

Legal Alert

Changes in the scope of work prohibited to women and confirmation of working conditions

August 2016

In August and September 2016 the provisions of the Labour Code relating to the employment of women and confirmation of conditions of employment will change.

New provisions on the employment of women

On 3 August 2016, an amendment of art. 176 of the Labour Code (Act of 22 June 2016 on amending the act - the Labour Code and other acts), which in the current wording prohibits the employment of women at certain jobs considered to be particularly arduous or harmful to women's health, will come into force. These jobs are set out in the Regulation of the Council of Ministers on the list of jobs that are particularly arduous or harmful to the health of women of 10 September 1996.

These provisions have been recognised by the European Commission to be incompatible with the provisions of the Directive 2002/73/EC, amending the Council's Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training, promotion and working conditions.

With the revised wording, the art. 176 of the Labour Code will prohibit only pregnant women or nursing mothers from performing specified jobs. However, prior to the publication of the Council of Ministers' Regulation, which will include a list of such jobs, it is not possible to assess the scale of these changes.

Until the new list enters into force, but not longer than 9 months beginning from 3 August 2016, the current list of jobs, that are particularly arduous or harmful to the health of women, will apply.

The Ministry of Family, Labour and Social Policy presents a draft of a regulation on its website, together with a list of jobs that are arduous, dangerous or harmful to the health of pregnant or breast-feeding women. This regulation, in favour of employers, amends the rules governing the work of pregnant women at the computer monitor screens.

Because workplace regulations must include a list of jobs prohibited to women, the entry into force of the new Regulation and of the list will require an update of the workplace regulations in this field.

New rules on conditions of employment confirmation

On 1 September 2016, changes provided for in the act of 13 May 2016, amending the act - the Labour Code, and amending the provisions on conditions of employment confirmation, will come into force.

At present, if the employment contract is not concluded in writing, the employer is obliged to confirm to the employee in writing the arrangements made by the contracting parties, the type of contract and its terms no later than the date of the commencement of work.

The provisions of this act change this principle by requiring the employer



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to confirm the conditions of employment before allowing the employee to work. The amendment also introduces a sanction in the form of a fine for non-compliance.

The act also requires the employer to acquaint the employee with the workplace regulations before allowing the employee to work. In the case of a juvenile person, this responsibility extends to the list of light jobs, with which the employee should be familiarised before starting work.

These changes are intended to eliminate a situation in which employees start to perform duties without any knowledge of internal procedures and working conditions. The changes will also simplify the State Labour Inspectorate's control in the verification of illegal employment.

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