

# Justified and unjustified absences

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## ▣ Introduction

An employee's absence from work does not always mean a breach of duties - what matters is whether it is **justified** according to regulations. The employer is required to appropriately classify absences in personnel documentation and timekeeping records, and incorrect accounting may lead to formal and financial consequences.

## ▣ 1. What is a justified absence?

It is any absence from work that has been:

- **reported to the employer** within the required timeframe,
- **confirmed by the appropriate document** (e.g., L4, summons, declaration),
- and falls within the catalogue recognized by legal regulations or company regulations.

## ▣ 2. Examples of justified absences

Illness or childcare - e-ZLA (L4)

Vacation leave - Approved leave application

Leave on demand - Notification before starting work

Unpaid leave - Employer's consent + written application

Maternity/parental/paternity leave - Birth certificate, application, e-ZLA

Special leave (e.g., death of a close relative) - Declaration/death certificate

Summons to court/office/blood donation - Summons, certificate from the institution

Legal strike - Protocol, information from the trade union

☐ In the case of **justified unpaid absence**, such as unpaid leave, “justified absence - unpaid” is recorded in the timekeeping records.

### ☐ 3. Deadline for notifying about the reason for absence

According to **§ 2 of the MPiPS regulation of May 15, 1996**:

The employee should inform the employer about the reason for absence **no later than the second day of its duration**.

☐ Failure to report within the deadline may result in the absence being classified as **unjustified**, unless there were objective obstacles.

### ☐ 4. Unjustified absence - when does it occur?

We encounter it when:

- the employee did not report to work **without providing a reason**,
- **did not inform the employer** within the required timeframe,
- **leave was denied**, and the employee still did not show up for work.

### ☐ 5. Consequences of unjustified absence

⚠ **For the employee:**

- **No remuneration** for that day/days,
- The possibility of imposing a **disciplinary penalty** (art. 108 of the Labor Code),
- The risk of classifying behavior as a **serious breach of employee duties** (art. 52 of the Labor Code),
- **Loss of the right to sick pay** if the absence has been classified as unjustified.

☐ **For the employer:**

- Obligation to record and justify classification in timekeeping documentation,

- The need to correctly calculate the payroll and remuneration,
- The possibility of terminating the contract or its immediate termination.

## ▣▣ 6. How to document absences?

Leave application - Vacation, unpaid leaves

e-ZLA - Medical leave

Employee declaration - Sudden situations, special circumstances

Certificate from an office/court - Absence due to formal reasons

Control protocol - In the case of unjustified absence

## ▣▣ 7. Entries in timekeeping records

- **“U”** – vacation leave,
- **“Z”** – medical leave,
- **“NB”** – justified unpaid absence,
- **“NU”** – unjustified absence.

## ▣▣ Legal basis:

- **Labor Code**, art. 211, art. 108, art. 52
- **MPiPS Regulation of May 15, 1996** on justifying absences from work (Journal of Laws 1996 No. 60 item 281)