRPD). If one additionally considers the CJEU case law<sup>[22]</sup>, appropriate measures taken as reasonable accommodations should be interpreted as broadly as possible<sup>[23]</sup>.

The accommodation is supposed to be „reasonable”, but doubts arise about how this wording should be understood. According to Article 23a(1), the second sentence of the Rehabilitation Act, necessary reasonable accommodation is a modification or adaptation necessary in a specific situation to meet the particular needs resulting from a person’s disability, provided that its implementation would not result in the imposition of a disproportionate burden on the employer. It has so far been rather unanimously accepted in the doctrine that the reasonableness of the accommodation should relate to the interests of both parties to the employment relationship and include both the effectiveness for the person with a disability and the proportionality of the burden for the employer<sup>[24]</sup>. This issue has not yet been analysed in Polish jurisprudence. In contrast, the CJEU, in one of its rulings issued based on the Directive, held that the accommodation is reasonable because it must not constitute a disproportionate burden for the employer<sup>[25]</sup>. Meanwhile, considering the interpretation of Article 2 in conjunction with Article 5 of the CRPD by the Committee on the Rights of Persons with Disabilities, it should be assumed that reasonableness refers only to the appropriateness and effectiveness of the accommodation for the person with a disability. On the other hand, the assessment of the cost of adaptation or availability of resources is made later, under the category of „disproportionate or excessive burden”, which simultaneously sets

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<sup>22</sup> See e.g. recitals 49 and 53 of CJEU judgement in case C335/11 and C337/11, EU:C:2013:222; recital 50 in CJEU judgement of 10 February 2022 in case C-485/20, LEX No. 3304096.

<sup>23</sup> This is also the case of the Polish Supreme Court in its judgment of 12.11.2014, I PK 74/14, LEX no. 1567458.

<sup>24</sup> Magdalena Paluszkiwicz, „Obowiązek pracodawcy zapewnienia niezbędnych racjonalnych usprawnień”, [in:] *Współczesne problemy prawa emerytalnego*, ed. Teresa Bińczycka-Majewska, Mirosław Włodarczyk (Warszawa: Wolters Kluwer, 2015), 320; Marcin Wujczyk, „Obowiązek pracodawcy zapewnienia niezbędnych racjonalnych usprawnień dla pracownika niepełnosprawnego”, [in:] *Bariery w otoczeniu osób z niepełnosprawnościami – zagadnienia wybrane*, ed. Maciej Borski (Sosnowiec: Wyższa Szkoła Humanitas, 2017), 27.

<sup>25</sup> Recital 58 in CJEU judgement in case C335/11 and C337/11, EU:C:2013:222.

the limit of the obligation to provide reasonable accommodation<sup>[26]</sup>. This means that the Polish legislator incorrectly combined in one sentence the proportionality of the burden with the reasonableness of the improvement instead of the obligation to provide it.

Reasonable accommodation includes changes or adaptations necessary in a specific situation to meet the particular needs arising from the person's disability. Therefore, the literature indicates that it should remove barriers that a person with a disability may face in the work environment<sup>[27]</sup>. It entails specific actions taken on a one-off or long-term basis in response to the needs of a specific person with a disability<sup>[28]</sup>. These improvements usually consist of adapting the procedures, processes or infrastructure operating in the workplace to the needs of a person with a disability<sup>[29]</sup>. Examples of the interpretation of reasonable accommodation can also be found in some court rulings. In a judgment of 12 November 2014, the Supreme Court explained that the notion of reasonable accommodation should include material and organisational measures<sup>[30]</sup>. In its judgment of 12 May 2011<sup>[31]</sup>, this court assumed that Article 23a of the Rehabilitation Act should be understood as the adaptation of premises or equipment, working time, and the division of duties. Furthermore, this court clarified that Article 5 of the Directive does not guarantee special protection to disabled employees against termination of employment. Instead, it provides for reasonable accommodation which takes into account the needs of such persons in the workplace to compensate for disadvantages suffered by them in terms of access to and performance of work (recital 16 of the Directive) and, at the same time, does not require that, where the duty of reasonable accommodation is properly implemented, a person who is not competent, capable or available to perform the essential functions of the job should be taken on, promoted or further employed (recital 17), in turn, according to the judgment of the Supreme Court of 7 December 2017, reasonable

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<sup>26</sup> Committee on the Rights of Persons with Disabilities, General comment No. 6 (2018) on equality and non-discrimination, CRPD/C/GC/6, pt 26d.

<sup>27</sup> Wujczyk, „Obowiązek”, 23.

<sup>28</sup> Anna Śledzińska-Simon, „Obowiązek dokonania racjonalnych usprawnień – uwagi na tle wyroku TSUE Jetta Ring i Lone Skouboe Werge (C-335/11 i C-337/11)” *Studia Prawnicze*, no. 2 (2013): 32.

<sup>29</sup> *Ibidem*, 35.

<sup>30</sup> I PK 74/14, LEX No. 1567458.

<sup>31</sup> II PK 276/10, OSNP 2012, no. 13-14, item 164.



accommodation consists in taking measures that enable a disabled employee to continue to occupy a given position, and not in creating a new position for him or her by eliminating from the scope of activities the duties essential to the position previously occupied<sup>[32]</sup>.

## 2.2. Obligated and entitled entities

According to Article 23a(1) of the Rehabilitation Act, the employer must provide reasonable accommodation<sup>[33]</sup>. It follows that this obligation's scope is narrower than the Directive<sup>[34]</sup>, which covers not so much the employment relationship as broadly defined employment (e.g., relationship based on civil law) or self-employment<sup>[35]</sup>. This affects the scope of persons entitled to reasonable accommodation under the Rehabilitation Act. The Rehabilitation Act obliges the provision of reasonable accommodation to those persons with disabilities who are in an employment relationship with an employer, who participate in the recruitment process or undergo training, internship, vocational preparation or graduate traineeship. However, the legislator did not provide for such an entitlement for former employees with disabilities, which could have made it easier for them, for example, to pursue unsatisfied claims from the employment relationship and has met with justified criticism in the doctrine<sup>[36]</sup>.

It is also worth noting that the Rehabilitation Act uses the term „disabled person” rather than „person with disability”. This is a consequence of building the definition of disability<sup>[37]</sup> on the now archaic medical model with elements of the social model<sup>[38]</sup>. Moreover, according to Article 1 of

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<sup>32</sup> I PK 334/16, LEX No. 2433079.

<sup>33</sup> Pursuant to Article 3 of the Act of 26.06.1974 of the Polish Labour Code (consolidated text, Journal of Laws of 2023, item 1465, hereinafter: the Labour Code) in connection with Article 66 of the Rehabilitation Act, an employer is an organisational unit, even if it does not have legal personality, as well as a natural person, if they employ employees.

<sup>34</sup> Cf. Kędzióra Karolina, Jabłońska Zofia, „Komentarz do art. 27”, [in:] *Ustawa o wdrożeniu niektórych przepisów Unii Europejskiej w zakresie równego traktowania. Komentarz*, ed. Karolina Kędzióra, Krzysztof Śmiszek (LEX 2017).

<sup>35</sup> See, for example, Article 3(1) of Directive 2000/78/EC.

<sup>36</sup> Wujczyk, „Obowiązek”, 21.

<sup>37</sup> See Article 2(10) of the Rehabilitation Act.

<sup>38</sup> See more extensively Paluszkiwicz Magdalena, „Prawne pojęcie niepełnosprawności” *Studia Prawno-Ekonomiczne*, t. xciv (2015): 77–98.



the Rehabilitation Act, a person with a disability is a person whose disability has been confirmed by one of the certificates listed therein, which narrows the scope of entities entitled to reasonable accommodation in a manner inconsistent with the standards arising from the Convention and the Directive. It is rightly pointed out in the doctrine that Polish legislation lacks a definition that considers the broad, biopsychosocial (functional) context of disability to implement the principle of equal treatment in employment<sup>[39]</sup>. Nonetheless, national courts are obliged to consider the existing acquits of the CJEU, according to which the concept of disability has autonomous meaning based on the Directive<sup>[40]</sup>. On the other hand, protection against discrimination on the grounds of disability in employment is also available to those persons who, under national law, do not have a disability certificate<sup>[41]</sup>, including, among other things, carers of persons with disabilities<sup>[42]</sup> (protected against discrimination by association), as the principle of equal treatment does not apply to persons but to the grounds listed in Article 1 of the Directive (here: „on the grounds of disability”)<sup>[43]</sup>.

According to Article 23a(1), the second sentence of the Rehabilitation Act, the implementation of the obligation to provide reasonable accommodation is conditional on the employer being notified of the needs arising from the disability. However, this is an overly narrow approach compared to the standards under the CRPD and the Directive. In their light, the obligation arises in response to a need. It thus updates not only when the person with a disability requests the provision of reasonable accommodation but also when the employer realises that the person with a disability needs such

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<sup>39</sup> Śledzińska-Simon, „Obowiązek”, 44; Julia Kapelańska-Pregowska, „Prawo osób niepełnosprawnych do racjonalnych usprawnień oraz obowiązek zapewnienia dostępności przestrzeni publicznej” *Polski Rocznik Praw Człowieka i Prawa Humanitarnego*, 6 (2015): 111.

<sup>40</sup> See e.g. recital 38 in CJEU judgement in case C-335/11 and C-337/11, LEX no. 1297091; recital 76 in CJEU judgement of 18 March 2014, C-363/12, LEX no. 1436116; recital 53 in CJEU judgement of 18 December 2014, C-354/13, LEX no. 1560257; recital 42 in CJEU judgement of 1 December 2016 in case C-395/15, LEX no. 2162832; recital 36 in CJEU judgement of 9 March 2017, case C-406/15, LEX no. 2240486; recital 28 in CJEU judgement of 18 January 2018, case C-270/16, LEX no. 2427047; recital 34 in CJEU judgement of 10 February 2022, case C-485/20, LEX no. 3304096.

<sup>41</sup> But they are included, for example, in the category of workers „particularly vulnerable to work-related risks” under national law – see recital 51 in CJEU judgement of 11 September 2019, case C-397/18, ECLI:EU:C:2019:703.

<sup>42</sup> See CJEU judgement of 17 July 2008, case C-303/06, LEX no. 420939.

<sup>43</sup> See recital 34 in CJEU judgement of 26 January 2021, case C-16/19, LEX no. 3112386.

accommodation to exercise his or her rights on an equal basis with others<sup>[44]</sup>. It is important, however, that reasonable accommodation is established in the interests of the person with disabilities and cannot become a source of obligations for him/her. As the Supreme Court aptly pointed out in its judgment of 15 September 2015, for this reason, a disabled person cannot be coerced into exercising a right granted to him or her, especially if this is to be at the expense of greater physical and mental exertion than that accompanying the work of a non-disabled employee under 'normal' conditions<sup>[45]</sup>.

### 2.3. Limits of the duty to provide reasonable accommodation

The employer is obliged to provide reasonable accommodation, provided that carrying out such changes or adjustments would not result in a disproportionate burden being imposed on it. According to Article 23a(2) of the Rehabilitation Act, these burdens are not disproportionate if sufficiently compensated from public funds. The forms and principles of financial support for employers are regulated in particular by the Rehabilitation Act, providing, for example, for reimbursement of the costs of adaptation of the premises of the workplace to the needs of disabled persons, adaptation or acquisition of equipment facilitating the performance of work or functioning in the workplace, purchase and authorisation of software for the use of disabled employees and assistive technology devices or adapted to the needs resulting from their disability (Art. 26), employment of an employee assisting a disabled employee and training of the assisting employee (Art. 26d), and equipment of the workplace (Art. 26e).

As rightly pointed out in the doctrine, „disproportionately high burden” is a general clause, which means that its content should be read considering the circumstances of the specific case. When assessing the proportionality of the burden, the costs of the improvement introduced should be considered concerning factors such as, in particular, the employer’s profit, its turnover, the funds spent on adapting the workplaces to its operations or its creditworthiness<sup>[46]</sup>. However, it is rightly pointed out in the doctrine

<sup>44</sup> Committee on the Rights of Persons with Disabilities, General comment No. 6 (2018) on equality and non-discrimination, CRPD/C/GC/6, pt 24b.

<sup>45</sup> III KRS 49/15, LEX No. 2288956.

<sup>46</sup> Wujczyk, „Obowiązek”, 28.

that the reference to „compensating” costs presupposes that they are first covered by one’s resources, which may constitute a serious financial burden, especially for smaller employers, but does not yet constitute grounds for assuming that they are disproportionate<sup>[47]</sup>. This is confirmed by the judgment of the Supreme Court on 12 November 2014<sup>[48]</sup>. Indeed, it still has to be assessed whether these burdens are sufficiently compensated from public funds, which requires taking into account, on the one hand, the amount of reimbursement from public funds and, on the other hand, the situation of the employer after obtaining it<sup>[49]</sup>.

The assessment of the proportionality of the burden interpreted by Articles 2 and 5 of the CRPD, as it follows from the findings of the Committee on the Rights of Persons with Disabilities, must not, however, be limited to financial aspects, but also take into account factors such as the size of the entity obliged to make reasonable accommodation, the impact of the accommodation on the functioning of the institution or enterprise concerned, the potential benefits for third parties, the negative impact on other persons, including employees, and the legitimate health and safety requirements<sup>[50]</sup>. To assess the proportionality of the burden, the length of the relationship between the entity entitled and obliged to make reasonable improvements is also not insignificant<sup>[51]</sup>. In this context, it is worth emphasising that, according to the position of the CJEU, the Directive, and therefore also the obligation to provide reasonable accommodation arising from its Article 5, may apply to employees employed under a probationary employment contract<sup>[52]</sup>.

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<sup>47</sup> See Maliszewska-Nienartowicz Joanna, „Zakaz dyskryminacji ze względu na niepełnosprawność w świetle wyroków w sprawach Coleman i Chacon Navas” *Europejski Przegląd Sądowy*, No. 8 (2011): 34; Wujczyk, „Obowiązek”, 29.

<sup>48</sup> I PK 74/14, LEX No. 1567458.

<sup>49</sup> Paluszkiwicz, „Obowiązek”, 321.

<sup>50</sup> Committee on the Rights of Persons with Disabilities, General comment No. 6 (2018) on equality and non-discrimination, CRPD/C/GC/6, pt 26e.

<sup>51</sup> Committee on the Rights of Persons with Disabilities, General comment No. 6 (2018) on equality and non-discrimination, CRPD/C/GC/6, pt 27.

<sup>52</sup> Recitals 31–32 in CJEU judgement of 10 February 2022, case C-485/20, LEX No. 3304096.

## 2.4. Consequences of failure to provide reasonable accommodation

According to Article 23a(3) of the Rehabilitation Act, failure to make necessary reasonable accommodation shall be considered a violation of the principle of equal treatment in employment within the meaning of Article 183a § 2-5 of the Labour Code. It is worth noting that the legislator does not prejudice whether the refusal to make reasonable accommodation is a manifestation of direct discrimination, indirect discrimination or harassment. The provisions of the Directive do not explicitly resolve this, either. However, considering the standards from Article 2 of the CRPD<sup>[53]</sup>, it should be assumed that refusal of reasonable accommodation is a separate form of disability discrimination.

A person for whom an employer has violated the principle of equal treatment in employment is entitled to compensation in an amount not lower than the minimum remuneration for work established based on separate regulations (Article 18<sup>3d</sup> of the Labour Code). In proceedings for compensation, the distribution of the burden of proof will be modified – the person with a disability will have to substantiate that the failure to provide reasonable accommodation was in breach of the law. On the other hand, the employer will have to prove that it did not act unlawfully in failing to provide these improvements.

The doctrine correctly assesses that a compensation claim will not always be satisfactory for a person with a disability<sup>[54]</sup>, as it does not remove the barrier to equal treatment. Therefore, there are postulates to broaden the claims catalogue by ordering certain changes or adjustments<sup>[55]</sup>. These are partly addressed by the solutions adopted in the Act on Ensuring Accessibility for Persons with Special Needs.

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<sup>53</sup> The duty to provide reasonable accommodation is an integral part of the immediately applicable non-discrimination obligation.

<sup>54</sup> Wujczyk, „Obowiązek”, 32.

<sup>55</sup> Ibidem.

## 3 | Reasonable accommodation in the Accessibility Act

### 3.1. The notion of reasonable accommodation

In the Accessibility Act, reasonable accommodation (singular in Polish) is, alongside universal design, one of the means of ensuring accessibility (Article 4(1)). The definition of reasonable accommodation (Article 2(5)) was created by referencing the universal legal definition in Article 2 of the CRPD. In addition, it was supplemented by the statement that reasonable accommodation is used to meet the minimum requirements set out in the Act (Article 6<sup>[56]</sup>) for ensuring accessibility for persons with special needs. These minimum requirements relate to three areas of accessibility: architectural, digital, information and communication. Compared to the standards under Article 9 of the CRPD, the area of transport accessibility, which is to be regulated by other legislation, has been omitted<sup>[57]</sup>.

The reference to minimum requirements in the definition of reasonable accommodation only indicates how „in particular” it should be done. It should not be read as an obligation to achieve accessibility at a minimum level using it. Indeed, accessibility is achieved systemically, primarily through the gradual and consistent implementation of standards and the universal design of new products and services, technologies and facilities<sup>[58]</sup>. Reasonable accommodation, on the other hand, serves another purpose – to counteract discrimination and to implement the principle of equal treatment in a specific case, such as employment. However, it can be used as a means of ensuring accessibility for persons with disabilities in specific cases if any accessibility standard does not cover such persons or, despite existing standards, cannot exercise their rights because of their specific, individualised needs and because they do not make use of available modes, methods, means (e.g. due to lack of knowledge of Braille)<sup>[59]</sup>.

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<sup>56</sup> Concerning digital accessibility, the requirements are set out in the Act of Digital Accessibility.

<sup>57</sup> Roszewska Katarzyna, „Komentarz do art. 2”.

<sup>58</sup> Committee on the Rights of Persons with Disabilities, General comment No. 2 (2014) Article 9: Accessibility, CRPD/C/GC/2, pt 15.

<sup>59</sup> Committee on the Rights of Persons with Disabilities, General comment No. 2 (2014) Article 9: Accessibility, CRPD/C/GC/2, pt 25.

Therefore, as rightly emphasised in the doctrine, the minimum requirements do not exclude the taking of more far-reaching measures within the framework of reasonable accommodation that serve to meet special needs optimally<sup>[60]</sup>, as long as they are necessary and appropriate in the specific case and do not cause a disproportionate and excessive burden (Article 2 CRPD).

### 3.2. Obligated and entitled entities

The limitation of the obligation of accessibility to public spaces implies that reasonable accommodation will be provided primarily by public entities (Article 3). In addition, entities other than public entities may be contractually obliged to provide accessibility if they carry out a public task financed with public funds or if they are awarded public contracts (Article 5(2)). The personal scope of the accessibility obligation will be extended to commercial operators in certain sectors of the economy<sup>[61]</sup> in connection with the prospective implementation of<sup>[62]</sup> Directive 2019/882<sup>[63]</sup> (European Accessibility Act).

The doctrine points out that this limited personal scope of the Accessibility Act does not exclude the obligation of other actors to apply reasonable accommodation based on the Convention itself. It explicitly articulates an obligation to respect the rights of persons with disabilities by entities different from the State (Article 4(1)(e) CRPD). In the context of accessibility, this obligation translates, among other things, into ensuring that private institutions that offer facilities or services that are generally accessible or universally guaranteed take into account all aspects of their accessibility for persons with disabilities (Article 9(2)(b) CRPD). Responsibility for the

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<sup>60</sup> Roszewska, „Komentarz do art. 2”.

<sup>61</sup> Where, for example, computer hardware systems including operating systems, selected electronic terminals, electronic book readers, or services such as electronic communications, retail banking, e-commerce or elements of air, bus, rail and water passenger transport services are provided.

<sup>62</sup> The draft law on ensuring that economic operators meet the accessibility requirements for certain products and services (draft of 22 March 2022, UC119) was only at the opinion stage of public institutions and social partners on 15 July 2022, even though the implementation deadline was 28 June 2022.

<sup>63</sup> Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, OJ L 151, p. 70–115.

lack of accessibility of these facilities and services provided by a private body is borne by the State<sup>[64]</sup>.

Thus, from the perspective of the realisation of the right to free access to employment by persons with disabilities, the entities obliged to provide reasonable accommodation may be, for example, public and non-public schools already at the recruitment stage and then in the course of providing educational services to children, young people and adults<sup>[65]</sup>. In addition, it will be public employment services providing vocational guidance, job placement or training services, and private entities such as employment agencies or training institutions carrying out a public task with public funds (e.g., leading an unemployed person into employment). Various other public administrations or healthcare institutions may also be obliged to provide reasonable accommodation when dealing with formalities related to entering employment. Finally, it should be noted that public entities are themselves employing entities, with the result that, thanks to the proper implementation of the obligation to provide accessibility, persons with disabilities will be able to take up employment in them<sup>[66]</sup>.

Under the Act, accessibility is provided to „persons with special needs” (Article 2(3)). This definition refers to functional limitations<sup>[67]</sup> but does not refer directly to disabilities<sup>[68]</sup>. Indeed, the legislator does not strictly link these special needs to impairments of a long-term nature. Persons with special needs, due to their external or internal characteristics or the circumstances in which they find themselves, need to take additional measures or apply additional means to overcome the barrier to participate in various spheres of life on an equal basis with others. It is, therefore,

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<sup>64</sup> Roszewska, „Komentarz do art. 2”.

<sup>65</sup> Article 24(5) of the CRPD reaffirms the right to access, without any discrimination and on an equal basis with other individuals, to universal higher education, vocational training, education and lifelong learning opportunities, which requires States to ensure that reasonable accommodation for persons with disabilities is provided.

<sup>66</sup> See Magdalena Paluszkiwicz, „Wpływ obowiązku zapewniania dostępności na poszerzanie zakresu wolności pracy osób z niepełnosprawnościami”, [in:] *Między ideowością a pragmatyzmem – tworzenie, wykładnia i stosowanie prawa. Księga Jubileuszowa dedykowana Profesor Małgorzacie Gersdorf*, ed. Krzysztof Rączka, Barbara Godlewska-Bujok, Eliza Maniewska et al. (Warszawa: Wolters Kluwer, 2022), 489–505.

<sup>67</sup> A legal definition of persons with functional limitations is provided, for example, in Directive 2019/882.

<sup>68</sup> Roszewska, „Komentarz do art. 2”.



a broader category that can include persons with disabilities if they face a barrier that needs to be addressed in a particular situation. Moreover, the provision of reasonable accommodation in such a case is also not dependent on formal confirmation of the disability by a relevant certificate.

Given the broad obligation of public entities to ensure accessibility, both in their planned and carried out activities and by removing and preventing barriers (Article 4(2)), it should be assumed that reasonable accommodation can be made on their initiative as well as at the request of a person with special needs or their legal representative (Article 30(1))<sup>[69]</sup>. The legislator makes the right to submit a request for accessibility conditional on the person demonstrating only a factual interest. The requesting person, therefore, does not have to be in any legal relationship with the entity obliged to provide it (e.g. as an applicant for employment). In addition, a request may be made by someone already employed in that entity who has encountered a barrier to effectively exercising the rights attached to that employment. Indeed, accessibility, in the light of Article 3(f) of the CRPD, is a fundamental principle that must be applied to all substantive rights contained in that act. As a result, the right to work for persons with disabilities on an equal basis with others includes in Article 27 of the CRPD, among other things, the possibility of earning a living in an accessible work environment. Furthermore, States, in properly implementing the accessibility obligation of Article 9(1)(a) of the CRPD, should also eliminate obstacles and barriers to accessing workplaces. It is worth noting that employed persons with special needs, including disabilities, may not only be employees but also, for example, contractors of civil law contracts and self-employed persons who cooperate with the entity obliged to provide accessibility. Such a broad construction of the accessibility obligation thus indirectly extends the legal protection of persons providing work on grounds other than the employment relationships (a non-employee basis). If they encounter an employment-related barrier, they can enforce reasonable accommodation using an accessibility request<sup>[70]</sup>. This also applies to employees employed by entities obliged to provide accessibility.

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<sup>69</sup> In the area of digital accessibility, anyone has the right to request its provision from the obliged entity – see Article 18 of the Act of Digital Accessibility.

<sup>70</sup> Demands to ensure digital accessibility.

### 3.3. Consequences of not ensuring accessibility using reasonable accommodation

The failure to provide reasonable accommodation in the Accessibility Act, unlike the Rehabilitation Act, is not treated as prohibited discrimination. This is incompatible with the standards under the CRPD and has received justified criticism in the doctrine<sup>[71]</sup>. In such a case, it is also not possible to claim damages in court, while the possibility to file a complaint is provided for (Article 32). Instead, properly implementing the CRPD standards would require the possibility of going to court for all persons who have experienced discrimination<sup>[72]</sup>. It is, therefore, rightly assessed in the doctrine that the rights of persons who will not be granted accessibility by the law<sup>[73]</sup> have not been adequately safeguarded. If, as a result of a complaint, it is established that the failure to provide accessibility was unlawful<sup>[74]</sup>, then the public entity can obtain an order to provide accessibility, together with a determination of how and when it will be provided (Article 32(5)). If the order is not complied with within the specified time limit, a fine may still be imposed on the public body (Article 34).

However, failure to provide accessibility is not always an unlawful act. In particular, the legislator has identified technical or legal reasons (Article 31(3))<sup>[75]</sup> as circumstances that make it impossible or difficult to provide accessibility to the extent indicated in the request. As these circumstances are listed by example, they also appear to include the disproportionate or undue burden that a reasonable accommodation would entail. In assessing the proportionality or excessiveness of the burden setting the boundaries for the obligation to introduce it, the findings made earlier, taking into account the standards of the Convention, remain valid. Only for completeness can it be pointed out that additional possibilities for financing

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<sup>71</sup> Katarzyna Roszewska, „Komentarz do art. 1”, [in:] *Ustawa o zapewnianiu dostępności osobom ze szczególnymi potrzebami. Komentarz*, ed. Katarzyna Roszewska (LEX 2021).

<sup>72</sup> Committee on the Rights of Persons with Disabilities, General comment No. 6 (2018) on equality and non-discrimination, CRPD/C/GC/6, pt 31b.

<sup>73</sup> Roszewska, „Komentarz do art. 1”.

<sup>74</sup> In the case of unjustified and persistent failure to ensure the accessibility of a digital website or mobile application, the obliged entity is subject to a fine – see Article 19 of the Act of Digital Accessibility.

<sup>75</sup> Section 18(5) of the Act of Digital Accessibility identifies the risk of compromising the integrity or reliability of the information provided as a legitimate reason for refusal.

reasonable accommodation are provided by the Accessibility Fund<sup>[76]</sup>, established to support the implementation of the accessibility obligation.

However, the occurrence of obstacles to providing accessibility does not exempt the obliged entity from the obligation to guarantee alternative access (Article 7)<sup>[77]</sup>. This involves, for example, providing support from another person, technical support, including the use of modern technology, and putting in place an organisation of the obliged entity that enables the needs of the person with a disability to be met to the extent necessary. Alternative access thus enables the absolute minimum functioning of the individual in an environment that is still inaccessible. It is not considered a fulfilment of the accessibility obligation, so the persons concerned have the right to complain about the lack of accessibility.

## 4 | Summary

The analysis aimed to characterise the obligation to provide reasonable accommodation in the context of standards stemming from the CRPD and the Employment Equality Directive and to signal the more important interpretative doubts related to the application of the legal regulation. The overall conclusion is that despite the formal guarantee of reasonable accommodation to persons with disabilities in Polish legislation, using such accommodation as a means of access to work may face serious barriers, which the legislator unnecessarily creates as an individual.

National regulation in this area is scattered between two legal acts pursuing different goals, the scopes of which, however, may overlap to some extent, e.g. concerning the exercise of the right to work by persons with disabilities. The differences in the legal regulations of reasonable accommodation may cause interpretation difficulties, especially for employing entities obliged to ensure accessibility. Indeed, it is not sufficiently clear from the two laws analysed which persons with disabilities should be

<sup>76</sup> See Chapter 5 of the Accessibility Act.

<sup>77</sup> A specific equivalent in terms of digital inaccessibility is the alternative means of access provided for in Article 7 in conjunction with Article 18(6) of the Act of Digital Accessibility.

provided with reasonable accommodation and when and to what extent this should be done. Entities obliged to provide reasonable accommodation under only one of the Acts are not in a much better situation. This is because both the Rehabilitation Act and the Accessibility Act are, in many provisions, incompatible with the standards arising from both the Directive and the Convention. Doubts in this respect are not fully dispelled by national court jurisprudence on reasonable accommodation, whose rather modest record to date may reflect low awareness in Poland of the rights to which persons with disabilities are entitled concerning a breach of the principle of equal treatment by denial of reasonable accommodation. The current, correct implementation of the obligation to provide reasonable accommodation to persons with disabilities in employment, therefore, requires employers to have very good knowledge of the laws, conventions, and directives together with the extensive CJEU case law issued on their basis and the principles of resolving conflicts between them.

Applying the provisions on reasonable accommodation may also pose a challenge for Polish jurisprudence. As mentioned, in principle, the provisions of the Convention on the Rights of Persons with Disabilities can be directly applied in Poland. This means, in particular, that the definition of reasonable accommodation contained in Article 2 of the CRPD could find direct application in the practice of both public authorities and private entities. However, contrary to Article 4(2) of the CRPD, the Polish legislation does not specify which of the rights established in the Convention are implemented gradually and which with immediate effect. Suppose one considers the Supreme Court's position regarding the impossibility of directly applying the International Covenant on Economic, Social and Cultural Rights<sup>[78]</sup>. In that case, the direct application of the provisions of the Convention on the Rights of Persons with Disabilities by the courts may encounter serious difficulties<sup>[79]</sup>. The small number of rulings on the lack of reasonable accommodation directly referencing the Convention confirms this<sup>[80]</sup>. Poland has also not ratified the Optional Protocol to the

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<sup>78</sup> Judgment of the Supreme Court of 8.02.2000, II UKN 374/99, OSNP 2001/13/452.

<sup>79</sup> Biuro Rzecznika Praw Obywatelskich, *Realizacja przez Polskę zobowiązań wynikających z Konwencji o prawach osób niepełnosprawnych. Sprawozdanie Rzecznika Praw Obywatelskich* (Warszawa 2015), 20.

<sup>80</sup> Judgment of the Constitutional Court of 8.06.2016, K 37/13, LEX No. 2051565; judgment of the Province Administrative Court in Warsaw of 6.09.2016, VI SA/Wa 439/16, LEX No. 2148931.

Convention<sup>[81]</sup>, which results, among other things, that individuals cannot file individual complaints.

The above justifies the formulation of a demand to the legislator to make the necessary changes to the provisions concerning the obligation to provide reasonable accommodation. In the Rehabilitation Act, it seems necessary to harmonise the terminology of reasonable accommodation with the standards resulting from the Convention, to introduce a definition of a disability taking into account the Convention's biopsychosocial model and the EU regulations on equal treatment, and to extend the scope of persons entitled to reasonable accommodation to former employees and persons earning in non-employment forms, correctly defining the relationship between the reasonableness of the accommodation and the proportionality of the burden, clarifying the obligation to make reasonable accommodation also on the employer's initiative and considering abandoning the use of the term 'reimbursement' when assessing the proportionality of the costs, which could increase the possibilities for smaller employers to make reasonable accommodation in practice.

Some of these demands are to be considered in the proposed Act on Equalisation of Opportunities for Persons with Disabilities, the enactment of which has been announced in the government document Strategy for Persons with Disabilities 2021-2030<sup>[82]</sup>. In the Act mentioned above, the following are to be introduced, among others: a coherent and Convention-compliant terminology on disability is to be proposed<sup>[83]</sup>, support mechanisms in line with the Convention are to be provided<sup>[84]</sup>, while persons with disabilities are to gain full protection against unequal treatment in all areas of life, i.e. in social, professional and cultural life<sup>[85]</sup>.

In the Accessibility Act, conversely, it is necessary to make clear that the denial of reasonable accommodation is a form of *sui generis* discrimination and grant those who have experienced it legal remedies to seek redress in court. The relationship between reasonable accommodation and universal design has also been established in the Accessibility Act in a manner

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<sup>81</sup> UN, Treaty Collection, *Optional Protocol to the Convention on the Rights of Persons with Disabilities*, UNTC [accessed: 21.11.2022].

<sup>82</sup> Resolution No. 27 of the Council of Ministers of 16.02.2021, Official Gazette of the Republic of Poland Monitor Polski, item 218.

<sup>83</sup> Strategia na rzecz Osób z Niepełnosprawnościami 2021-2030, 257.

<sup>84</sup> Ibidem, p. 261.

<sup>85</sup> Ibidem, p. 267.

inconsistent with international standards. Reasonable accommodation should not become the rule in ensuring accessibility but rather a necessary complement to consistently implementing and applying accessibility and universal design standards<sup>[86]</sup>. However, given the unsatisfactory state of accessibility in Poland<sup>[87]</sup> and the lack of definition of strategic priorities to gradually achieve<sup>[88]</sup>, it is highly likely that reasonable accommodation will be the main means of ensuring accessibility, also in the sphere of employment, for a long time to come.

In this context, it is worth emphasising that the Accessibility Act provides the possibility for persons with disabilities employed on a basis other than employment relationship in entities obliged to provide accessibility to benefit from reasonable accommodation and provides for legal means to enforce it by employees and non-employees. On the other hand, where the obligation of reasonable accommodation does not materialise due to disproportionate burdens, alternative access is a measure that supports, to some extent, the exercise of employment-related rights by persons with disabilities.

## Bibliography

- Biuro Rzecznika Praw Obywatelskich, *Realizacja przez Polskę zobowiązań wynikających z Konwencji o prawach osób niepełnosprawnych. Sprawozdanie Rzecznika Praw Obywatelskich*. Warszawa: 2015.
- Committee on the Rights of Persons with Disabilities, *General Comment No. 6 (2018) on equality and non-discrimination*, CRPD/C/GC/6.
- Committee on the Rights of Persons with Disabilities, *General Comment No. 2 (2014) Article 9: Accessibility*, CRPD/C/GC/2.
- Kapelańska-Pręgowska Julia, „Prawo osób niepełnosprawnych do racjonalnych usprawnień oraz obowiązek zapewniania dostępności przestrzeni publicznej” *Polski Rocznik Praw Człowieka i Prawa Humanitarne*, No. 6 (2015): 91–112.

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<sup>86</sup> Katarzyna Roszewska, „Komentarz do art. 4”, [in:] *Ustawa o zapewnianiu dostępności osobom ze szczególnymi potrzebami. Komentarz*, ed. Katarzyna Roszewska (LEX 2021).

<sup>87</sup> Explanatory Memorandum..., Sejm print no. 3579, pp. 7 and 9.

<sup>88</sup> As part of States' progressive implementation of their accessibility obligation under Article 9 of the CRPD.

- Kayess Rosemary, Phillip French, „Out of Darkness into Light? Introducing the Convention on the Rights of Persons with Disabilities” *Human Rights Law Review*, No. 8 (2008): 1–34.
- Kędziora Karolina, Zofia Jabłońska, „Komentarz do art. 27”, [in:] *Ustawa o wdrożeniu niektórych przepisów Unii Europejskiej w zakresie równego traktowania. Komentarz*, ed. Karolina Kędziora, Krzysztof Śmiszek. LEX 2017.
- Liszcz Teresa, „Charakter, zakres obowiązywania i treść art. 24 Konstytucji”, [in:] *Prawo pracy. Refleksje i poszukiwania. Księga Jubileuszowa Profesora Jerzego Wrątnego*, ed. Gertruda Uścińska. 34–45. Warszawa: Instytut Pracy i Spraw Socjalnych, 2016.
- Maliszewska-Nienartowicz Joanna, „Zakaz dyskryminacji ze względu na niepełnosprawność w świetle wyroków w sprawach Coleman i Chacon Navas” *Europejski Przegląd Sądowy*, No. 8 (2011): 30–34.
- Paluszkiewicz Magdalena, „Wpływ obowiązku zapewniania dostępności na poszerzanie zakresu wolności pracy osób z niepełnosprawnościami”, [in:] *Między ideowością a pragmatyzmem – tworzenie, wykładnia i stosowanie prawa. Księga Jubileuszowa dedykowana Profesor Małgorzacie Gersdorf*, ed. Krzysztof Rączka, Barbara Godlewska-Bujok, Eliza Maniewska et al. 489–505. Warszawa: Wolters Kluwer, 2022.
- Paluszkiewicz Magdalena, *Wolność pracy osób z niepełnosprawnościami jako wartość prawnie chroniona*. Łódź: Wydawnictwo Uniwersytetu Łódzkiego, 2019.
- Paluszkiewicz Magdalena, „Obowiązek pracodawcy zapewnienia niezbędnych racjonalnych usprawnień”, [in:] *Współczesne problemy prawa emerytalnego*, ed. Teresa Bińczycka-Majewska, Mirosław Włodarczyk. 309–328. Warszawa: Wolters Kluwer, 2015.
- Paluszkiewicz Magdalena, „Prawne pojęcie niepełnosprawności” *Studia Prawno-Ekonomiczne*, vol. xcv (2015): 77–98.
- Roszevska Katarzyna, „Komentarz do art. 1” [in:] *Ustawa o zapewnianiu dostępności osobom ze szczególnymi potrzebami. Komentarz*, ed. Katarzyna Roszevska. LEX 2021.
- Roszevska Katarzyna, „Komentarz do art. 2”, [in:] *Ustawa o zapewnianiu dostępności osobom ze szczególnymi potrzebami. Komentarz*, ed. Katarzyna Roszevska. LEX 2021.
- Roszevska Katarzyna, „Komentarz do art. 4”, [in:] *Ustawa o zapewnianiu dostępności osobom ze szczególnymi potrzebami. Komentarz*, ed. Katarzyna Roszevska. LEX 2021.
- Śledzińska-Simon Anna, „Obowiązek dokonania racjonalnych usprawnień – uwagi na tle wyroku TSUE Jetta Ring i Lone Skouboe Werge (C-335/11 I C-337/11)” *Studia Prawnicze*, No. 2 (2013): 23–46.



Wujczyk Marcin, „Obowiązek pracodawcy zapewnienia niezbędnych racjonalnych usprawnień dla pracownika niepełnosprawnego”, [in:] *Bariery w otoczeniu osób z niepełnosprawnościami – zagadnienia wybrane*, ed. Maciej Borski. 17–32. Sosnowiec: Wyższa Szkoła Humanitas, 2017.

