

Disciplinary and material responsibility of the employee

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□ Introduction

The Labor Code not only defines the rights of the employee but also their **duties and the consequences of their violation**. The employee may be subject to **disciplinary responsibility** for violating work organization and **material responsibility** for causing damage. However, the employer must always act within the bounds of the law – adhering to procedures and deadlines.

□ 1. Disciplinary Responsibility - for Violation of Work Discipline

□ Legal basis: Articles 108-113 of the Labor Code

□ What can an employee be punished for?

The employee may be subjected to disciplinary responsibility for:

- **Failure to adhere to established work organization,**
- **Delays**, unauthorized leaving of the workplace, failure to report for work,
- **Violation of health and safety regulations or fire safety regulations,**
- **Failure to follow orders from superiors,**
- **Failure to comply with workplace regulations,**
- **Reporting to work under the influence of alcohol or intoxicants.**

□ Possible penalties:

- **Warning** - For minor offenses (first violations)
- **Reprimand** - For repeated or more serious violations

- **Monetary penalty** - Only for: unjustified absences, reporting while intoxicated, leaving work without justification

□ The monetary penalty cannot exceed:

- **one daily wage** for one offense,
- in total not more than **1/10 of the net monthly salary** (after deduction of contributions and tax).

□ **2. Procedure for Imposing a Disciplinary Penalty**

□ **The employer must:**

1. **Listen to the employee** (this can be done verbally or in writing),
2. **Impose the penalty within 2 weeks** from receiving information about the violation,
3. Not later than **3 months from the commission of the violation**.

□ The penalty must be imposed **in writing**, indicating:

- the type of violation,
- the legal basis (Article 108 of the Labor Code),
- information about the right to appeal to the labor court.

□ **Appeal:**

- The employee has **7 days to file an objection** to the employer.
- If the objection is rejected, they have **14 days to submit a claim to the labor court**.

□ **3. Material Responsibility - for Damage Caused to the Employer**

□ Legal basis: Articles 114-122 of the Labor Code

The employee is **materially responsible** for damage if:

- they violated their duties,
- their action was **faulty (intentional or unintentional)**,
- a real property damage occurred to the employer,
- there is a causal link between the employee's action and the damage.

□ Limited Responsibility (typical)

- Applies in most cases,
- Compensation may amount to **a maximum of 3 times the gross monthly salary** of the employee on the date of the damage,
- Applies, for example, to damage to company property due to negligence.

□ Full Responsibility

Occurs when:

- the damage was caused **intentionally**,
- it concerns **entrusted property with a duty of return** (e.g., car, laptop, cash, tools).

□ In such cases, the employee is responsible **for the full amount of the damage**, and the employer does not have to prove fault – only the fact of entrustment and lack of return/damage.

□ 4. Practical Examples

An employee was late for work - Disciplinary - Warning or reprimand

An employee damaged office equipment - Material (limited) - Up to 3 gross salaries

A driver crashed a company car - Material (full - entrusted property) - Responsibility up to the full cost of repairs

An employee was drunk at work - Disciplinary + potentially disciplinary dismissal - Monetary penalty + Article 52 of the Labor Code

Legal Basis

- **Labor Code**, Articles 108-113 (disciplinary) and 114-122 (material)
- **Supreme Court Rulings**, including I PK 115/15 – scope of responsibility for entrusted property
- **Trade Unions Act** – protection of union members in the context of penalties