

Helping You Navigate Challenges, Remain Compliant, and Mitigate Exposure to Risks in Poland

HR Space

Employment Law – Poland

Podcast Series

We are launching this series of employment podcasts to help you navigate the latest legislative developments in Poland, ensure compliance and mitigate employment risks.

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Stay on Top of Employment Law Changes in Poland

Since the global pandemic began, we have experienced tremendous economic and social change in Poland, as reflected in the shifting Polish laws regarding employees.

HR Space Podcast Series

With our HR Space podcast series, our labour and employment lawyers in Warsaw aim to answer your key questions on employment law developments in Poland. We explore the challenges HR directors are facing in the current climate, helping businesses to navigate legislative developments in Poland so that they can ensure compliance and mitigate employment risks.

Our series consists of 10 episodes focusing on:

Remote work

Transparency and predictability

Work-life balance

Follow our series, with new episodes coming out weekly.

Featuring



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Episode 8: Professional Training of Employees

Q&A

- Will I have to inform the employees of training?
- Will I have to implement a training policy?
- Will the training necessary to perform work in a specific position be included in working time?

Information on Trainings

EU Directive 2019/1152 on transparent and predictable working conditions requires the employer to notify the employees on the potential training provided by the employer. According to the new draft legislation (implementing the above directive into national law), the details of the employee's right to training (if provided by the employer) – specifically, details of general rules of the employer's training policy – will have to be included in the information on terms and conditions of work delivered to the employee within seven days of allowing them to work (Article 29.3 of the Labour Code).

Training Policy

This does not mean that employers will be explicitly obliged to arrange voluntary training for employees, and to adopt a training policy in this respect. It will be at the employer's discretion, and it will be a matter of good practice (i.e. nice-to-have) rather than a strict obligation.

Notwithstanding the above, such a policy may be expected by the candidates and/or employees (especially as it is explicitly referred to in the new legislation). A transparent and proper training policy may be also helpful in mitigating a risk of discrimination, especially that, pursuant to the Labour Code, employees should be treated equally in terms of access to training to improve their professional qualifications regardless of gender, age, disability, race, religion, nationality etc.

Training vs. Working Time

Currently, the Labour Code does not clarify (subject to some minor exceptions, e.g. OHS training) whether training should be included in working time or not, whether the cost of training should be covered by the employer or not, etc.

The new legislation will include more specific regulations in this respect. Specifically, according to the new statutory provision, if the training is necessary to work in a given position or to perform a particular type of work, and the employer's obligation to conduct it follows from internal by-laws, individual employment contracts or statutory regulations, it will be at the employer's cost. To the extent possible, such training should take place during working hours. If, however, this is impossible, the time taken by training conducted outside the employee's working hours should be included in their working time (i.e. should be paid). The same will apply to training in which employees participate upon their manager's instruction.

Improvement of Professional Qualifications

As it follows from the rationale of the draft new legislation, the above training may meet the requirements of "improvement of professional qualifications of employees" (i.e. acquiring or supplementing knowledge and skills by the employee, either at the initiative of the employer or with its consent).

In such a case, the statutory provisions regarding professional qualifications' improvement will additionally apply. These provisions provide for – for example – training leave, the time off necessary to arrive at the training on time and participate in it, "loyalty" agreements between the employer and the employee, etc.

