THE RULE OF LAW INSTITUTE

A foreigner on **the labour market**

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Author:
Milena Kloczkowska



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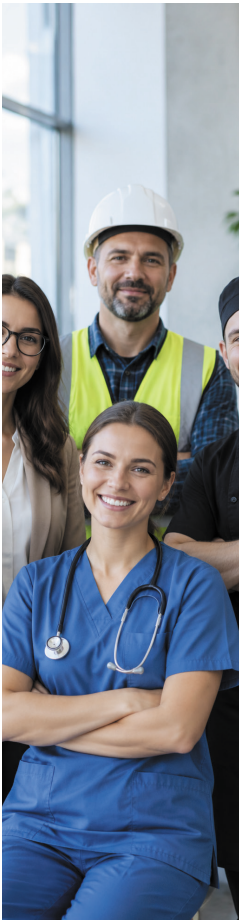
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01

Basic Employee Rights



Labour law sets out the rights and obligations of employees and employers. Under Article 24 of the Constitution of the Republic of Poland, work is protected by the state. An employee is a person who performs work under an employment relationship. Employment is governed primarily by the Labour Code as well as by international law and European Union law.

An employee is subject to the employer's authority and is required to follow the employer's instructions relating to their work, unless those instructions are unlawful, put the employee at risk, or require the employee to break the law. As the weaker party in an employment relationship, an employee is entitled to special legal protection.





The basic rights of employees include:

The right of freely chosen employment

No one can be forced to enter into an employment contract or perform work against their will. An employment relationship requires the consent of both parties.

The right to respect for personal rights

An employer must respect an employee's dignity, health, freedom, reputation, image and other personal rights. An employer may not insult, ridicule or humiliate an employee.

Equal treatment and protection against discrimination

Employees must be treated equally when it comes to recruitment, pay, promotion, training and termination of employment. Discrimination is prohibited on grounds including sex, age, disability, race, religion, nationality, sexual orientation or trade union membership. Differences in pay may be justified by objective factors, such as length of service.

The right to rest and leave

Employees are entitled to daily and weekly rest periods, breaks that count as working time, and annual paid leave of 20 or 26 days (26 days where the employee's total length of service entitles them to the higher leave allowance). The right to annual leave cannot be waived. Employees are entitled to either additional pay or time off in lieu of overtime work.

The right to safe and healthy working conditions

Employers must assess occupational risks, provide appropriate training and protective equipment, and organise work in a safe and appropriate manner.

02

Rules for Legal Employment



The most common forms of employment in Poland are an employment contract (employment relationship), a contract of mandate, and a contract for specific work. Each type of contract has different features and rules.

Under Article 22 of the Labour Code, an employment relationship exists when a person performs specified work for an employer, under the employer's direction and at a place and time determined by the employer. The employer is required to pay the employee a salary, and the employee cannot waive their right to receive it.

> **If work is performed under these conditions, it is considered an employment relationship even if the document signed by the parties is called a contract of mandate.**







An employment contract (umowa o pracę)

An employment contract (umowa o pracę) should be concluded in writing. If it has not been signed in writing before the employee starts work, the employer must provide written confirmation of the parties to the contract, the type of contract and its terms and conditions before allowing the employee to start work. The contract should specify, among other things, the type and place of work, the employee's salary, working hours and the date on which employment begins. Never sign blank documents or contracts without a date, or contracts dated retroactively. Always keep your own copy of the contract.

Before an employee starts work, the employer must, at their own expense, arrange for the employee to undergo an initial medical examination and provide health and safety (BHP) training. The employer should also provide information about working hours, rest periods, overtime, annual leave and the rules for terminating the employment contract. The employee must be registered for social security and health insurance within 7 days. This can be checked through PUE/eZUS. For full-time employment, the salary cannot be lower than PLN 4,806 gross, while for part-time employment it is calculated proportionally.

A contract of mandate (umowa zlecenie)

A contract of mandate (umowa zlecenie) is a contract under which the contractor undertakes to perform an agreed activity with due care. The parties are legally equal, and a person working under a contract of mandate is not entitled to annual leave or the employment protections provided by the Labour Code. In 2026, the minimum hourly rate is PLN 31.40 gross. The number of hours worked must be correctly recorded in the bill or payment statement, and a copy should be kept. Never sign blank bills or documents containing false information. Sickness insurance under a contract of mandate is voluntary.

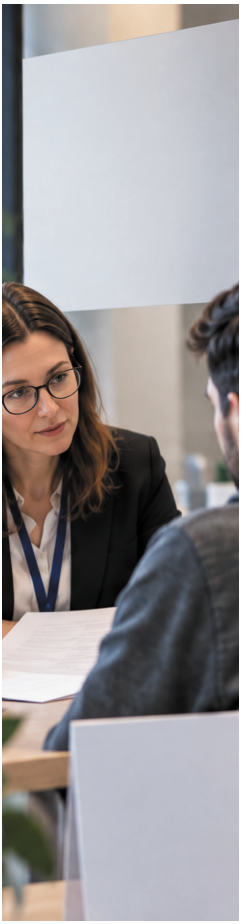
A contract for specific work (umowa o dzieło)

A contract for specific work (umowa o dzieło) is a contract for a specific result, which should be clearly defined in the contract. The work must be completed and delivered within the agreed deadline and may be assessed in terms of its quality. As a general rule, a contract for specific work does not create an obligation to pay social security contributions.

03

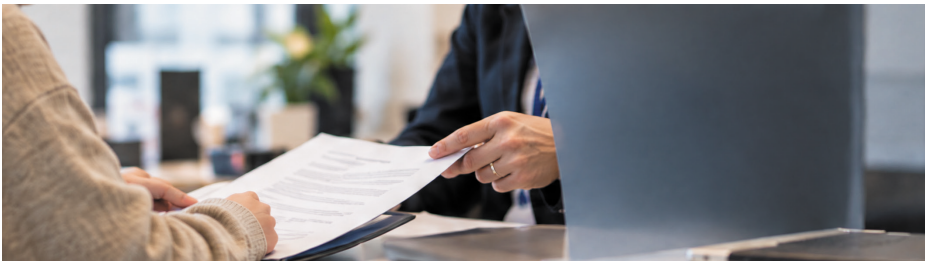
Available Support Institutions

In the event of problems related to employment, the observance of labour rights, discrimination, social insurance, healthcare, or occupational health and safety, employees and job seekers can seek assistance from various government institutions.



Every employee can seek assistance from the appropriate institution, depending on the nature of the problem.





National Labour Inspectorate

The National Labour Inspectorate is the institution responsible for supervising and monitoring compliance with labour law, particularly in areas such as wages, working hours, annual leave, occupational health and safety, and the legality of employment. The Labour Inspectorate also provides free legal advice. Any employee can contact the National Labour Inspectorate with questions or problems such as unpaid wages, incorrect overtime calculations, failure to grant annual leave, lack of required medical examinations or health and safety training, or the use of a civil-law contract (such as a contract of mandate) in circumstances that should legally be treated as an employment relationship.

Labour inspectors have the right to carry out inspections at workplaces, impose penalties and notify other relevant authorities. It is important to remember that the National Labour Inspectorate does not replace the courts. An employee may therefore also pursue their rights before a court. Regional Labour Inspectorates operate in major cities and can be contacted directly. If you are looking for an address or contact details, you can find the necessary information here:

https://www.pip.gov.pl/kontakt/inspektoraty

Labour Court

If an employee has a claim arising from their employment relationship, they may pursue it before the Labour Court. An employee may bring a claim to court, among other things, to challenge the termination or notice of termination of an employment contract, seek reinstatement, claim compensation or unpaid wages, request the issuance or correction of an employment certificate, seek compensation for discrimination or a violation of the principle of equal treatment, establish the existence of an employment relationship, or pursue claims related to workplace mobbing. It is very important to meet the deadlines for appealing a termination or bringing a case before the court.

Municipal, District and Regional Labour Offices

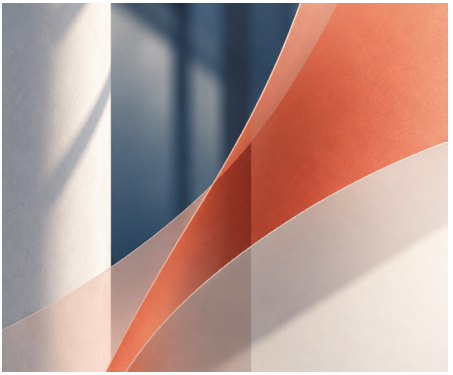
The main task of municipal, district and regional labour offices is to support people in finding employment and becoming more active in the labour market. They provide career counselling, registration for unemployed people and jobseekers, training, internships, employment programmes, financial support and other measures designed to help people find employment and gain new qualifications. Labour offices also maintain databases of job vacancies.



Trade Unions

A trade union is a voluntary organisation that brings together people who perform paid work, including those working under a contract of mandate, and represents their interests. Trade unions work to protect their members' rights and improve their working conditions.

When an employer intends to terminate an employment contract for a fixed or indefinite period, the employer is required to notify the relevant trade union of the intention to terminate the employee's contract. Trade unions support their members by providing advice, access to legal assistance, representing employees in dealings with employers, conducting collective disputes, negotiating collective bargaining agreements and other instruments concerning employment conditions, and representing employees in court proceedings.



Free Legal Aid

If you need legal aid assistance, you can use the free legal aid system. Free legal aid points operate throughout Poland's districts (powiats), where you can obtain information about your rights and obligations, learn about possible ways to resolve your problem, and receive help preparing letters and other legal documents.

Free legal aid is also often provided by specialised non-governmental organisations. It is worth checking what services are available in your local area.

In cases involving discrimination, you can also contact the Commissioner for Human Rights (Rzecznik Praw Obywatelskich), who may take up the case or indicate possible courses of action.

In cases involving the unlawful use or collection of an employee's personal data, the competent authority is the President of the Personal Data Protection Office (Prezes Urzędu Ochrony Danych Osobowych). Before referring the matter to this authority, however, it is advisable to contact the employer's Data Protection Officer (DPO). These cases primarily concern personal data breaches, improper processing of personal data, unlawful monitoring, and the collection of excessive biometric data.

Social Insurance Institution

For matters concerning social insurance, you can contact the Social Insurance Institution. These matters most commonly include an employee not being registered for social insurance, social insurance contributions not being paid or being paid incorrectly, as well as issues concerning benefits, disability pensions and retirement pensions.

National Health Fund

If you have problems accessing healthcare services, you can contact the National Health Fund. Among other things assistance may cover your entitlement to healthcare services, access to healthcare, and registering a family member for health insurance. The National Health Fund can also advise you on how to resolve the problem.

Police and Prosecutor's Office

If an employer or another person violates an employee's rights in a way that puts the employee at direct risk of death or serious injury, the matter should be reported to the police or the Prosecutor's Office. This also applies when an employee's rights arising from their employment relationship or social insurance are deliberately or persistently violated.

Other offences, such as threats, fraud, document forgery, violence or violations of physical integrity, can also be reported to the police or the Prosecutor's Office. In such cases, you should file a notification of a suspected criminal offence. The law enforcement authorities will then take the appropriate action.



112

In an emergency involving an immediate threat to your health or life, call 112.

04

Mobbing – Definition and Prevention

Under the Labour Code, mobbing is defined as persistent and prolonged harassment or intimidation directed at or affecting an employee. Such behaviour causes or is intended to cause the employee to feel less competent professionally, to humiliate or ridicule them, to isolate them, or to exclude them from the team.



IMPORTANT!

For behaviour to be considered mobbing, all the legal criteria must be met. Mobbing may include, for example, insulting or threatening an employee, undermining their professional competence, spreading false information about them, or deliberately excluding them from work-related tasks. The behaviour must be repetitive, distressing and continue over a period of time. However, the law does not specify a minimum period. Each situation must be assessed individually, taking into account the frequency and intensity of the behaviour and its impact on the employee.

Mobbing is a process rather than a single incident.

A one-off offensive remark, argument or unfair decision will generally not constitute mobbing, although it may still violate an employee's rights. Mobbing should also be distinguished from justified criticism and the lawful enforcement of an employee's duties. Pointing out mistakes or assessing an employee's performance does not automatically amount to mobbing.

Employee's request

An employee who has experienced mobbing, or who has terminated their employment contract as a result of mobbing, may claim compensation of at least the minimum wage. If mobbing has caused a health disorder, the employee may also seek compensation for the resulting harm. A termination of employment due to mobbing should be made in writing and state the reason for termination.

It is advisable to keep notes and preserve messages, medical records, receipts and prescriptions, as these may constitute important evidence.

Employer's obligation

An employer is required to take measures to prevent mobbing and respond to reports of it. An anti-mobbing procedure should specify how complaints are submitted and handled and should ensure confidentiality. If no such procedure exists, an employee can seek assistance from the relevant authorities or institutions.



05

Employee Obligations



The basic duties of an employee are set out in ***Article 100 of the Labour Code,*** although this is not an exhaustive list. Employees are expected to perform their work conscientiously and diligently and to follow their supervisors' instructions, provided that those instructions are lawful and consistent with the employment contract.







Working hours

Employees must comply with working-time requirements, including arriving at work on time, recording the start and end of their working day, taking required breaks, and reporting absences. When necessary, an employer may require an employee to work overtime, provided that this does not violate the employee's right to rest or the applicable legal limits.



Rules and procedures

Employees must follow workplace rules, procedures and standards, including rules concerning the use of equipment, data protection, remote work and document management.



Occupational health and safety rules

Knowledge of and compliance with occupational health and safety (BHP) rules is also essential. Employees should attend required training and medical examinations, follow safety instructions, use protective equipment and report accidents and hazards. If working conditions pose a direct threat to their life or health, an employee may stop working and leave the dangerous area, provided they immediately notify their supervisor.



Property and information

Employees are required to act in the best interests of their workplace and protect the employer's property, reputation and confidential information. They should safeguard documents, passwords and data and report any loss or unauthorised disclosure.



Non-compete clause

The duty of loyalty may also involve a non-compete clause included in a written agreement. During employment, such a clause may apply only to competing activities and does not require compensation. After employment ends, a non-compete agreement must specify its duration and provide for compensation of at least 25% of the employee's remuneration received before termination for the period covered by the restriction.



Rules of social conduct

Employees should respect the principles of social conduct, treat others with respect, and refrain from violence, harassment and discrimination.



Consequences of breaching obligations

A breach of employee duties may result in a disciplinary penalty, financial liability, termination of employment, or, in cases of a serious breach of duties, termination of the employment contract by the employer without notice.

06

Protection Against an Unfair Employer



The Labour Code protects employees against, among other things, non-payment of wages, working without an employment contract, sham civil-law contracts, breaches of occupational health and safety (BHP) rules, discrimination, mobbing, unlawful dismissal and retaliation.

IMPORTANT!

One of the key forms of protection is the principle that employment rights cannot be restricted by contract. The terms of an employment contract cannot be less favourable to the employee than those provided for by labour law. If a contract restricts the employee's right to wages, annual leave, rest periods or overtime pay, the relevant statutory provisions apply. Simply signing a contract does not mean that an employee can be deprived of rights guaranteed by law.

Remuneration

Wages are subject to particular protection. An employee cannot waive their right to wages or transfer that right to another person. Wages should be paid once a month on a fixed date. If no payment date has been agreed, the salary should be paid by the 10th day of the following month. In the event of late payment, the employee may claim statutory interest and, if they have suffered a loss, compensation as well.

A common violation is replacing an employment contract with a civil-law contract, such as a contract of mandate or a contract for specific work, or with a B2B contract. If the work is performed under the employer's direction, at a place and time determined by the employer, the matter can be reported to the National Labour Inspectorate.

Discrimination and Retaliation

Employees are also protected against discrimination, harassment and retaliation. An employer may not worsen an employee's working conditions because the employee has exercised or asserted their legal rights. In the event of a violation of the principle of equal treatment, an employee may claim compensation of at least the minimum wage.



It is important to respond promptly to violations and keep records of what has happened. Do not sign documents you do not understand, do not agree with, or that contain false information. Be particularly careful when asked to terminate an employment contract by mutual agreement, waive claims, or confirm that payment has been received. An employee does not have to agree to a mutual termination agreement and may seek assistance from the relevant authorities or institutions.



07

Night Work

Night work is permitted, but because it places greater strain on the body, the Labour Code provides special protection for employees who work at night.



Night-time is defined as a period of 8 consecutive hours falling between 9 p.m. and 7 a.m. The specific hours are determined by the employer and set out in the workplace regulations or in the information provided to the employee.



A night worker

A night worker is an employee whose work schedule includes at least 3 hours of night work during each 24-hour period, or whose working time during the applicable reference period includes at least one-quarter of night work. If the employee performs particularly hazardous work or work involving significant physical or mental effort, their working time may not exceed 8 hours per day.

Night work additional payment

For each hour of night work, an employee is entitled to an additional payment of 20% of the hourly rate calculated from the statutory minimum wage.

Right to rest

Night work does not affect an employee's right to rest. An employee should be provided with at least 11 consecutive hours of daily rest and 35 hours of weekly rest. An employee's 24-hour working day begins when they start work and lasts for the following 24 hours. Therefore, when preparing work schedules, the employer must ensure that the required rest periods are provided.

Night-time overtime work

If an employee works overtime at night, they are entitled to both the night-work allowance and overtime compensation.

Who can't work at night?

Pregnant employees and young workers may not be employed at night. An employee raising a child under 8 years of age may work at night only with their consent. If both parents or guardians are employed, only one of them may exercise this right. The restriction also applies to employees with disabilities, unless they work in security or guarding, or a doctor, at the employee's request, gives permission for them to work at night.

08

Work During Pregnancy

The Labour Code provides pregnant employees with special protection for their health and employment. This protection does not generally apply to women working under a contract of mandate or a contract for specific work.



An employer should not ask a job applicant or employee whether she is pregnant or planning to become pregnant. Once an employee informs her employer of her pregnancy and provides a medical certificate confirming it, the employer becomes subject to specific legal obligations.



Prohibition of arduous and hazardous work

A pregnant employee may not perform work that is particularly strenuous, hazardous or harmful, including work involving excessive physical effort, lifting heavy loads or exposure to harmful factors.

Adaptation of working conditions

If the work poses a risk to the employee's health or pregnancy, the employer should adapt the working conditions or limit the hazardous activities. If this is not possible, the employer must transfer the employee to other work and, as a last resort, release her from the obligation to work. A change in working conditions, reduction of working hours or transfer to other work must not result in a reduction in pay. If her pay is reduced, she is entitled to a compensatory allowance. During a period when she is released from the obligation to work, she continues to receive her previous salary.

Working hours and business trips

A pregnant employee may not be required to work at night or overtime. She may also not work more than 8 hours per day. Sending her on a business trip outside her regular workplace is possible only with her consent. The employer must provide paid time off for medical examinations recommended in connection with pregnancy if they cannot be carried out outside working hours.

Protection against dismissal

During pregnancy, an employer generally may not terminate or give notice of termination of an employment contract. A fixed-term employment contract or a probationary contract lasting more than one month that would otherwise end after the third month of pregnancy is extended until the date of delivery. This does not apply to all types of contracts, including a contract concluded to replace another employee.

Where to seek help?

If her rights are violated, a pregnant employee can contact the National Labour Inspectorate or the labour court. After giving birth, she may be entitled to, among other benefits, maternity leave and parental leave.

09

Employment of Persons with Disabilities

The employment of persons with disabilities is regulated by the Act on Vocational and Social Rehabilitation and Employment of Persons with Disabilities and by the Labour Code.



An employer may not refuse to employ someone solely because of their disability if the person is able to perform the job. Employees with disabilities are entitled to the same employment rights as other employees, including the right to remuneration, annual leave, rest periods and protection against discrimination. A disability certificate does not, by itself, mean that a person is unable to work.


Image source: **Magnific.com**

Working time

The working time of an employee with a disability may not exceed 8 hours per day and 40 hours per week. For employees with a severe or moderate degree of disability, the limit is 7 hours per day and 35 hours per week. As a general rule, employees with disabilities may not be required to work at night or overtime. Reduced working hours do not result in a reduction in pay.

Breaks

An employee with a disability is entitled to an additional 15-minute break for exercise or rest, which counts as working time. An employee with a severe or moderate degree of disability is also entitled to 10 additional days of annual leave per year. This right is acquired after working for one year from the date on which the employee is classified as having a severe or moderate degree of disability.

Rehabilitation programme

An employee with a severe or moderate degree of disability may also take paid time off to attend a rehabilitation stay, medical examinations or therapeutic procedures if they cannot be carried out outside working hours.

Personal data

Information about an employee's health and degree of disability constitutes particularly protected personal data. An employer may not disclose or share such information unlawfully.

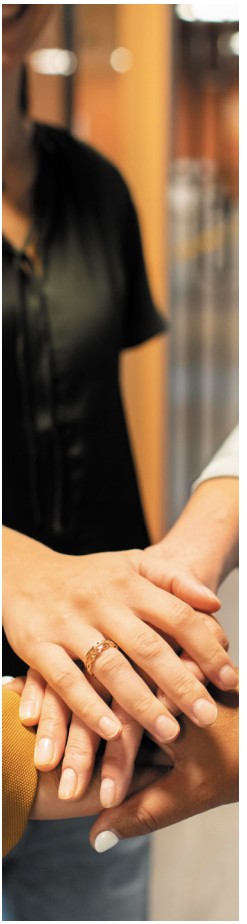
Workplace

Under certain circumstances, an employer is required to adapt the workplace to the employee's needs. Employers may also receive funding from the State Fund for the Rehabilitation of Persons with Disabilities (PFRON), including subsidies towards wages and reimbursement of the costs of adapting a workplace. Such funding is not part of the employee's salary and does not justify reducing their pay.

Employers who employ at least 25 people and have fewer than 6% of employees with disabilities are generally required to make contributions to the State Fund for the Rehabilitation of Persons with Disabilities (PFRON).

10

The Right to Form Associations and Benefit from the Protection of Employee Organizations



Article 12 of the Constitution of the Republic of Poland guarantees the freedom to establish and operate trade unions, while ***Article 59*** guarantees the freedom of association in trade unions, social and professional organisations of farmers, and employers' organisations. ***Article 181 of the Labour Code*** also emphasises the right of employees and employers to establish and join organisations. This right is known as the right of association.

A trade union is a voluntary and self-governing organisation of working people established to represent and protect their rights and professional and social interests. A trade union's statutory activities are independent from employers, state administration, local government authorities and other organisations.

Since 2019, all persons performing paid work have had the right to join trade unions. This includes people who perform work for remuneration on a basis other than an employment relationship, provided that they do not employ other people to perform the same type of work themselves and that they have rights and interests related to their work that can be represented and protected by a trade union. Membership in a trade union is voluntary. In most cases, trade union members are required to pay a membership fee. There is no single fixed rate. The amount of the fee and the method of calculating it are determined by the trade union itself in its statutes and resolutions. At the employee's written request, the employer deducts the membership fee from the employee's salary and transfers it to the bank account of the designated trade union. Trade union membership fees may be deducted from taxable income in the annual tax return (PIT).





Representation and support

A trade union represents and protects the dignity, rights, and material and moral interests of people performing paid work, both collectively and individually. A trade union organisation usually provides employees with information about their rights, helps them communicate and negotiate with their employer, acts on behalf of employees, and provides legal assistance. In certain circumstances, it may also assist a person who is not a union member if that person requests such assistance and the organisation agrees to provide it.



Legal protection of employees

An employee who is a member of a trade union benefits from additional legal protection. This most commonly applies when an employer intends to terminate an employee's fixed-term or indefinite-term employment contract. The law requires employers to cooperate with the workplace trade union organisation representing employees. The employer must consult the union before taking such action. The trade union then has 5 days to submit reasoned objections. However, such objections do not prevent the dismissal; they are primarily advisory in nature. If an employment relationship is terminated without notice (so-called disciplinary dismissal), the employer must also notify the trade union, which has 3 days to give its opinion. However, if termination without notice due to the employee's fault concerns a pregnant employee, the employer cannot use this procedure without the trade union's consent.



Protection of trade union representatives

The Trade Unions Act of 23 May 1991 provides protection for the trade union representatives specified in the Act. As a general rule, without the consent of the management board of the relevant workplace trade union organisation, an employer may not give notice of termination or terminate the employment relationship of a person covered by such protection, nor may the employer unilaterally change their working conditions or remuneration to their disadvantage, subject to exceptions provided by law. This protection is intended to ensure that trade union representatives can genuinely represent employees without fear that a conflict with the employer could result in the loss of their job.



Establishment of workplace-level labour regulations

Trade union organisations participate in creating workplace sources of labour law, such as collective bargaining agreements, statutory collective agreements, workplace regulations and statutes. Trade unions also conduct consultations and negotiations with employers and agree on or give their opinions on proposed solutions. Collective bargaining agreements are a particularly important source of labour law. Under such agreements, the parties may establish employment conditions that are more favourable than the minimum standards provided by law, such as additional benefits, higher allowances, more favourable remuneration rules or additional social benefits.

Collective labour disputes and strikes

Trade unions play an important role when attempts to reach an agreement with an employer are unsuccessful. Under the Act on the Resolution of Collective Disputes, trade unions may initiate a dispute concerning working conditions, pay, social benefits, and trade union rights and freedoms. The dispute must concern the collective interests of employees rather than the interests of an individual employee. A collective dispute has specific stages: negotiations, mediation, optionally arbitration, and, as a last resort, a strike. Importantly, only a trade union can initiate a collective dispute and organise strike action. An employee who goes on strike does not receive remuneration for the time spent on strike because they are not performing work. For this reason, trade unions have so-called strike funds, which are generally used to compensate employees for lost wages during a strike.

Establishment of a trade union

People performing paid work may decide to establish a trade union. Under the law, a trade union is established by a resolution adopted by at least 10 persons who are entitled to establish one. These persons adopt the union's statutes and elect a founding committee consisting of 3 to 7 members. The committee represents the organisation during the procedure for registration in the National Court Register. The statutes should specify, in particular, the union's name, registered office, scope of activities, objectives and tasks, membership rules, members' rights and obligations, governing bodies, organisational structure, rules of representation, sources of funding, rules for determining membership fees, procedures for amending the statutes, and the procedure for dissolving the union.
The founding committee must submit an application for registration in the National Court Register within 30 days of establishing the union, attaching the resolution establishing the union and its statutes. Upon registration in the National Court Register, the trade union acquires legal personality. The registration procedure is exempt from court fees.



Under the law, there are different types of trade union organisations:



Workplace trade union organisation

Workplace trade union organisation operates within a single employer. Such an organisation has the statutory rights of a trade union if it has at least 10 members performing paid work for that employer. If these persons are not employees, only those who have worked for the employer for at least six months are counted towards the required number of 10. A multi-employer trade union organisation represents employees of at least two employers. As a general rule, the provisions concerning workplace trade union organisations also apply to such organisations. This solution allows employees of small workplaces—for example, workplaces with only a few employees—to benefit from trade union representation where it would not otherwise be possible to establish a workplace organisation.



Multi-workplace trade union organisation

Multi-workplace trade union organisation covers structures operating across multiple employers within a particular industry, profession, region or throughout the country. It may take the form of a nationwide trade union, an industry trade union or a regional organisation.



Federation of trade unions

Federation of trade unions is an association of independent trade unions. The individual unions retain their separate legal and organisational identity but entrust the federation with representing their common interests at a higher level.



Confederation of trade unions

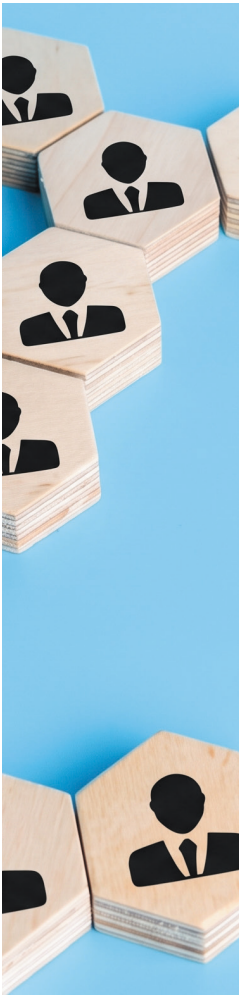
Confederation of trade unions brings together trade unions and federations. It is the broadest organisational structure, capable of operating at the national level, participating in social dialogue and giving opinions on draft legislation.

Unequal treatment on the grounds of membership or non-membership in a trade union, or of performing a trade union function, is prohibited. An employer may not refuse to employ a person, reduce their remuneration, exclude them from promotion or training, or worsen their employment conditions on these grounds.

The activities of trade unions contribute to strengthening employee rights and improving working conditions in the workplace. Employees often rely on trade union assistance, particularly in difficult situations. In such cases, they should contact a trade union representative or, in the case of larger trade unions, the union's secretariat.

11

Activities of Employee Organizations and Trade Unions



Employee representative bodies are not the same as trade unions. The term is much broader and includes organisations that represent the interests of employees and enable them to participate in matters concerning working conditions, workplace safety, work organisation and changes taking place within the employer's organisation.

One of the best-known forms of employee representation is the works council. Its operation is governed by the Act of 7 April 2006 on Informing Employees and Consulting with Them. Works councils may be established in workplaces where the employer employs at least 50 employees. Their main function is to obtain information from the employer and consult with the employer on matters important to the employees. This information may concern, in particular, the employer's activities and economic situation and anticipated changes in this area, the level and structure of employment and anticipated changes, as well as measures that may result in significant changes to the organisation of work or the basis of employment.





Consultations should be conducted:

- within a timeframe, in a form and to an extent that enable the employer to take action on the matters subject to consultation;
- at an appropriate management level;
- with a goal of reaching an agreement between the works council and the employer.

The primary purpose of establishing a works council is to enable employees to participate in the process of being informed about and consulted on changes (employee participation).

Election of works council members

The employer organises elections to the works council upon a written request from a group of at least 10% of the employees. The employer must notify employees, in the manner normally used at the workplace, of the date of the election and the deadline for submitting candidates for the works council. This notification must be given no later than 30 days before the election date. The deadline for submitting candidates is 21 days.

The employer establishes the election rules in consultation with employee representatives selected in accordance with the procedure adopted at the workplace. The election is conducted by an electoral committee. The composition of the committee, the rules for appointing its members and its operating procedures are set out in rules established by the employer and agreed with employees selected in accordance with the procedure adopted at the workplace.

The election is held on a working day, where possible, at a general meeting of employees or in another manner provided for in the election rules. Elections to the works council are direct and conducted by secret ballot. For the election to be valid, at least 50% of the employees employed by the employer must participate.

If at least 50% of employees do not participate in the election, a new election is held 30 days after the date of the first election. The second election is considered valid regardless of the number of employees who participate. The candidates who receive the highest number of votes are elected to the works council. The council then elects its chairperson and adopts its own rules of procedure. The term of office of the works council is 4 years from the date of its election. The council consists of 3 members at an employer employing between 50 and 250 employees, 5 members where 251 to 500 people are employed, and 7 members where more than 500 people are employed.





Employee representatives

Employee representatives elected in accordance with the procedure adopted by the employer also play an important role in the workplace. Where there is no workplace trade union organisation, the Labour Code requires consultations to be conducted with employee representatives. Employee representatives may participate, among other things, in consultations concerning working-time arrangements, remote work, occupational health and safety, and certain changes to the organisation of employment.

Most importantly, the procedure for selecting representatives must genuinely allow employees to participate in and choose their representatives, rather than allowing the employer to appoint them unilaterally. There is no specific legislation regulating the procedure for establishing such representation. The representatives should therefore be selected in accordance with a procedure adopted by the employer. It is recommended that the election procedure include: prior information to employees about the purpose of the election and the representatives' powers and responsibilities; the possibility of putting forward candidates, with a clearly specified deadline; an opportunity for all eligible employees to participate; freedom of choice without interference or pressure from the employer; documentation of the voting process, particularly a list of employees who participated in the vote; a defined term of office or a clearly specified matter for which the representatives are given a mandate.



Social Labour Inspection

The Social Labour Inspection is a form of social service carried out by employees. Its main tasks include monitoring whether the employer provides safe and hygienic working conditions and complies with employees' rights. Social Labour Inspection in the workplace is carried out by social labour inspectors at the workplace, department and group levels. Social labour inspectors operate within the workplace and are elected by employees. A social labour inspector may be an employee who does not hold the position of head of the workplace or a managerial position directly subordinate to the head of the workplace. The term of office of a social labour inspector is generally 4 years. Elections of social labour inspectors are conducted by workplace trade union organisations on the basis of election rules adopted by those organisations.

Social labour inspectors are responsible for monitoring the condition of buildings, machinery, technical and sanitary equipment, and technological processes from an occupational health and safety perspective. Their duties also include monitoring compliance with labour law; participating in inspections of the employer's compliance with environmental protection regulations; taking part in determining the circumstances and causes of specific workplace accidents and analysing the causes of workplace accidents and occupational diseases; participating in the work of health and safety committees; giving opinions on draft plans to improve occupational health and safety, vocational rehabilitation plans and their implementation; and promoting employees' compliance with occupational health and safety rules and regulations. A social labour inspector may submit recommendations for improving workplace safety, give opinions on specific measures from an occupational health and safety perspective, and identify potential risks before they result in harm.

It is worth noting that employee organisations and trade unions play a particularly important role when a problem affects not just one person but a larger group of employees. An individual employee rarely has much bargaining power to negotiate better working conditions. A trade union, on the other hand, can act as a collective negotiating partner, conduct negotiations and conclude agreements covering the entire workforce or part of it.



A trade union also plays an active role in cases of collective redundancies. Together with the employer, it conducts consultations aimed at avoiding or limiting redundancies and mitigating their consequences, for example through higher severance payments or training programmes that help employees find new jobs.

In addition to the collective disputes discussed above, trade unions may organise other lawful forms of protest. These may include pickets, information campaigns, demonstrations, or other activities aimed at drawing attention to the situation of employees. The powers of a trade union also include the possibility of organising a solidarity strike to support another occupational group that does not have the right to strike.



Representativeness of trade unions

A trade union's position is strengthened when it obtains representative status. Under the Act on the Social Dialogue Council, representative trade union organisations include nationwide trade unions, nationwide associations (federations) of trade unions, and nationwide inter-union organisations (confederations) that meet all of the following criteria:



300 000

they have more than 300,000 members who are persons performing paid work;



they operate in entities of the national economy whose principal type of activity is classified under more than half of the sections of the Polish Classification of Activities.

Representative national trade union organisations participate in discussions with the government and employers' organisations within the Social Dialogue Council. They have the right to give opinions on draft laws and regulations concerning employee rights, remuneration, social insurance, and employment policy. They participate in discussions on the minimum wage, the rules for indexation of benefits, remuneration in the public sector, and other socio-economic matters. They may submit proposals for the adoption or amendment of laws or other legal acts concerning matters falling within the scope of trade union activities. They also have the right to give opinions on European Union consultation documents, in particular White Papers, Green Papers and communications, as well as on draft EU legislation concerning matters falling within the scope of trade union activities.

A representative multi-employer trade union organisation is a multi-employer trade union organisation that:



is representative within the meaning of the Act on the Social Dialogue Council, or represents at least 15% of all persons performing paid work covered by the scope of its statutes, but not fewer than 10,000 persons performing paid work; or



represents the largest number of persons performing paid work for whom a specific multi-employer collective bargaining agreement is to be concluded.

A representative workplace trade union organisation is a workplace trade union organisation that:



is an organisational unit or a member organisation of a multi-employer trade union organisation recognised as representative within the meaning of the Act on the Social Dialogue Council and represents at least 8% of the persons performing paid work employed by the employer; or



represents at least 15% of the persons performing paid work employed by the employer.

If none of the workplace trade union organisations meets the above requirements, the representative workplace trade union organisation is the organisation representing the largest number of persons performing paid work employed by the employer.

Trade unions cooperate with the National Labour Inspectorate, the Social Labour Inspection, and other authorities. They may report hazards, participate in occupational health and safety activities, and access information necessary for their activities.



The activities of employee organisations and trade unions are primarily aimed at ensuring employee participation in the management of the workplace. These organisations also undertake preventive and information activities, contributing to better working conditions and the protection of employees.

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INTERNATIONAL RESCUE COMMITTEE

UKRAIŃSKI DOM

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THE RULE OF LAW INSTITUTE

ul. Chopina 14/70, 20-023 Lublin + 48 881 91 71 71

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