



Constitutional Tribunal Judgment on Employee Training

A recent Constitutional Tribunal judgment (ref. no K 28/08; Dziennik Ustaw no 58, item 485) has repealed the executive provisions of the Polish Labour Code which enabled the Ministry of National Education and Ministry of Labour and Social Policy to regulate by decree employers' obligations relating to employee development. This means that, until the relevant provisions of the Polish Labour Code have been supplemented, it may be necessary for employers and employees to agree the parameters of any professional training starting after 11 April 2010.

The key points are summarized as follows:

- Art. 103 of the Polish Labour Code created an obligation for employers to facilitate professional employee development; the scope and terms of such development were to be set out by decree of the Minister of National Education and the Minister of Labour and Social Policy.
- In March 2009, the Constitutional Tribunal ruled that the executive provisions of Art. 103 relating to such decrees would be repealed as of 11 April 2010, on the basis that such provisions gave the executive authorities too much freedom in determining specific conditions in relation to employee professional training.
- Since Art. 103 has not yet been supplemented to include the content of the relevant ministerial decrees, certain terms relating to employee development will no longer automatically apply by law. It may therefore be necessary for employers and employees to agree the parameters of any professional training commencing after 11 April 2010, until the relevant provisions of the Polish Labour Code have been supplemented.

Contact

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