



New Regulations on Employee Trainings

A few weeks ago we informed you about a legal loophole resulting from the judgment of the Constitutional Tribunal which repealed the provisions of Article 103 of Polish Labour Code on employee trainings as of 11 April 2010. The amended regulations have already been approved by Parliament and will become effective as of 16 July 2010 (the Act of 20 May 2010 on the Amendment of the Labour Code and the Act on Personal Income Tax ([Dz.U.] No. 105, item 655).

Pursuant to the new regulations, enhancement of professional qualifications means acquisition of knowledge and skills by the employee at the initiative of the employer or upon its consent. In such case, an employee commencing training after 16 July 2010 is entitled to time off for lectures and training leave (both paid):

- 6 days for employees taking exams confirming qualifications
- 21 days during the last year of studies before taking the diploma exam

An employer who invests in employee training and intends to oblige the employee to continue employment for a certain period after the completion of the training programme or reimburse the incurred costs should conclude a training agreement with the employee specifying the mutual rights and obligations of the parties (e.g., additional benefits in the form of payment of tuition). These arrangements cannot be less favourable than the provisions of the amended Article 103 of the Labour Code.

On the other hand, an employer who only wants to support the efforts of the employee aimed at improving his qualifications but does not intend to incur additional costs and require the employee to "work off" the training period, may conclude a separate arrangement with the employee specifying the extent of support (e.g., granting all or part of a day off without the right to remuneration or granting unpaid leave).

From the perspective of the employer, it is important to address any situation where the enhancement of professional qualifications by the employee is supported by the company, so that there are no future doubts as to whether there is implied consent of the employer to bear the relevant costs and grant training leave, and whether there is an obligation of the employee to "work off" the costs of training.

Contact

Should you have any questions concerning the detailed interpretation of the new training regulations or with drafting written arrangements, please contact our experts:

Agnieszka Janowska

Director of Labour Law Department
T: +48 22 653 3862
E: ajanowska@tgc.eu

Alicja Biernat

Lawyer
T: +48 22 653 3835
E: abiernat@tgc.eu

Warsaw

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

Wrocław

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

Łódź

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

Kraków

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

Bratislava

Grösslingova 45
915 01 Bratislava, Slovakia
Tel.: + 421 2 52 444 010
Fax.: +421 2 54 645 032

Prague

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

Brno

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

