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## Poland: Reemployment obligation after restructuring

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Poland

Phase:

Management

Type:

Reemployment obligation after restructuring

Last modified: 07 June, 2019

Native name:

Ustawa z dnia 13.03.2003 r. o szczególnych zasadach rozwiązywania z pracownikami stosunków pracy z przyczyn niedotyczących pracowników; Ustawa z dnia 23.04.1964 r. - Kodeks cywilny; Ustawa z dnia 26.06.1974 r. - Kodeks pracy

English name:

Act of 13.03.2003 on special principles of termination of employment contracts with employees for reasons not related to employees - 'Collective Dismissals Act'; Act of 23.04.1964 -Civil Code; Act of 26.06.1974 -Labour Code

### Article

Article 9 of the Act of 13.03.2003 on special principles of termination of employment contracts with employees for reasons not related to employees - 'Collective Dismissals Act'; Article 471 of the Act of 23.04.1964 -Civil Code; Article 300 of the Act of 26.06.1974 -Labour Code

### Description

There is an obligation to reemploy a person who has been laid off as a part of a collective dismissal process (within 30 days, dismissals of at least 10 workers in companies with 20-99 employees, at least 10% of workforce in firms with 100-299 employees or at least 30 dismissals in larger companies), if the former employer wants to employ any new persons (because of need for new staff or need to replace a person who has retired) in the same employment category in a period of 15 months following the collective redundancies.

The duration of reemployment obligation is not connected with tenure of the affected employee prior to dismissal. The duration of reemployment obligation can be extended in agreement with the trade union but this is not a common solution. Recruiting does not guarantee the employee the same type of contract, position, working conditions and pay as he/she had before.

Violation of the obligation to reemployment results in the possibility of claiming compensation from the employer on the basis of article 471 of the Civil Code in connection with the article 300 of the Labour Code.

### Comments

There is no empirical research about the functioning of article 9 of the Collective Dismissals Act.

#### Cost covered by

Not applicable

#### Involved actors other than national government

Other

#### Involvement others

Employer

#### Thresholds






Company size by number of employees:

20

Number of affected employees:

10

## Sources

-  [Collective Dismissals Act \(in Polish\)](#)
-  [Labour Code \(in Polish\)](#)
-  [Civic Code \(in Polish\)](#)
-  [P. Matwiejczyk \(2013\), Przywrócenie do pracy po zwolnieniach grupowych, Serwis prawno-pracowniczy, nr 27](#)
-  [Kuczkowski, L. \(2008\), 'Poland', in Mvan Kempen, M., Patmore, L. and Ryley, M. \(eds\), The Redundancy Law in Europe, Alphen van den Rijn](#)

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## Case studies

### Future of Manufacturing in Europe (FOME)

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