

Labour law data for Poland

1.	Is it a legal requirement that employees must receive an employment contract ?	Under the Polish Labour Code (PLC) a contract of employment is preferable. An employment contract shall be made in writing. If the written form is not observed when the employment contract is made, the employer shall provide – not later than on the date on which an employee commences work – the employee with written confirmation of the type of contract and its terms. There is a fine (from 1000 zl equivalent of USD 370 to 30.000 zl equivalent of USD 11.000 USD) for failure to provide a written statement.
2.	What factors constitute a fair dismissal i.e. legally justifiable reasons to terminate employment without the need to pay compensation?	By agreement (in writing); by notice (e.g. agreed notice period)- consultation with appropriate trade union, and identifying the reason for termination. The PLC introduces many restrictions or prohibitions in relation to the termination of employment contracts (e.g. due to personal and family reasons, during holidays, maternity leave,).Contracts can be terminated for substantial reasons (e.g. gross misconduct, criminal offences) but there must also be consultation (as above) and a statement of the reason (to be provided within one month). Employees have the right to appeal.
3.	What is good practice with regard to dismissal procedures to minimise the risk of claims for unfair dismissal?	Advice regarding notice periods, reason for the dismissal and consultation with unions (as stated above)
4.	If an employee is dismissed unfairly what is the financial range of compensation that can be made to employees?	If terminated by notice the employee may be reinstated and compensated for loss of salary (from 2 weeks up to 3 months). Even if the contract is terminated with immediate effect, the employee may claim reinstatement (and lost salary) or compensation (equal to his notice period), although the employer may also counter claim for compensation.
5.	Do employees have the right to be members of a trade union?	Yes, if the trade union is court registered.
6.	Is there any legal requirement for an employer to contribute to a pension for employees?	Employer contributions as part of the social security system.
7.	What are standard maternity rights?	Rights against unfair dismissal, and social welfare rights e.g. avoidance of night work; business trips; right of transfer of position (and compensation if lower pay entitlement); right to medical visits; paid maternity leave (see below); extended work breaks after the birth.

		<p>Maternity: up to 20 weeks depending on the number of children; up to 14 weeks for adoptions - unused female maternity leave can be granted to her husband, from 2010 one week for father until the child reaches 12 months of age Childcare leave: both male and female employees are equally entitled to 3 years unpaid leave, after six months employment, up to age 4 of the child. This can be extended in special circumstances, e.g. health of the child. Additional 2 days per year child leave for parents with children under the age of 14.</p>
9.	When are employees eligible for redundancy payments?	<p>If the employment contract is terminated for economic or organisational reasons; in companies with more than 20 employees; the company dismissed:</p> <ul style="list-style-type: none"> - 10 employees, when the employer employs less than 100 employees, - 10% employees, when the employer employs at least 100 employees, but less than 300 employees, - 30 employees, when the employer employs at least 300 employees or more <p>within 3 months.</p>
10.	What are the statutory redundancy payment limits?	<p>1, 2 or 3 months remuneration depending on the length of service. Cannot exceed 15 times the minimum wage (in 2010 the minimum wage is 1317 zł per month equivalent of USD 490)</p>
11.	Can existing employees be dismissed if you buy a business with employees?	<p>No, all the rights of the employees remain unaffected. An employer must provide 1 months notice of such a transfer - the employees cannot object but they can terminate their employment agreements.</p>
12.	Any other general legislation?	<p>Disability discrimination; equal treatment of men and women; working time regulations; harassment at work regulations; data protection; payment of overtime hours; company social funds (in companies employing over 50 staff); wages and work regulations (in companies employing over 20 staff).</p>