

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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Stay on Top of Polish Employment Law Changes

Episode 6: Transparency and Predictability

Q&A

- Can I provide information on working terms and conditions electronically?
- Does the broader information requirement apply only to new hires or also to other employees?
- How much time do I have to supplement the information?

Why Does the Polish Law Require Change?

Poland is obliged to introduce EU Directive 2019/1152 on Transparent and Predictable Working Conditions into national law. The deadline to do that (1 August 2022) was not kept. According to some sources, the draft bill implementing the directive will come into force only as of first quarter 2023.

The aim of the Transparent and Predictable Working Conditions Directive is to make working conditions across EU more transparent and predictable, especially in the light of the increase in new and potentially less secure jobs, e.g. the growth of the “gig” economy, the increase in the use of casual workers, etc.

The Transparent and Predictable Working Conditions Directive requires employers to provide employees with more information (in writing) about essential aspects of the working relationship, from details of their remuneration and working hours to information about training and probationary periods.

New legislation will have a strong impact on the HR process, and will result in additional paperwork, more planning, new obligations, etc.

Information on Working Terms and Conditions of Employment

According to Polish Labour Code, the employer is obliged to provide the employee in writing with information on working terms and conditions of employment within seven days from conclusion of the employment contract. This obligation will not change; however, the scope of information (individual for a given employee) will be much broader. Currently, the employer must include the following information: standard daily and weekly working times applicable to the employee, frequency of remuneration payment, vacation leave, notice period and applicable collective labor agreement, if any. Additionally, if the employer is not obliged to adopt work regulations (an internal policy is obligatory if the head count is at least 50, or 20 if the trade union requests the introduction of it), the information also must include nighttime working hours; place, term and time of remuneration payment; manner of confirmation of arrival and presence at work; and manner of justifying absence from work.

Under new legislation, the employer will have to include several additional details, e.g. information on whether the employee is employed on a full- or part-time basis; information on applicable breaks, daily and weekly rest periods; principles regarding overtime work and compensation of it; rules relating to travelling between workplaces (in case there are a few of them); remuneration components or monetary or in-kind benefits due to the employee, but not indicated in the employment agreement; the employee’s right to professional training, if the employer provides it; general rules regarding the employer’s training policy; other than vacation types of paid leaves due to an employee, etc.

New Hires or All Employees?

The broader scope of information on working term and conditions will mainly apply to new hires (i.e. employees hired after the new legislation comes into force). However, other employees can request the employer to supplement their information with details stemming from new legislation. In such a case, the employer will have to add these details within three months.

How Will Terms Be Provided?

The information on working terms and conditions can be provided to an employee electronically or in paper form. Most of the details included in the information may be provided to an employee by indicating (electronically or in paper form) the relevant legislation.

Other Notification Requirements

Apart from the above, the employer will also have other notification duties. For example, no later than within 30 days from admitting the employee to work, the employer will have to provide them with information on social security institution and protection related to it. Also, a change of the employer’s address must be communicated to the employee within seven days, either on paper or in electronic form. What may be challenging is that the employer will have to notify the employee on changes of the working terms and conditions without delay, no later than on the day when these changes become applicable (subject to some exceptions).

The employer will also have to inform the employees about promotion opportunities, a possibility to be employed on a full- or part-time basis and vacancies. In turn, employees with at least six months of seniority at a given employer will be entitled to ask the employer once a year for, among others, a change of the type of agreement to an indefinite one, to be employed full time or to have the type of work changed. The employer will be expected to accept such a request, if possible. Its decision will require justification.

Secondment

There will be new notification obligations towards employees seconded to other state to perform work or work-related tasks for a period exceeding four consecutive weeks. The above will mainly affect new hires; however, current employees will be entitled to request supplementation of information provided by the employer. The employer will have to deliver it within three months from the date of the request.