

On 18 June 2016, new legislation came into force regarding the posting of employees in the framework of the provision of cross border services. The new rules stem from the obligation to transpose EU Directive 2014/67/EU, dated 15 May 2014, into Polish law.

**The new legislation confirms the obligation to ensure that an employee posted in the Republic of Poland enjoys conditions of employment in line with the Polish Labour Code and other relevant legislation which sets forth employees' rights and duties. The protected terms concern:**

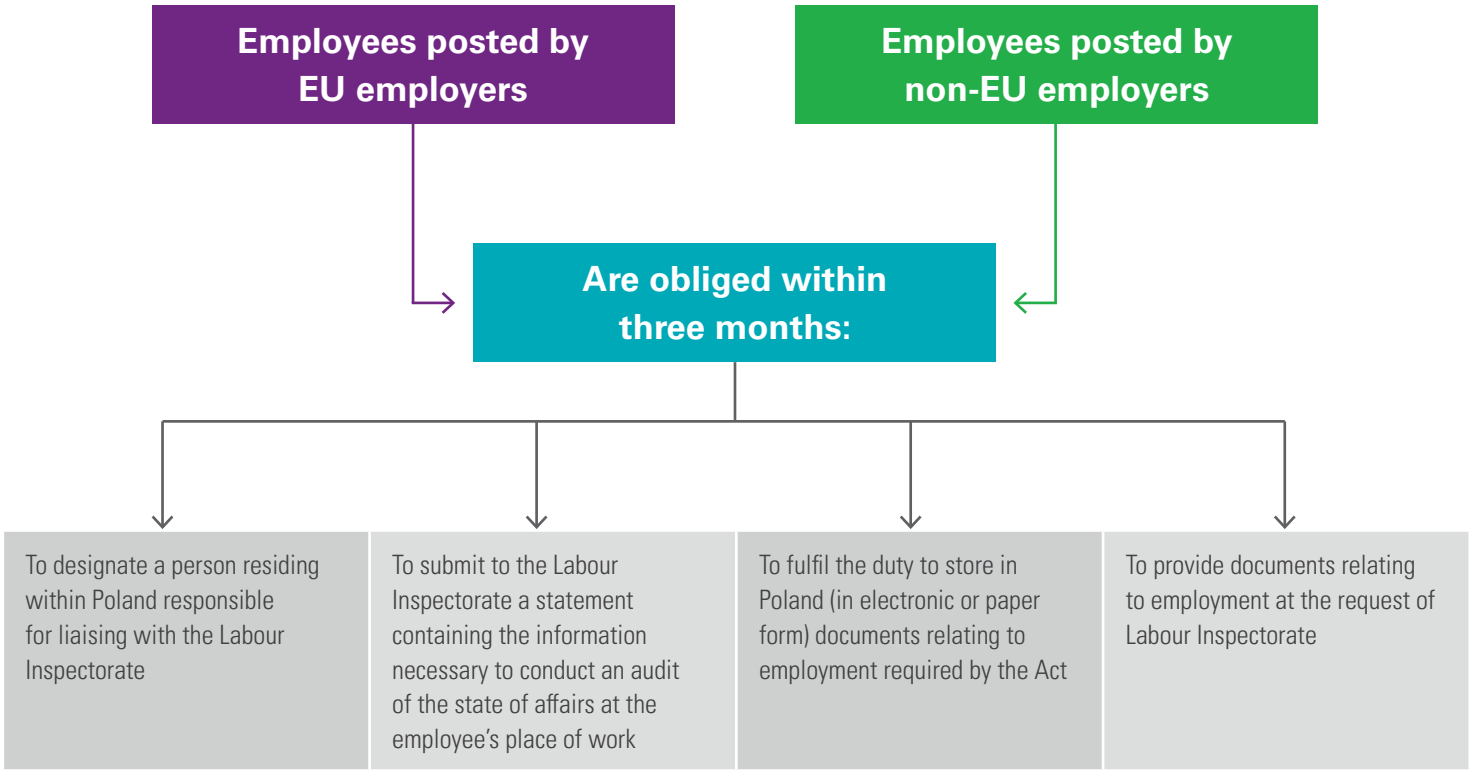
- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Working time limits, and daily and weekly rest periods</li> <li>• Holiday entitlement</li> <li>• Minimum national salary or salary required under immigration rules</li> <li>• Overtime pay</li> <li>• Health and safety at work</li> </ul> | <ul style="list-style-type: none"> <li>• Protection of pregnant employees and employees during maternity leave</li> <li>• Work undertaken by minors and work or other paid activities performed by children</li> <li>• Equal treatment and non-discrimination in employment</li> <li>• Temporary workers' statutory rights</li> </ul> |
|--|---|

## What's New

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• New powers for the Labour Inspectorate to control whether the employee has the status of a posted worker and whether the terms of employment meet the requirements of Polish law. A new range of criminal offenses punishable by a fine of between PLN 1,000 and PLN 30,000 for breach of the Act.</li> <li>• The posting employer has a duty, from the moment the performance of a service commences, to provide a statement to the Labour Inspectorate containing the information necessary to conduct an audit of the state of affairs at the employee's place of work. The scope of the audit would, for example, include the projected number of posted employees and their personal data, start and end dates of posting, as well as a description of the type of service justifying the posting of employees to Poland. This information must be updated when any changes occur.</li> <li>• The posting employer must designate a person residing in Poland who will be responsible for liaising with the Labour Inspectorate and for sending and receiving notifications and/or documents.</li> </ul> | <ul style="list-style-type: none"> <li>• The posting employer is required to store certain employment-related documents (in paper or electronic form) within Poland. This duty covers contracts of employment and documentation relating to working hours and documents confirming the amount of the employee's pay, the deductions made and the actual payment received.</li> <li>• The posting employer must, at the Labour Inspectorate's request, provide documents relating to the employment of a posted employee within 2 years of the posted employee finishing work in Poland.</li> <li>• The joint and several liability of a construction contractor and an employer who posts an employee in Poland as its subcontractor for obligations relating to unpaid remuneration (minimum statutory pay) and overtime pay (in certain specific circumstances, a Polish entity (contractor) can avoid this liability).</li> </ul> |
|--|--|

# Interim Provisions

Employers whose employees were posted to Poland before or on 18 June 2016 and whose posting continues.



# Contacts



**Małgorzata Grzelak**  
T +48 22 395 55 28  
E [malgorzata.grzelak@squirepb.com](mailto:malgorzata.grzelak@squirepb.com)



**Katarzyna Witkowska-Pertkiewicz**  
T +48 22 395 55 59  
E [katarzyna.witkowska-pertkiewicz@squirepb.com](mailto:katarzyna.witkowska-pertkiewicz@squirepb.com)