

# POLAND

## I. Legal notice - disclaimer

This sheet aims to provide a general overview of the main substantive rules concerning the terms and conditions of employment to be met by legislation transposing Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 18 of 21.1.1997). By its very nature, such a sheet can only summarise and does not necessarily contain all the relevant information in this context. In no way can it replace legislative, regulatory or administrative texts, or applicable collective agreements. The information below has been provided by the authorities of the Member States, which have made every effort to ensure its accuracy. Neither the Commission nor the Member States concerned can, however, guarantee that the information provided is always precise, complete, accurate and up to date. Furthermore, publication on the portal of the European Commission does not imply in any way that the latter or its DGs and Services consider the rules presented in this way to be in conformity with Community law.

## II. Instrument transposing Directive 96/71/EC

The provisions transposing *Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services* into the Polish legislation are included in Chapter IIa, Part 2 of the Act of 26 June 1974 - Labour Code (Journal of Laws 2014, item 1502, consolidated text, as last amended) and Article 10, paragraph 1, point 13 of the Act of 13 April 2007 on the National Labour Inspectorate (Journal of Laws 2015, item 640, consolidated text, as last amended).

Labour Code: <http://www.pip.gov.pl/pl/kodeks-pracy/2651,kodeks-pracy.html>

Act on the National Labour Inspectorate: <http://www.pip.gov.pl/pl/o-urzedzie/regulacje-prawne/2440,ustawa-o-panstwowej-inspekcji-pracy.html>

## III. Information on legislation applicable in accordance with the Directive

Information on legislation applicable to undertakings which, for a limited period of time, post workers to the territory of another Member State can be obtained at the following address:

Chief Labour Inspectorate  
28/30 Barska St.  
00-315 Warsaw  
Tel.: (+48 22) 39 18 296  
Fax: (+48 22) 39 18 297  
e-mail: [kancelaria@gip.pip.gov.pl](mailto:kancelaria@gip.pip.gov.pl)  
Web page: [www.pip.gov.pl](http://www.pip.gov.pl)

Website with information for foreigners: <http://www.pip.gov.pl/pl/informacje-dla-obcokrajowcow/2538,informacje-dla-obcokrajowcow.html>

#### **IV. Failure to comply with the prescribed terms and conditions of employment**

Cases of failure to comply with the prescribed terms and conditions of employment in Poland and possible cases of illegal transnational activities can be reported to the following address:

Chief Labour Inspectorate  
28-30 Barska St.  
02-315 Warsaw  
Tel.: (+48 22) 39 18 296  
Fax: (+48 22) 39 18 297  
e-mail: [kancelaria@gip.pip.gov.pl](mailto:kancelaria@gip.pip.gov.pl)  
Web page: [www.pip.gov.pl](http://www.pip.gov.pl)

#### **V. Situations constituting a posting [Article 1 of the Directive]**

Chapter IIa, Part 2 of the Act of 26 June 1974 - Labour Code (Journal of Laws 2014, item 1502, consolidated text, as last amended) applies to employers established in a European Union Member State, which:

- in connection with performance of a contract entered into by that employer and a foreign party,
- at a foreign branch (affiliated unit) of that employer, or
- as a temporary work agency

post a worker for a limited period of time to work in the territory of the Republic of Poland.

#### **VI. Posted workers [Article 2 of the Directive]**

Directive 96/71/EC applies to workers who, for a limited period of time, work in the territory of a Member State other than the State in which they normally work.

In Poland “worker” is defined as any person employed under an employment contract or appointed, elected, nominated or employed under a cooperative employment contract, irrespective of that person's designation in the country of origin.

By establishing an employment relationship an employee undertakes to carry out a certain kind of work for the benefit of and under the guidance of an employer at the time and place designated by the employer, and the employer undertakes to employ the employee in return for remuneration.

Employment on the terms specified above is considered employment under an employment relationship, regardless of the designation of the contract concluded by the parties.

Under the case law of the Court of Justice of the European Communities, the temporary nature of an activity carried out in the territory of a Member State in the context of free

provision of services cannot be determined abstractly but should be judged on a case-by-case basis, depending on the duration, frequency or continuity.

If an occupational activity in Poland can no longer be considered as being exercised temporarily, taking account of the above-mentioned criteria, but is stable and continuous, *all* the binding rules and regulations in force in Poland apply.

## **VII. Work periods and rest periods [Article 3(1)(a) of the Directive]**

Part VI of the Act of 26 June 1974 – Labour Code (Journal of Laws 2014, item 1502, consolidated text, as last amended).

<http://www.pip.gov.pl/pl/f/v/99101/kodeks%20pracy%202013%202.pdf#page=51>

Basic working time may be no longer than 8 hours in a 24-hour period and an average of 40 hours in an average five-day working week over the adopted reference period of no longer than four months (Article 129, paragraph 1 of the Labour Code (LC)). In each system of working time, if it is justified by reasons which are objective, technical or related to the work organisation, the reference period may be extended, however no longer than up to 12 months, while still observing the general rules on the protection of workers' safety and health (Article 129, paragraph 2 of the LC).

Weekly working hours plus overtime must be no longer than, on average, 48 hours over the adopted reference period (Article 131, paragraph 1 of the LC).

Every 24-hour period, an employee is entitled to at least 11 hours of uninterrupted rest. (Article 132, paragraph 1 of the LC).

Every week an employee is entitled to at least 35 hours of uninterrupted rest, including at least 11 hours of uninterrupted rest within a 24-hour period (Article 133, paragraph 1 of the LC).

Where working time in a 24-hour period is at least 6 hours, an employee is entitled to a 15-minute break from work which is counted as working time (Article 134, paragraph 1 of the LC).

Further details are available at: <http://www.pip.gov.pl/pl/porady-prawne/czas-pracy>

## **VIII. Paid annual holidays [Article 3(1)(b) of the Directive]**

Part VII of the Act of 26 June 1974 - Labour Code (Journal of Laws 2014, item 1502, consolidated text, as last amended).

<http://www.pip.gov.pl/pl/f/v/99101/kodeks%20pracy%202013%202.pdf#page=62>

Annual leave totals:

- 20 days – for employees who have been employed for less than 10 years,
- 26 days – for employees who have been employed for at least 10 years.

The length of leave for an employee employed part-time is calculated proportionately to the length of time worked by the employee and on the basis of the above-mentioned length of leave; part-days of leave are rounded to a full day (Article 154, paragraphs 1 and 2 of the LC).

In the calendar year in which workers take up a job for the first time they acquire the right to leave after each month of work, the length of leave being  $\frac{1}{12}$  of the leave due after one year of work (Article 153, paragraph 1 of the LC).

Further details are available at: <http://www.pip.gov.pl/pl/porady-prawne/urlopy>

## **IX. Pay [Article 3(1)(c) of the Directive]**

### **Minimum remuneration for work**

Act of 10 October 2002 on the minimum remuneration for work (Journal of Laws No 2002, item 1679, as last amended).

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20022001679>

Since 1 January 2015 the minimum remuneration for work has been PLN 1750 (paragraph 1 of the Regulation of the Council of Ministers of 11 September 2014 – Journal of Laws, item 1220).

### **Bonus for overtime work**

Article 151 of the Act of 26 June 1974 - Labour Code (Journal of Laws 2014, item 1502, consolidated text, as last amended).

In addition to the regular remuneration, a bonus must be paid in the amount of:

- 100% of remuneration for overtime work:
  1. during the night,
  2. on Sundays and public holidays which are not working days on the employee's work schedule,
  3. on a day off granted to an employee in exchange for working on a Sunday or on a holiday on the employee's work schedule,
- 50% of remuneration for overtime work on any day other than those specified above.

The bonus of 100% of remuneration must also be paid for each hour of overtime work in excess of the average normal weekly working time over the adopted reference period, unless the excess was a result of overtime work for which an employee is entitled to the bonus for overtime work in excess of the normal daily working time (Article 151<sup>1</sup>, paragraphs 1 and 2 of the LC).

Further details are available at: <http://www.pip.gov.pl/pl/porady-prawne/wynagrodzenia>

## **X. Rules concerning hiring-out of workers and terms and conditions which apply to temporary workers [Articles 3(1)(d) and 3(9) of the Directive]**

Act of 9 July 2003 on employing temporary workers (Journal of Laws No 166, item 1608, as last amended).

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20031661608>

A temporary work agency employs temporary workers on the basis of a fixed-term employment contract or employment contract for the time of performing a particular job.

A temporary employee cannot be entrusted with performing work for an employer/user:

1. which is classified as especially hazardous in the provisions issued on the basis of Article 237<sup>15</sup> of the Labour Code;
2. at the post of an employee of the employer/user in a period when the employee is on strike;
3. at a post where, during the last three months preceding the scheduled starting date of the temporary work by a temporary employee, an employee of the employer/user was employed, if their employment relationship was terminated for reasons not attributable to the employee.

For the purpose of concluding an employment contract between a temporary work agency and a temporary employee, the employer/user agrees with the agency, in writing, the:

- 1) type of work to be entrusted to a temporary employee,
- 2) qualifications essential to perform the work which is to be entrusted to a temporary employee,
- 3) foreseeable period for which the temporary work is to be performed,
- 4) working hours of the temporary employee,
- 5) place where the temporary work is to be performed.

The employer/user must notify the temporary work agency in writing about the:

- 1) remuneration for the work which will be entrusted to a temporary employee, as specified in the provisions concerning remuneration in force with the employer/user;
- 2) the terms for performing temporary work concerning occupational safety and hygiene.

Before concluding an employment contract between a temporary work agency and a temporary employee, the temporary work agency and the employer/user must agree in writing:

- 1) details regarding performance of the temporary work, which influence the amount of remuneration for the work of the temporary employee, and how and when the information must be forwarded to the temporary work agency in order to calculate the remuneration for the employee's work correctly;
- 2) the scope of the employer/user's binding responsibilities as employer concerning safety and hygiene at work, other than providing the temporary employee with working clothes, footwear and personal protective equipment, providing facilities for drinks and meals, running training on safety and hygiene at work, investigating the circumstances and

causes of accidents at work, conducting occupational risk assessments and providing information about the risks;

- 3) the scope of the employer/user's responsibility as employer to pay money due to an employee to cover the costs of business trips.

A temporary work agency and an employer/user can agree that a temporary employee may take annual leave, in whole or in part, during the period of performing temporary work for this employer/user and specify the arrangements for granting the leave.

If the work for a given employer/user lasts six months or more, the employer/user must allow the temporary employee to use his or her annual leave within this period by granting time off work corresponding to the annual leave due to the employee and on the dates agreed with the employee.

No condition, such as an agreement between the temporary work agency and the employer/user that the temporary employee is not to be employed by the employer/user after completing the temporary work, is valid.

Any employment contract concluded between a temporary work agency and a temporary employee must specify the contracting parties, the type of contract and the date on which it was concluded, determine the employer/user and set the period for performing temporary work for the employer/user, along with the terms of employment for the temporary employee in the period for which he or she works for the employer/user, in particular the:

1. type of work, duration of working time and place of work, and
2. remuneration for the work and how and when the remuneration is to be paid by the temporary work agency.

In fixed-term employment contracts, the parties may allow the possibility of either party terminating the contract earlier by giving:

- 1) three days' notice, if the employment contract was concluded for a period not exceeding two weeks;
- 2) one week's notice, if the employment contract was concluded for a period longer than two weeks.

The employer/user must fulfil the duties and exercise the powers incumbent upon an employer to the extent necessary to organise the work on which a temporary employee is employed.

The employer/user:

- 1) is obliged to ensure safe and hygienic working conditions for any temporary employee, at the place designated for performing temporary work;
- 2) keeps records of the working time of the temporary employee within the scope of the rules applying to employees;
- 3) may neither apply to a temporary employee Article 42, paragraph 4 of the Labour Code nor entrust a temporary worker with performing work for and under the management of another entity.

During the period of working for the employer/user, a temporary employee cannot be treated less favourably as regards working conditions and other terms of employment than employees employed by the employer/user to perform the same or similar work.

The total period for which a temporary employee performs temporary work for any one employer/user must not exceed 18 months over a period of 36 consecutive months.

If a temporary employee continuously performs, for a given employer/user, temporary work involving tasks of an absent employee employed by the same employer/user, the period of temporary work may not be longer than 36 months.

After the above-mentioned period of temporary work for a given employer/user, a temporary employee may not be sent back to perform temporary work for the same employer/user again any earlier than after 36 months.

Further details are available at:

<http://www.pip.gov.pl/pl/porady-prawne/pracownicy-tymczasowi>

## **XI. Health, safety and hygiene at work (Article 3(1)(e) of the Directive]**

Part 10 of the Act of 26 June 1974 - Labour Code (Journal of Laws 2014, item 1502, consolidated text, as last amended) and provisions implementing the Labour Code.

Regulation of the Minister of Labour and Social Policy of 26 September 1997 on general provisions for safety and hygiene at work (Journal of Laws 2003, No 169, item 1650, as last amended).

<http://www.pip.gov.pl/pl/f/v/19907/02%20pog.pdf>

The employer is responsible for safety and hygiene at the workplace.

The employer must protect the health and life of employees by ensuring safe and hygienic working conditions, making proper use of advances in science and technology. In particular, employers must:

- organise work in a manner ensuring safe and hygienic working conditions,
- ensure compliance at the workplace with the rules on safety and hygiene at work, give instructions to eliminate any breaches in this respect and check that any such instructions are implemented,
- ensure that orders, improvement notices, decisions and rulings of bodies supervising working conditions are implemented.

The employer and the person in charge of the employees must, to the extent necessary for them to discharge their obligations, be familiar with the provisions on protection of workers, including the rules on safety and hygiene at work (Article 207 of the LC).

Further details are available at:

<http://www.pip.gov.pl/pl/porady-prawne/bezpieczenstwo-i-higiiena-pracy>

## **XII. Rules concerning terms and conditions of employment of pregnant women and women who have recently given birth [Article 3(1)(f) of the Directive]**

Part 8 of the Act of 26 June 1974 - Labour Code (Journal of Laws 2014, item 1502, consolidated text, as last amended).

<http://www.pip.gov.pl/pl/f/v/99101/kodeks%20pracy%202013%202.pdf#page=68>

Women may not be employed in jobs which are particularly onerous or harmful for health (Article 176 of the LC). A list of such activities is included in the Regulation of the Council of Ministers of 10 September 1996 on the list of types of work particularly onerous or harmful for the health of women (Journal of Laws, No 114, item 545, as last amended).

The employer may not give a female employee a termination notice or dissolve her employment contract during her pregnancy or maternity leave, unless there are reasons for termination of the contract without notice due to the employee's own fault and the trade union active at the workplace, which represents the employee concerned, has consented to termination of the contract.

This rule does not apply to female employees during a probationary period of no longer than one month.

An employment contract concluded for a fixed term or for the length of performance of particular work, or for a probationary period longer than one month which would have terminated after the end of the third month of pregnancy, must be extended until the day of the birth. This does not apply to any employment contract concluded for a fixed term to replace an employee during a justified absence from work.

During pregnancy or maternity leave an employment contract may be terminated by the employer with notice only if the employer is declared bankrupt or liquidated. The employer must agree the date of termination of the contract with the trade union active at the workplace which represents the female employee.

The provisions concerning protection of women during maternity leave also apply, respectively, to employees-fathers raising a child while on maternity leave, additional maternity leave or paternal leave, and to employees taking avail of the leave on terms such as those of maternity leave or additional leave on terms such as those of maternity leave or parental leave.

Pregnant women may not be employed on overtime work or night work. Pregnant women may not be delegated to work away from their usual workplace or employed in a system of irregular working time without their consent.

Any employer who employs a female employee who is pregnant or breastfeeding a child to do a job listed in the provisions issued under Article 176 of the Labour Code as prohibited for such female employees, irrespective of the level of risk of exposure to agents harmful to health or dangerous agents, must reassign the employee to another job. If this is not possible



the employer must relieve her for as long as necessary from the obligation to perform such work.

Any employer who employs a female employee who is pregnant or breastfeeding a child to do other jobs prohibited for pregnant women must adapt the working conditions to the relevant requirements or limit the working time in order to eliminate any risk to the health and safety of the female employee. If it is impossible or impracticable to adapt the working conditions at her existing post or to shorten the working time, the employer must reassign the employee to another job. If this is not possible the employer must relieve her for as long as necessary from the obligation to perform such work. The same rules apply to any female employee who is pregnant or breastfeeding a child who presents a medical certificate recommending that she should not perform her existing work.

Throughout the period for which she is relieved from the obligation to work, the female employee will continue to be entitled to her existing remuneration. After the reasons for assigning a female employee to another job, shortening her working hours or relieving her from the obligation to perform work have ceased to exist, the employer must employ the employee to do the job and to work for the time specified in the employment contract.

Where a change of working conditions at the existing post, shortening of working time or reassignment of the employee to another job result in lower remuneration, female employees are entitled to a supplementary payment.

Employers must release female employees from work to undergo medical checks related to pregnancy, as recommended by a doctor, if such checks cannot be carried out outside working hours. The female employee will remain entitled to remuneration for the duration of any absence from work for this reason.

Female employees are entitled to maternity leave of:

- 20 weeks if they give birth to one child at the same time,
- 31 weeks if they give birth to two children at the same time,
- 33 weeks if they give birth to three children at the same time,
- 35 weeks if they give birth to four children at the same time,
- 37 weeks if they give birth to five and more children at the same time.

An employee who has taken a child in order to raise the child and has applied to a custody court for adoption proceedings to be commenced in relation to the child or an employee raising a child as a foster family, with the exception of a professional foster family not related to the child, is entitled to leave on such terms as those of maternity leave, of the duration as specified above, no longer, however, than until the date on which the child reaches the age of 7 years, and in the case of a child in relation to whom a decision was taken to postpone his/her schooling duty, no longer than until the date on which the child reaches the age of 10 years.

After taking at least 14 weeks of the maternity leave after the birth, female employees may give up the remaining part of the leave; in this case the unused part of the maternity leave will, on written request from the father who is raising the child, be granted to him.

Where a child dies after reaching the age of eight weeks, female employees will remain entitled to maternity leave for seven days after the death of the child.

Immediately after using the maternity leave, the employee is entitled to additional maternity leave of the duration of:

- 1) up to 6 weeks – if she gives birth to one child at the same time,
- 2) up to 8 weeks – if she gives birth to more than one child at the same time.

Immediately after using additional maternity leave of the full duration as specified above, the employee is entitled to parental leave of up to 26 weeks – irrespective of the number of children born at the same time.

Female employees who are breastfeeding a child are entitled to two half-hour breaks included in their working time. Any female employee who is breastfeeding more than one child is entitled to two 45-minute breaks from work. Breaks for breastfeeding a child may be granted all at the same time, if so requested by the employee. Female employees employed for less than four hours per day are not entitled to any break for breastfeeding. Female employees who work no longer than six hours per day are entitled to one break for breastfeeding.

Any female employee who is raising at least one child of up to 14 years old is entitled to be released from work for two days a year while remaining entitled to remuneration.

Further details are available at: <http://www.pip.gov.pl/pl/porady-prawne/rodzicielstwo>

### **XIII. Rules concerning terms and conditions of employment of children and young people (Article 3(1)(f) of the Directive]**

Part 9 of the Act of 26 June 1974 - Labour Code (Journal of Laws 2014, item 1502, consolidated text, as last amended); Article 304, paragraph 1 of the LC.

<http://www.pip.gov.pl/pl/f/v/99101/kodeks%20pracy%202013%202.pdf#page=78>

Young persons may be employed only if they:

- 1) have completed at least a lower secondary school,
- 2) produce a medical certificate stating that work of a given type poses no hazard to their health.

Young persons without vocational qualifications may be employed only in order to receive vocational training.

#### **Employment for light work**

Young persons may be employed under an employment contract to do light work.

Light work may involve no risk to the life, health and psychological and physical development of a young person and must not make it difficult for young persons to fulfil their schooling obligations. A list of activities classified as light work must be determined by the employer after obtaining the consent of the doctor from the occupational medicine service. The list is subject to approval by a competent labour inspector. The list of activities considered light work must not include work prohibited for young persons under separate regulations.

### **Health protection for young persons**

Young persons must have a medical check-up prior to being taken on for work, followed by periodic examinations and checks on the job. If a doctor decides that a given job poses a risk to a young person's health, the employer must change that person's job. Where no such possibility exists the employer must immediately terminate the employment contract and pay compensation equal to the remuneration for the period of notice.

Employers must inform the statutory representative of young persons about the occupational risks involved in the work performed by the young persons and about the rules for protection against these risks.

### **Working time of young persons**

The working time of young persons under 16 years of age may be no longer than 6 hours in any 24-hour period. The working time of young persons over the age of 16 may be no longer than 8 hours in any 24-hour period.

If the working time of a young person during a 24-hour period is longer than 4.5 hours, the employer must include in the working time a break from work of 30 consecutive minutes.

Young employees may not be employed to do overtime work or night-time work. For young persons "night time" means between 22.00 hours and 06.00 hours.

Young persons must be given an uninterrupted break from work, including night time, lasting not less than 14 hours.

Young persons are entitled to no fewer than 48 hours of uninterrupted rest every week, including Sunday.

### **Annual leave**

At the end of six months from the date on which young persons start their first job, they become entitled to leave of 12 working days.

At the end of one year at work, young persons become entitled to leave of 26 working days. However, in the calendar year in which they reach the age of 18, they become entitled to leave of 20 working days if they acquired the leave entitlement before they reached the age of 18.

### **Work by children**

Work or any other kind of activity for remuneration by a child after reaching the age of 16 is allowed only for the benefit of an entity running a cultural, artistic, sporting or advertising activity and requires the prior consent of the statutory representative or custodian of the child and of the competent labour inspector (Article 304, paragraph 1 of the LC).

## **XIV. Equality and non-discrimination [Article 3(1)(g) of the Directive]**

Article 11<sup>3</sup> of the LC, Chapter IIa of Part 1 of the LC.

Any discrimination, direct or indirect, in employment, in particular on grounds of sex, age, disability, race, religion, nationality, political views, union membership, ethnic origins, belief,

sexual orientation, as well as employment on fixed- or unfixed term, full or part-time work is prohibited.

Employees must be treated equally in labour relations as regards:

- entering into and terminating employment relations,
- terms of employment,
- promotion,
- access to training for improving their professional qualifications.

Direct discrimination occurs whenever, due to any of the above-mentioned criteria, an employee is or could be treated less favourably than other employees in a comparable situation.

Indirect discrimination occurs when, as a result of an outwardly neutral decision, criterion applied, or action undertaken, there are or there may be disadvantageous disproportions or particularly disadvantageous situation in concluding and terminating employment relationships, terms of employment, promotion and access to training in order to improve professional qualifications in relation to all or a substantial number of employees belonging to a group singled out on the basis of one or several discrimination criteria listed above, unless the decision, criterion or action is objectively justified by a lawful objective which is to be reached, while the measures which will serve to reach the objective are proper and necessary.

Other forms of indirect or direct discrimination include:

- action encouraging other persons to infringe the rule of equal treatment in employment;
- harassment, i.e. undesirable conduct with the purpose or effect of violating the dignity of an employee and creating an atmosphere which is frightening, hostile, degrading, humiliating or offensive for the employee.

Sexual harassment is a type of discrimination based on sex, meaning any unwanted behaviour of sexual nature or referring to an employee's sex, with the purpose or effect of violating the employee's dignity, in particular creating an atmosphere which is intimidating, hostile, degrading, humiliating or offensive for the employee; this behaviour may take physical, verbal or non-verbal form.

Where an employer treats employees differently on one or more of the grounds defined above as discrimination criteria and this differentiation results in:

- refusal to enter into or termination of an employment relation,
- unfavourable terms of remuneration for work or other terms of employment or passing an employee over for promotion or other work-related benefits,
- overlooking an employee in the selection of participants for training for the improvement of professional qualifications,

this is considered a breach of the principle of equal treatment in employment, unless the employer proves that he took account of objective reasons.

The rules on equal treatment in employment are not infringed by:

- not employing an employee on one or more grounds defined as discrimination criteria, if due to the type of work or the circumstances in which it is to be performed, one or more grounds mentioned in this provision are a real and decisive professional requirement for the employee,

- terminating the terms of employment connected with duration of working time, if it is justified by reasons which do not concern employees and without referring to any other ground or grounds which belong to the above-mentioned discrimination criteria,
- applying measures which differentiate the legal position of an employee due to the employee's disability or the protection of parenthood,
- applying the criterion of the length of employment while specifying the terms of engaging and dismissing employees, terms of remuneration and promotion, as well as access to training to improve professional qualifications, which justifies different treatment of employees due to their age.

Limitation of access to employment due to religion, belief or philosophy of life by churches, other religious unions and organisations, whose ethics is based on religion, belief or philosophy of life, is not a breach of the principle of equal treatment in employment if – due to the type or nature of activities undertaken by churches, other religious unions and organisations – an employee's religion, belief or philosophy of life are a real and decisive professional requirement for the employee, proportional to achieving a lawful objective of differentiation of that person's situation; the same refers to requiring from employees that they act in good faith and are loyal to the ethics of the church, other religious union or organisation, whose ethics is based on religion, belief or philosophy of life.

Employees are entitled to equal remuneration for the same work or for work of the same value.

Remuneration includes all components, of whatever name and nature, plus other work-related benefits granted to the employee in the form of money or in any other form.

Work of the same value means work which requires comparable professional qualifications certified by the documents laid down in separate provisions, or practical and professional experience and comparable responsibility and effort.

### **Employee's claims**

Any victim of a breach, on the part of an employer, of the principle of equal treatment in employment is entitled to damages no lower than the minimum remuneration for work.

## **XV. Terms and conditions of employment concerning other matters [Article 3(10) of the Directive]**

Poland does not use the possibility to apply Article 3(10) of the Directive.

## **XVI. Administrative and processing requirements**

The principles for establishing and operating the temporary work agency (Articles 18 and 19 of the Act of 20 April 2004 on promotion of employment and labour market institutions, published in the Journal of Laws 2015, item 149, consolidated text, as last amended) do not apply to temporary work agencies registered in any country other than Poland.

Foreign entrepreneurs are not required to have an entry in the register of entities operating as employment agencies if they offer employment services, HR consultancy, vocational

consultancy or temporary work, have authorisation and lawfully conduct activity in the above-mentioned areas in the territory of the EU Member States, non-EU states of the European Economic Area or states which are not party to the European Economic Area Agreement, but they may use the freedom of providing services based on agreements concluded by those states with the European Community and its Member States, and if they intend to provide the same services in the territory of the Republic of Poland – taking avail of the freedom to provide services, as stipulated in Article 49 of the Treaty establishing the European Community.

## **XVII. Mediation mechanisms in case of conflict**

The Labour Code defines no mediation procedures in case of conflict. Nevertheless Part 12 “Settlement of disputes relating to claims arising from employment relationship”, Chapter II “Conciliation proceedings” of the Labour Code defines principles for amicable settlement of disputes relating to employees’ claims arising from an employment relationship.

Before a dispute is referred to the Court, the employee may request initiation of conciliation proceedings before a conciliation commission. Conciliation commissions may be appointed for amicable settlement of disputes relating to employees’ claims arising from an employment relationship. A conciliation commission must be appointed jointly by the employer and the establishment’s trade union body or, if no trade union body is active at a given place of employment, by the employer, after receiving endorsement from employees.

## **XVIII. Information on judicial enforcement procedures**

Disputes over claims from an employment relationship are settled by:

- labour courts – which are separate organisational units of regional courts,
- labour and social insurance courts – which are separate organisational units of provincial courts, referred to as labour courts.

Information on this subject can be obtained at the following address:

Chief Labour Inspectorate  
28/30 Barska St.  
02-315 Warszawa  
Tel.: (+48 22) 39 18 296  
Fax: (+48 22) 39 18 297  
e-mail: [kancelaria@gip.pip.gov.pl](mailto:kancelaria@gip.pip.gov.pl)

Website of the principal source of information (institution): [www.pip.gov.pl](http://www.pip.gov.pl)