

# A FRIENDLY, MULTICULTURAL WORKPLACE

A TOOLKIT FOR TRAINERS, MANAGERS, HR PROFESSIONALS AND  
TRADE UNION LEADERS



Module III

# DECENT WORK IN POLAND

Basic workers' rights

# BASIC WORKERS' RIGHTS



## RIGHT TO WORK

- ▶ No one is obliged to work, but legislation guarantees us the possibility to do so. For this reason, **the State takes measures to reduce the level of unemployment** and to activate those who are unemployed. The opportunity to work is therefore your immanent, inalienable right.

## FREEDOM TO ESTABLISH EMPLOYMENT AND PAY RELATIONSHIP

- ▶ Among the basic principles of labour law is also the possibility to choose an occupation. The establishment of an employment relationship, as well as the determination of its terms and conditions and the level of remuneration, **require a declaration of intent by both the employer and the employee**. Despite compliance with the rules, an employment relationship will not exist if both parties do not appear to be unanimous in their desire to conclude it.

## RESPECT FOR THE EMPLOYEE'S DIGNITY

- ▶ This principle follows from Article 111 of the Labour Code. A violation of an employee's dignity can be considered, for example, a verbal insult. You will be familiar with the catalogue of legally protected personal rights in Article 23 of the Civil Code. Among them are the following: **image, surname or pseudonym, secrecy of correspondence, freedom, honour, freedom of conscience**, etc. An employer commits a breach of the law when, for example, he insults an employee or looks through an employee's e-mail.

## EQUALITY OF EMPLOYEES, PROHIBITION OF DISCRIMINATION



Employees performing the same duties have equal rights. This means, for example, that if a man and a woman work in the same positions and are entrusted with the same tasks, one of them cannot earn more because of their gender. According to the principles of labour law, it is also impermissible to discriminate against an employee on the basis of **race, religion, nationality or political opinion.**

## THE RIGHT TO DECENT REMUNERATION

- ▶ As an employee, you are entitled to decent pay for your work. Your earnings must be **commensurate with the duties you perform, as well as your skills, experience and professional qualifications**. Claiming wages is helped, for example, by the government setting a minimum wage for the year.



## THE RIGHT OF ASSOCIATION AND PROTECTION OF RIGHTS

- ▶ Employees and employers may associate in order to defend their rights and privileges more effectively. The conditions and principles under which such groups can function are set out in **the Trade Union Act and the Professional Organisations Act**, among others.

## EMPLOYEE PARTICIPATION

- ▶ As an employee, you can, among other things, participate in the management of your workplace (directly or indirectly), express your opinions and obtain the information you need. Your rights are exercised, for example, **through trade unions or non-union participation bodies**. The scope of the activities you are allowed to undertake is set out in separate regulations, which are also sources of labour law.

## Right to rest and leisure

- ▶ The employee is entitled to rest and leisure under:
  - the law on working time;
  - the law on days off;
  - the law on annual leave.

## THE RIGHT TO HEALTH AND SAFETY AT WORK

- ▶ The duty to ensure safe and healthy working conditions lies with the employer. This is regulated in detail by Section 10 of the Labour Code and the implementing acts of the Labour Code.

## THE RIGHT TO HAVE WORKERS' NEEDS MET

- ▶ The employer shall, **according to its possibilities and conditions**, meet the living, social and cultural needs of the employees.

## THE RIGHT TO PROFESSIONAL DEVELOPMENT

- ▶ The employer, is obliged to facilitate the **improvement of professional skills** for employees.

# EMPLOYER DUTIES



# INTRODUCTION

Some light is also shed on the employee's rights by the description of the employer's obligations under labour law. These consist of:

- basic duties of the employer;
- the employer's health and safety obligations;
- the employer's obligations in connection with the termination or expiry of the employment relationship;
- the employer's obligations towards a pregnant employee.



## BASIC DUTIES

According to the Labour Code, the employer is obliged to:

- **respect the dignity** and other personal rights of the employee;
- **pay wages** in a timely and proper manner;
- **familiarise employees** taking up employment with the scope of their duties, the manner of performing work in designated positions and their basic rights;
- create favourable conditions for employees taking up employment after graduating from a vocational training school or college to adapt to the **proper performance of their work,**

## BASIC DUTIES

- organise work in such a way as to ensure that the working time is fully utilised and that employees, making use of their talents and qualifications, achieve **high productivity and an appropriate quality of work**;
- make it easier for employees to **improve their professional skills**;
- organise work in such a way as to **make work less strenuous**, in particular monotonous work and work at a predetermined pace;
- bear the **costs of preventive health care** for employees (is responsible for medical examinations of employees);
- influence the development of **rules of social co-existence** in the workplace;
- **counteract mobbing**,

## BASIC DUTIES

- **counteract discrimination in employment**, in particular on the grounds of sex, age, disability, race, religion, nationality, political opinion, union membership, ethnic origin, religion, sexual orientation, as well as on the grounds of employment for a definite or indefinite period of time or full-time or part-time employment;
- meet, as far as possible, the **social needs of employees**, e.g. the provision of kindergartens, sports facilities, assistance with housing repairs;
- apply **objective and fair criteria for evaluating employees** and their performance;
- **keep records** on matters relating to the employment relationship and employees' personal files.

# HEALTH AND SAFETY AT WORK

Regarding health and safety at work, the employer is obliged to:

- **ensure safe and hygienic working conditions;**
- provide systematic **training of employees** in occupational safety and health;
- **ensure observance** of occupational health and safety regulations and rules at the workplace;
- ensure the **implementation of orders, speeches, decisions and regulations** issued by authorities supervising working conditions,

## HEALTH AND SAFETY AT WORK

- ensure the implementation of the **recommendations of the social labour inspector**;
- provide workers **free of charge with personal protective equipment, work clothes and shoes**;
- **inform employees about health and life hazards** occurring in the workplace;
- inform employees about the **employees designated to provide first aid** and perform fire protection and evacuation of employees;
- provide **first aid** to the employee in case of emergency.

## OBLIGATIONS TO PREGNANT WOMEN

The employer of a pregnant woman is obliged to:

- create **appropriate conditions of employment for the pregnant employee** (inter alia, prohibition of employment at night and overtime, prohibition of posting the pregnant employee outside her permanent workplace without her consent, prohibition of employment under the interrupted working time system);
- **grant a pregnant employee leave of absence** from work for doctor-ordered examinations if these can only be performed during working hours.

## TERMINATION OF EMPLOYMENT

In the event of termination or expiry of the employment relationship, the employer shall:

- immediately **issue an employment certificate** to the employee (the issue of an employment certificate shall not be conditional on the employee's prior settlement with the employer);
- in the case of termination or expiry of an employment contract with an employee with whom the previous employer enters into another employment contract immediately after the termination or expiry of the previous employment contract, the employer is obliged to issue an employment certificate to the employee, only at his/her request.

# EMPLOYEE DUTIES





## INTRODUCTION

**The employment relationship is a bilateral.** The responsibility for the quality of this type of relationship undoubtedly lies on both sides: both the employer and the employee. The Labour Code, in the chapter describing the duties of the employee, emphasises:

*An employee is obliged to perform work conscientiously and diligently and to comply with the instructions of his superiors which relate to work, if they are not contrary to the provisions of the law or the employment contract.*

This sentence captures the essence of the employment relationship. When we take on a job, we undertake to do it to the best of our ability, in accordance with our superior's instructions and guidelines. We thereby agree to an underlying relationship of subordination and superiority.

## BASIC DUTIES

Among the basic duties of an employee, the Labour Code includes:

- observance of the **working time** established at the workplace;
- observing the **work regulations** and the order established at the workplace;
- observing the regulations and **principles of health and safety at work**, as well as fire safety regulations;
- taking care of the good of the workplace, **protecting its property and maintaining the secrecy of information** the disclosure of which could expose the employer to damage;
- **observe the secrecy** specified in separate regulations;
- observe the principles of **social co-existence** in the workplace.

## HEALTH AND SAFETY AT WORK

Regarding health and safety at work, the employee is obliged to:

- **know the regulations** and rules of occupational health and safety, take part in training and instruction in this field and undergo the required examination for verification;
- **perform work in accordance with occupational health and safety** rules and regulations and follow the instructions and directions of his/her superiors in this respect;
- **take care of the proper condition of machinery, plant, tools and equipment** as well as order and good order in the workplace;

## HEALTH AND SAFETY AT WORK

- use collective protective equipment, and **use assigned personal protective equipment and work clothing and footwear** as intended;
- undergo an initial, periodic and check-up as well as other **prescribed medical examinations and follow the medical instructions**;
- **immediately notify their supervisor of any accident or danger to human life or health** that is discovered at the workplace, and warn their co-workers and other persons present at the place of danger that may affect them;
- **co-operate with the employer** and superiors in the fulfilment of their obligations concerning health and safety at work.

# SUMMARY



## SUMMARY

The above are only the basic provisions related to the obligations of the employee and the employer. The source of further regulations may also be the company's **work regulations and, of course, the provisions of the employment contract.**

As can be seen, Polish labour law is quite extensive and very detailed. What is more, the provisions of the Labour Code are often accompanied by detailed regulations and other acts, e.g. regulating the rules of individual professions or trade union law. There is no denying that a full knowledge of all current labour laws and how to interpret them is extensive and specialised knowledge.

***So what can an employee or worker do to know his or her rights and thus be able to take full advantage of them?***

## SUMMARY

First, it is **useful to be familiar with the basic rights mentioned above and to know which documents besides the Constitution and the Labour Code regulate employment in your sector.** They provide a kind of map that can help us navigate the regulations. It is also worth familiarising ourselves with our **own employment contract and the work regulations of our company.**

Detailed knowledge will become useful when the provisions of the contract or the regulations raise doubts or when we find ourselves in a situation where we are affected by specific provisions: termination of the contract, parenthood, temporary inability to work, violation of equality or health and safety rules, etc. In such cases, it will be essential to consult the employment contract or the regulations. In such cases, it will be indispensable to refer to specific chapters of the Labour Code, legal guides, consult a trade union representative or a lawyer.

## SUMMARY

Finally, it is worth emphasising once again that **the quality of the employment relationship is the responsibility of both the employer and the employee, and the basic rules for shaping this relationship are set by the State.** A good workplace is a position created and run on the basis of good regulations, by a responsible and sensitive employer and staffed by a reliable employee who is aware of his or her rights and obligations and is committed!

Understood in this way, the foundation of the employment relationship is the best safeguard against possible irregularities. However, what to do when irregularities do nevertheless occur? How can we protect our employment rights? This will be addressed in the third part of our guide.



Material developed as part of the project *Enhancing the potentials for decent work actions in social dialogue: 2023-2024* implemented by Międzyzakładowy Samorządny Niezależny Związek Zawodowy Pracowników CMC Poland Sp. z o. o. i Spółek and Ogólnopolski Konwent Agencji Pracy. Supported by Norway through the Norway Grants 2014-2021, under the programme “Social Dialogue – Decent Work”.

