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EMCC

European Monitoring Centre on Change

Poland: Public authorities information and consultation on dismissals

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Poland

Phase:

Anticipation

Type:

Public authorities information and consultation on dismissals

Last modified: 25 October, 2017

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; Ustawa z dnia 13.03.2003 o szczególnych zasadach rozwiązywania z pracownikami stosunków pracy z przyczyn niedotyczących pracowników) ustawa o zwolnieniach grupowych

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; Act of 13.03.2003 on special rules of termination of employment contracts for reasons not related to employees - 'Collective Dismissals Act'

Article

Article 70 Act on promoting employment and labour market institutions; Article 2 par 6 and article 4 of the Act on special principles of termination of employment contracts for reasons not related to employees (Collective Dismissals Act)

Description

The employer is obliged to notify the company trade unions in writing about the reasons for the planned redundancies (collective dismissal, that is 10 employees within 30 days if the company employs 20 to 99 persons, 10% of the employees within 30 days if the company employs 100 to 299 persons and 30 employees within 30 days if the company employs 300 or more persons), the estimated number of employees to be dismissed and job categories they belong to, the period over which the projected redundancies are to be effected, the criteria proposed for the selection of the employees to be made redundant, the sequence of the redundancies, the proposals on resolving the employment matters connected with the projected collective redundancies, and, if any financial considerations are involved, the employer is additionally obliged to present the method for calculating of their amounts.

At the same time, the employer is obliged to give to the local employment office the same information except of information about extra financial payments (severance payment which are higher than severance payment established by law).

After negotiations with the trade unions are completed the employer has the obligation to deliver the agreement to the local employment office. The company trade unions may present their opinion on the collective redundancies to the local employment office.

An employer who intends to dismiss at least 50 employees* within three months is obliged to agree with the local employment office on the scope and forms of assistance to redundant workers, in particular employment services, guidance, training, and assistance in active job search. This assistance programme can be implemented by the employment office, employment agency or a training institution. The programme can be financed:

- by the employer;
- by the employer and the relevant bodies of public administration,

on the basis of an agreement between organisations and legal entities in cooperation with the employer.

Comments

*In any case of collective dismissal an employer has the obligation to inform public authorities. If there are collective dismissals which in a period of 3 months' time covers at least 50 employees, the obligation to inform public authorities is stronger as the employer not only needs to inform public employment services (*Powiatowy Urząd Pracy*), but also needs to agree with them on the scope and form of assistance. In Polish legislation this kind of collective dismissal is called monitored dismissals (until 2007 it was at least 100 employees).

Cost covered by

Not applicable

Involved actors other than national government

Public employment service
Trade union
Works council
Other

Involvement others

Training institutes

Thresholds

Company size by number of employees:

20

Number of affected employees:

10

Sources

-  DG Employment, Social Affairs and Equal Opportunities/Héra (2011), Selected companies' legal obligations regarding restructuring
-  Ius Laboris (2011), Individual Dismissals Across Europe, Brussels
-  Ius Laboris (2009), Collective Redundancies Guide, Brussels
-  [Collective Dismissals Act \(Polish\)](#)
-  [Act on promoting employment and labour market institutions \(in Polish\)](#)
-  [EMCC \(2011\), Actors in restructuring, Dublin](#)

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