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Poland: Employers obligation to support redundant employees

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Poland

Phase:

Management

Type:

Employers obligation to support redundant employees

Last modified: 18 June, 2021

Native name:	Ustawa z dnia 20.04.2004 o promocji zatrudnienia i instytucjach rynku pracy (tekst jednolity: Dz.U. z 2008 r. Nr 69, poz 415) wdrożone 25.04.2008
English name:	Act of 20.04.2004 on promoting employment and labour market institutions (consolidated text: Journal of Laws of 2008, no. 69, item 415) implemented 25.04.2008

Article

70

Description

Monitored dismissals

An outplacement programme must be proposed by the employer if at least 50 employees within a period of three months are planned to be dismissed ('monitored dismissal'). The programme should be provided by the employer in cooperation with the employment office or training institution within the monitored dismissals procedure and should include employment services, vocational guidance, training and assistance in active job search which is established case by case.

In monitored dismissals, employers offer a special programme of training upon the employee's request. In the framework of the programme, the employer can finance training that lasts up to 6 months after the dismissal date and the costs of which should be equivalent to the employee's monthly remuneration when on holiday leave, but should not exceed 200% of the national monthly minimum wage (2000 PLN/approximately €460 in 2018). During the training, the employee is entitled to advice from the relevant District Labour Office. The employee can also take part in a one time training organised by the Poviatt Labour Office. Monitoring dismissal is based on the article 70 of Act on of 20 April 2004 on employment promotion and labour market institutions. The provisions of this instrument can change because of proposal (2018) of new regulation - Labour Market Act.

Solidarity allowance

In connection with COVID-19 and the downturn caused by it on the labour market, on 19 June 2020, the temporary solution namely Act on solidarity allowance granted to counteract the negative effects of COVID-19 was adopted. Workers who lost their jobs due to the (post) pandemic recession were be entitled to benefit from such allowance for 3 months instead of unemployment benefit. The relevant application had to be submitted by 31 August 2020. The amount of the allowance is PLN 1,400 (€318) and is standard for anyone who meets the eligibility criteria. After the expiry of the 3 months receiving the solidarity allowance, the employee is entitled to regular unemployment benefit (provided that he/she meets the criteria). As of 13 August 2020, 185 000 such benefits were paid in the total amount of almost PLN 246, 000 000 (€55, 909 000).

The assumption behind this allowance is, among others, the fact that this period will be spent by those employees on self-improvement of existing skills or acquiring new ones, useful on the labour market, without the need to adapt to the rigid constraints applied to the unemployed registered at labour offices.

Comments

Holiday pay mentioned in the description is individual pay which employees get during their holiday. It is calculated on the basis of the previous three months' pay or if there are huge differences between monthly payments, it is calculated as an average of the last six months' pay. The redundancy pay is calculated in the same way by analogy.

There is no information available about effectiveness of this regulation.

Cost covered by

Employer
National government

Involved actors other than national government

Public employment service
Other

Involvement others

Training institutes

Thresholds

Company size by number of employees:

50

Number of affected employees:

50

Sources

-  DG Employment, Social Affairs and Equal Opportunities/Héra (2011), Selected companies' legal obligations regarding restructuring
-  [Act on promoting employment and labour market institutions \(in Polish\)](#)
-  Kwiatkiewicz, A., and Hernik, K. (2009), Poland Anticipating and Managing Restructuring, National Background Paper, European Commission/ILO, Brussels, Belgium
-  [ERM Restructuring Support Database: Training and retraining for workers threatened by redundancies/Monitored dismissals](#)

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