

Poland

Definition of collective dismissal

Phase	Act of 13.03.2003 on special principles of termination of employment contracts with employees for reasons not related to employees - 'Collective Dismissals Act'
Native name	Ustawa z dnia 13.03.2003 r. o szczególnych zasadach rozwiązywania z pracownikami stosunków pracy z przyczyn niedotyczących pracowników
Type	Definition of collective dismissal
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Article

Article 1 and 11

Description

The collective dismissal is legally defined as a situation whereby an employer plans to dismiss, within a maximum of 30 days, at least:

- 10 employees if the company employs 20 to 99 employees;
- 10% of the workforce if the company employs 100 to 299 employees;
- 30 employees if the company employs 300 employees or more.

Employees whose employment relationship is based on nomination are not covered by this regulation. This applies for example to employees in schools, high schools and public administration to some extent.

Collective dismissals can be justified on economic reason, business profile changes, liquidation of the workplace, or other valid reasons unrelated to the employees. Collective dismissals cannot be justified on the basis of work performance.

While it is necessary to provide the reasons for dismissal of employees on indefinite contracts, it is not mandatory to indicate the reason for dismissing employees on fixed-term contracts. Yet, according to the verdict of the supreme court employees on fixed-term contracts have a right to receive redundancy payment (SN 4 December 2008, II PK 13/08).

Commentary

According to government data presented by media, the number of collective redundancies in 2016 amounted to 22,400 and was 54% higher than in the previous year. The largest number of collective dismissals in 2016 was recorded in the wholesale and retail trade (5,600), followed by manufacturing (4,700) and financial and insurance activities (3,600). These three sectors were most concerned by submissions of collective redundancies to local public employment offices.

According to experts quoted by media (Forsal, 2017), the financial sector (information on planned collective dismissals in banks: PKO BP and Alior in 2016) is an example that the increase in the number of layoffs results rather from restructuring problems in specific sectors than a situation affecting the entire economy.

Additional metadata

Cost covered by	Not available
Involved actors other than national government	Trade union Court
Involvement (others)	None
Thresholds	Affected employees: 10 Company size: 20 Additional information: No, applicable in all circumstances

Sources

- Ius Laboris (2009), Collective Redundancies Guide, Brussels~~~ Kuczkowski, L. (2008), 'Poland', in van Kempen, M., Patmore, L. and Ryley, M. (eds), The Redundancy Law in Europe, Alphen van den Rijn~~~ [Collective Dismissals Act \(in Polish\)](#)~~~ [Forsal \(2017\)](#), ['Wrocily zwolnienia grupowe. W jakich branżach?', 15 February](#)~~~

Citation

Eurofound (2015), Poland: Definition of collective dismissal, Restructuring legislation database, Dublin