



# Employment of an employee in Poland – main obligations of the employer

What actions should be taken to hire an employee  
in accordance with Polish law?

## Did you know?

- Every employer in Poland is obliged by law to meet a number of requirements when hiring an employee.
- Severe financial penalties are imposed for violation of the regulations.

## The most important obligations of the employer when hiring employees

### 1. Completion of preliminary formalities

Before employing a job applicant, the employer should collect documents and information about the candidate, in particular:

- personal data specified in the Labour Code,
- personal questionnaire,
- data necessary to refer an employee to preliminary occupational medicine examinations.

### 2. Employment contract

The employment contract must be concluded in writing before the employee is allowed to work. The employment contract must include in particular:

- identification of the parties to the contract,
- employer's registered office address,
- type of contract,
- date of conclusion,
- type of work,
- working and pay conditions, including:
  - place(s) of work
  - the amount of pay with its components,
  - working time,
  - date of starting work.

If a written employment contract has not been concluded, the employer must confirm the agreed terms and conditions of work to the employee in writing before admitting the employee to work.

The remuneration for work cannot be lower than the minimum remuneration established for a given calendar year (taking into account the working hours).



### 3. Providing an employee with necessary information on employment

The employer must inform the employee in writing, within 7 days of admitting the employee to work, inter alia, about:

- daily and weekly working time: norms and amounts of working and rest time,
- work breaks,
- date, place and frequency of salary payment,
- amount of holiday annual leave,
- rules for terminating an employment contract,
- a method of confirming the start and end of work on a given day,
- rules on overtime and compensation for it,
- rights to trainings (if the employer provides them).

## 4. Referral to medical examination

The employer must issue to an employee a referral for preliminary medical examinations.

**Remember! To allow an employee to return to work, the employer must receive a current medical certificate confirming that the employee is fit to work in the given position.**

The employer should sign a contract with an occupational health facility providing medical examinations for employees.

**Note!** The following are not subject to initial medical examinations:

- persons being re-employed by the same employer for the same position or for a position with the same working conditions, if this occurs within 30 days of the termination or expiration of the previous employment relationship with that employer,
- persons hired to work for another employer in a given position, if this occurs within 30 days of the termination or expiration of the previous employment relationship, if they have a valid medical certificate stating that there are no contraindications to work in the working conditions described in the referral for a medical examination and the employer determines that these conditions correspond to the conditions at a given position, excluding persons hired to perform particularly hazardous work.

## 5. Health and safety training

Before allowing an employee to work, the employer is obliged to:

- provide an employee with safe and hygienic working conditions
- familiarise an employee with occupational health and safety standards.

**For this purpose, the employer is obliged to conduct training for employees.**

## 6. Employer's actions on the first day of the employee's work

Before starting work, the employee should receive a package of documents necessary to establish employee personal file.

On this day, the employee should also show the employer:

- employment certificate from the employee's last place of employment
- documents confirming professional qualifications.



## 7. Establishing and keeping employee personal files

Personal file consists of the following types of documents:

- **Part A** — declarations or documents containing personal data collected in connection with applying for employment, as well as referrals for medical examinations and medical certificates;
- **Part B** - declarations or documents concerning the establishment of an employment relationship and the employee's employment history;
- **Part C** - declarations or documents related to termination or expiration of the employment relationship
- **Part D** — copies of notifications on imposing a disciplinary sanction on the employee and other documents relating to the employee's disciplinary responsibility;
- **Part E** - documents concerning control of the employee's sobriety or control of the presence in his/her body of substances having a similar effect to alcohol.



## 8. Drawing up internal regulations and policies

The employer should make the provisions on equal treatment in employment available to employees in the form of written information distributed throughout the workplace or provide access to these provisions in another manner used by the employer (e.g. on the intranet).

If the number of employees reaches at least 50, the employer should develop and implement work regulations and remuneration regulations.

## 9. Registering the employer with ZUS as a contribution payer

The employer is obliged to deduct social security contributions, health insurance contributions and contributions to the Labour Fund from the employee's remuneration.

In addition, the employer should register with the ZUS Electronic Services Platform (PUE ZUS) to contact this Office.

The employee is subject to all mandatory social security insurances and the health insurance.

An employee should be registered for compulsory insurance no later than on the 7th day from the date of employment.

## 10. Payment of income tax advances

As the payer of the employee's income tax, the employer is obliged to pay the employee's income tax advances on a monthly basis.

## 11. Registering the employee to Employee Capital Plans (PPK) programme

PPK is a universal and voluntary scheme of long-term savings for employees. It was created for regular collection of savings by the scheme participants which are to be paid out after the age of 60 and for other purposes specified in the Act.

The employer should sign with a financial institution selected with the participation of employees, a contract for management and administration of PPK.

## 12. Providing employees with personal protective equipment, workwear and footwear

The employer is obliged to provide the employee free of charge with:

**personal protective equipment to protect against the effects of hazardous and health-harming agents in the work environment**

**inform the employee about the rules of how to use them**

**The employer is obliged to provide the employee with workwear and footwear free of charge:**

- if the employee's own clothing may be destroyed or severely soiled;
- due to technological, sanitary or occupational health and safety requirements.

## 13. Other obligations of the employer

An employer who, as of 1 January of a given year, employs at least 50 full-time employees, should also establish the Company Social Benefits Fund (ZFSS). Under certain conditions, however, the employer may opt out of the ZFSS.

An employer employing at least 25 full-time employees is obliged to make monthly payments to the State Fund for Rehabilitation of the Disabled (PFRON) in the amount specified in the relevant regulations.

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