

Employer's duties towards the employee

Igor Kryczewski · 24.05.2025 · Kadry i Płace – JDG, Kadry i Płace – Spółki

□ Introduction

The employer-employee relationship is governed by labor law, and the **Labor Code** precisely defines the **employer's obligations** towards employees. These include both formal obligations (documentation, registrations with ZUS) and those related to safety, equal treatment, and work organization.

□ 1. General obligation – respect for employee rights

According to **Article 94 of the Labor Code**, the employer is obliged to:

“**respect the dignity and other personal rights of the employee**,” ensure **proper work organization**, pay wages punctually, and provide safe and hygienic working conditions.

□ 2. Key employer obligations – summary

□ 1. Entering into and properly conducting the employment relationship

- entering into a **written employment contract**,
- **providing information about employment conditions** (e.g., working hours, workplace, salary),
- registering the employee with **ZUS by the start date**.

□ 2. Maintaining employee documentation

- personal files (parts A-D),
- keeping records of working time, vacations, overtime, on-call duty,
- retaining documentation for **10 years** after the termination of employment.

□ 3.Timely payment of wages

- at least once a month,
- **by the 10th day of the month** following the month worked (unless the contract specifies otherwise),
- a complete list of salary components (basic salary, bonuses, allowances, overtime).

□ 4.Ensuring health and safety and initial trainings

- organizing initial and periodic health and safety training,
- directing employees to preliminary, control, and periodic examinations (at the employer's expense),
- providing personal protective equipment (e.g., work clothing, gloves, helmets).

□ 5.Ensuring equal treatment and prohibition of discrimination

- the obligation to treat employees equally regardless of gender, age, origin, views, orientation,
- prohibition of mobbing, harassment, indirect and direct discrimination (Article 18³ of the Labor Code),
- the obligation to prevent mobbing.

□ 6.Organizing work and respecting working time norms

- creating schedules, planning vacations,
- keeping records of working time,
- complying with daily and weekly norms (Articles 129–151 of the Labor Code).

□ 7.Obligation to issue a work certificate

- at the latest on the day of termination of employment,
- regardless of the termination method.

□ 8.Reporting to offices and institutions

- ZUS – registering ZUA/ZZA, settling contributions,

- US – submissions and PIT reports (PIT-11, PIT-4R),
- PFRON – if employment exceeds a certain threshold.

□ 3. Additional obligations - when special circumstances arise

- Granting leave - Vacation, occasional, parental
- Providing protection for pregnant women - Prohibition of dismissal, transfer to another job
- Reporting workplace accidents - Preparing an accident report
- Informing trade unions - In case of intent to dismiss a protected activist

□ 4. Consequences of violating obligations

- Lack of contract or late registration with ZUS - Fine (from 1,000 to 30,000 PLN)
- Failure to pay wages - Claims, PIP, lawsuits, statutory interest
- Lack of health and safety or mobbing - Penalties, compensation, even criminal liability
- Discrimination - Claim for compensation

□ Legal basis

- **Labor Code**, Articles 94, 100, 207, 129 and following
- **Act on the Social Insurance System**
- **Act on PIP** – scope of control
- **Judgements of the Supreme Court** – including the judgement of November 21, 2017, I PK 285/16

⇒ Summary

- Timely payment of wages - Absolute (Article 94, point 5 of the Labor Code)
- Health and safety and training - Mandatory regardless of position
- Equal treatment - Legal obligation
- Documentation of working time and vacations - Documentation obligation
- Preventing mobbing - Preventive and civil liability
- Issuing a work certificate - Formal obligation
