



### Deadline for Election of Employee Council

#### Background

In May 2006 the **Employee Consultation and Information Act** dated 7 April 2006 (Law Journal No 79, item 550) came into force. This law introduced an obligation on companies with more than 100 employees to elect an employee council. As of 24<sup>th</sup> March 2008 this law also applies to companies employing at least 50 staff, and gives companies 6 months to implement the requirements to provide employee with information on, and to hold elections for, employee councils. This means that by 23<sup>rd</sup> July 2008 companies must notify all staff about the new regulations and hold elections by 23<sup>rd</sup> September 2008.

#### Elections Date

Some provisions of this law are unclear including the provision relating to the final deadline for conducting elections. The establishment of an employee council is an entitlement and not an obligation for employees such that the initiative to set up a council is with employees. The employer only has the role of administrator and monitoring the process to ensure that it complies with legal procedures. However, if the employer has duly notified all staff about their rights and no notification for arranging elections has been received by 23<sup>rd</sup> September 2008, it does not mean this issue is finally closed, as the law does not provide for any final date by which the employer should receive a request for elections. This means that employees have the right to request the setting up of the council and elections any time after 23<sup>rd</sup> September 2008. If the employer does receive such a request then it is obliged to start the election procedure immediately.

#### Setting up an Employee Council

We set out below information on the procedure for setting up an employee council:

- ✓ Employer notifies employees of their rights to set up an employee council;
- ✓ Written application by employees to arrange elections (by a minimum of 10% of employees);
- ✓ Employer decides on an election date and notifies employees at least 30 days before the election date;
- ✓ Candidates for the council must be put forward by employees 21 days from the date of notification of the election by the employer;
- ✓ Agreement of electoral regulations between the employer and the employees' representatives;
- ✓ The elections must be held within 30 days from agreeing the electoral regulations;
- ✓ The first council meeting should be held within 30 days from the date of the election;
- ✓ Notification to the Ministry of Labour of the constitution of the council within 30 days from electing the council members.

If you have any questions regarding the council election procedure or need assistance in drafting the required documentation, please do not hesitate to contact our Employment Department:

#### Agnieszka Janowska

TGC Corporate Lawyers , ul. Królewska 27, 00-060 Warsaw, Poland

Direct: +48 22 653 3862

Email: [ajanowska@tgc.eu](mailto:ajanowska@tgc.eu)

#### Warsaw

ul. Królewska 27  
00-060 Warszawa, Poland  
Tel.: +48 (0) 22 653 3644  
Fax: +48 (0) 22 827 6915

#### Bratislava

Grösslingova 45  
915 01 Bratislava, Slovakia  
Tel.: +421 2 54 630 457  
Fax.: +421 2 54 645 032

#### Wrocław

ul. Sw. Antoniego 15  
50-073 Wrocław , Poland  
Tel.: +48 (0) 71 344 3495  
Fax.: +48 (0) 71 344 4591

#### Prague

Hybernská 32/1271  
110 00 Prague, Czech Republic  
Tel.: +420 221 111 611  
Fax.: +420 221 111 612

#### Łódź

ul. Niciarniana 2/6  
92-208 Łódź, Poland  
Tel.: +48 (0) 42 671 8560  
Fax.: +48 (0) 42 671 8561

#### Brno

Česká 17  
602 00 Brno, Czech Republic  
Tel.: +420 542 425 821  
Fax.: +420 542 425 822

#### Kraków

ul. Prądnicka 4  
30-002 Kraków, Poland  
Tel.: +48 (12) 633 5625  
Fax: +48 (12) 633 9734

