

Employment protection in Poland – 2008

Item 1 Notification procedures in the case of individual dismissal of a workers with a regular contract	Notification to representative trade union of intention to terminate, including reasons for dismissal. In case the employee takes the case to the labour court, the court may require evidence of a warning procedure and of a fair account of trade union opinions.
Item 2 Delay involved before notice can start	The employer must establish whether the employee is a member of a trade union. If the employee is a trade union member, the employer must consult with the trade union, giving the union 5 days to respond. If the employee is not protected by the union, the employer does not have to consult with the union about the dismissal. Written notice is usually given to the employee personally.
Item 3 Length of notice period at different tenure durations	All workers: 2w<6m, 1m>6m, 3m>3y. 2w for school leavers in first job. The period of notice in case of the termination of an employment contract concluded for a trial period shall be: (i) three working days if the trial period is less than two weeks; (ii) one week if the trial period is more than two weeks; (iii) Two weeks if the trial period is three months.
Item 4 Severance pay at different tenure durations	Usually none, but 1 month in case of termination due to disability or retirement.
Item 5 Definition of unfair dismissal	Fair: Dismissals based on factors inherent in the employee (e.g. lack of competence) or on economic grounds of redundancy of the job.
Item 6 Length of trial period	All workers: Minimum 2 weeks. Ranging up to 3 months.
Item 7 Compensation following unfair dismissal	Compensation of up to 3 months depending on amount of salary earned in another job by the time of court decision. Typical compensation at 20 years tenure: 3 months.
Item 8 Reinstatement option for the employee following unfair dismissal	Reinstatement is possible, but not often made available by the court.
Item 9 Maximum time period after dismissal notification up to which an unfair dismissal claim can be made	An appeal against a notice of termination of a contract of employment shall be filed with the labour court within seven days of the delivery date of the letter terminating the contract of employment. A claim for reinstatement in employment or for payment of compensation shall be filed with the labour court within 14 days after the delivery date of the letter terminating the contract of employment without notice, or after the expiry of the contract of employment.
Item 10 Valid cases for use of fixed term contracts	No restrictions.
Item 11 Maximum number of successive FTCs (initial contract plus renewals and/or prolongations)	2 successive fixed-term contracts allowed.
Item 12 Maximum cumulated duration of successive FTCs	No limit
Item 13 Types of work for which temporary work agency (TWA) employment is legal	Only allowed for: (i) seasonal tasks, periodic tasks or ad hoc tasks; (ii) tasks whose timely performance by the user company's permanent staff would be impossible; or (iii) tasks normally falling within the ambit of a temporarily-absent employee of the user company.
Item 14 Are there restrictions on the number of renewals and/or prolongations of TWA contracts?	No
Item 15 Maximum cumulated duration of TWA contracts	Over a period of thirty-six successive months, the total period of temporary work performed by the temporary worker for a single user employer may not exceed twelve months. If the temporary worker performs temporary work for a given user employer in a continuous manner and his work includes tasks that fall within the ambit of an absent worker of the user employer, the period of temporary work may not exceed thirty-six months. After the period of temporary work referred to above, performed for a given user employer, the temporary worker may be posted to the same user employer to perform temporary work not earlier than after thirty-six months.
Item 16 Does the set-up of a TWA require authorisation or reporting obligations?	The set up of TWA in Poland requires special administrative authorisation and entails periodic reporting obligations.
Item 17 Do regulations ensure equal treatment of regular workers and agency workers at the user firm?	A temporary employee during the period of performing work for employer-user cannot be treated less favourably with regard to working conditions and other terms of employment than employees employed by the employer-user at the same or similar work station (remuneration included).
Item 18 Definition of collective dismissal	10 workers in firms 20-100. 10% in firms <300. 30 workers in firms with >300
Item 19 Additional notification requirements (compared to Item 1) in cases of collective dismissal	Notification of employee representatives: Duty to inform competent trade union. Notification of public authorities: Notification of local employment office.

Item 20 Additional delays involved (compared to Item 2)	Information to trade union 20 days before implementation and notification of PES before start of notice period.
Item 21 Other special costs to employers in case of collective dismissals	<p>Type of negotiation required: Agreement to be reached with trade union on alternatives to redundancy and ways to mitigate the effects.</p> <p>Selection criteria: Law lays down union participation, but no specific selection criteria for dismissal.</p> <p>Severance pay: 1 month < 2 years of service; 2 months <8 years; 3 months >=8 years.</p>

This summary was produced by the OECD based on responses to a questionnaire submitted by authorities in OECD member countries. It describes the situation current as at 1 January 2008 and is the basis for calculating the OECD employment protection indicators. To find out more about the methodology used to calculate the OECD employment protection indicators, see www.oecd.org/employment/protection.