

## NEW LAW ON THE POSTING OF WORKERS

The lower chamber of Polish parliament has enacted a law on the posting of workers in the framework of the provision of services. The new bill implements EU directives and applies to the posting of workers from or to Poland:

- in discharge of a contract between the employer and an entity established in another country, or
- to a branch or undertaking within a group of undertakings, or
- by a temporary employment undertaking.

The bill regulates such matters as:

- the powers of the State Labour Inspectorate ("SLI") to audit the terms and conditions of employment of the posted workers;
- the duties of the employer posting a worker in Poland:
  - ensure the worker minimum statutory terms and conditions of employment;
  - appoint an authorised point of contact for SLI;
  - provide (at the latest on commencement of the services) necessary information to SLI to enable them to hold an on-site audit;
  - keep in Poland statutory personnel records for the worker (on paper or in electronic form);
  - provide such personnel records to SLI on request and translate them to Polish (within 5 business days from receipt of request);
- liability owed to the posted worker in respect of his wage – the liability is on the entity which engaged the worker's employer for building works, jointly and severally with the employer;
- a fine for breach of duties specified in the bill (from PLN 1000 to PLN 30,000).

The bill provides that its commencement date is 18 June 2016. With respect to workers already posted, the employer should ensure compliance within 3 months from that date.

The bill has been transmitted to the Senate. We will keep you up-to-date with the progress of this legislation.

If this issue pertains to your business and you are interested in our assistance, please contact your WTS&SAJA consultant or our office.

### **Doradztwo Podatkowe WTS&SAJA Sp. z o.o.**

Delta Building, 4th floor  
ul. Towarowa 35  
61-896 Poznań  
tel. (+48) 61 643 45 50  
fax. (+48) 61 643 45 51

### **Warsaw Office**

CENTRAL Tower, 22nd floor  
Al. Jerozolimskie 81  
02-001 Warszawa

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