



# EMCC

European Monitoring Centre on Change

## Poland: Obligation to consider alternatives to collective dismissals

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Poland

Phase:

Management

Type: [Obligation to consider alternatives to collective dismissals](#)

Last modified: 25 October, 2017

Native name:	Ustawa z dnia 13.03.2003 o szczególnych zasadach rozwiązywania z pracownikami stosunków pracy z przyczyn niedotyczących pracowników
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'

### Article

2, 3

### Description

In cases of collective redundancies (within 30 days, dismissals of at least 10 employees in companies with 20-99 workers, at least 10% of workforce in firms with 100-299 workers or 30 dismissals in larger companies than 300 employees) employers must provide (in writing) specific information about the planned dismissals to the company trade union or employees' representatives. This should occur in advance to enable the trade union or employees' representatives to start a consultation process and make own proposals. The consultation shall specifically cover the possibility of avoiding the collective redundancies or reducing their scale. Also employment matters shall be discussed related to such redundancies, and specifically chances of the employees planned to be made redundant to qualify for other jobs, retraining, or to secure other employment (outplacement).

The employer is obliged to provide the trade union or employees' representatives with the following information (in writing):

- the reasons for the projected redundancies;
- the number of employees employed and job categories they belong to as well as the job categories of the employees to be made redundant;
- the period over which the projected redundancies are to be effected/implemented;
- the proposed criteria for the selection of the employees to be made redundant;
- the order of making the redundancies (ranking of employees to be made redundant, timing of the process);
- proposals on resolving the employment matters connected with the projected collective redundancies (such as training or other support mechanism as outplacement, psychological support etc.), and if they cover any payments, the method to be used for calculating of their amounts.

Except of the information about payments the same information should be delivered by employer to local employment office at the same time.

The employer is obliged either to conclude an agreement with trade unions (within 20 days of notification) or issue a dismissals regulation after consultation with employees' representative if there is no trade union.

If the employer and trade unions do not reach an agreement, the employer needs to issue a dismissals regulation. This should take into consideration the process of negotiation with trade unions.

### Comments

It is only generally written in Polish law that the employer and trade unions or employees' representatives (if there are no trade unions at th eworkplace) should negotiate and consider the issue of alternatives to collective dismissals. But there is no clear binding indication to what extent the employer must take alternative measures. So, it is hard to say that there are any legal obligations to consider alternatives to collective dismissal.

Social partners, in addition to general statements that radical solutions should be avoided, have not come up with any common position concerning the issue.

### Cost covered by

Not applicable

### Involved actors other than national government

Public employment service  
Trade union  
Works council

### Thresholds



Company size by number of employees:

20

Number of affected employees:

10

### Sources

-  DG Employment, Social Affairs and Equal Opportunities/Héra, Selected companies' legal obligations regarding restructuring, 2011
-  [Collective Dismissals Act \(in Polish\)](#)

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