

# Legal Alert

## Changes in Labour Code from 1 January 2017

January 2017

**The Act of 16 December 2016 amending certain acts to improve the legal environment of entrepreneurs (Journal of Laws of 2016 item 2255), introducing a number of changes in Polish employment law, entered into force on 1 January 2017.**

### Longer period to appeal termination

The act unifies and extends the periods for appeal from a statement of termination of employment and for appeal from a notice refusing to admit the employee to work. These periods were previously 7 days in the case of a termination upon prior notice and 14 days in the case of termination without prior notice.

Following the amendment, the period for appeal is 21 days, counted respectively from date of delivery of the statement giving advance notice of termination of the employment contract, the statement of termination without prior notice, or the statement on refusal to admit the employee to work.

The interim provisions may be relevant in the case of notices of termination with or without prior notice delivered near the end of 2016. If the shorter appeal period previously in force was still running on 1 January 2017, the appeal period is extended to 21 days.

### Workplace regulations and remuneration regulations mandatory for employers of at least 50 employees

From 1 January 2017 the obligation to adopt workplace regulations and remuneration regulations applies to employers with at least 50 employees, if the employees are not covered by collective labour agreements in this respect.

Previously, this requirement applied to employers employing at least 20 people. Following the amendment, an employer with at least 20 employees, but fewer than 50, may introduce such regulations, and is required to do so if requested by an enterprise trade union organization.

Analogous rules apply to the obligation to establish a company social benefit fund. Employers employing at least 50 employees (calculated as the equivalent of 50 full-time positions) as of 1 January of a given year are required to establish a company social benefit fund. Employers of the equivalent of at least 20 full-time positions, but fewer than 50, must establish a social benefit fund if requested by an enterprise trade union organization.

### Issuance of work certificates

From 1 January 2017 an employer will no longer be required to issue a work certificate to an employee if it intends to establish another employment relationship with the employee within 7 days after termination or expiration of the previous employment relationship. The obligation to issue work certificates for completed periods of employment for a probationary period or employment for a



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definite period with the given employer, after 24 months of employment, has also been eliminated. However, the interim regulations require employers to issue work certificates to employees employed on 1 January 2017 on the basis of a successive employment contract for a probationary period or a definite period with the same employer, for periods of employment completed prior to 1 January 2017 for which no work certificate has been issued. The deadline for issuing these certificates is 30 June 2017.

From 1 January 2017 a new form for work certificates is in force, introduced by the Regulation of the Minister of Family, Labour and Social Policy on Work Certificates of 30 December 2016 (Journal of Laws of 2016 item 2292).

### **Agreements on joint financial liability**

Under the amending act, agreements on an employee's joint financial liability for property of the employer entrusted to the employee will now have to be in writing in order to be valid. This change does not affect agreements entered into before 1 January 2017. Such agreements will remain valid even if they were not made in written form.