

Notice periods - how to calculate them?

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▣ Introduction

Notice period is the time from the moment of submitting the notice until the actual termination of the contract. Its length depends on the type of contract and tenure with the given employer. The regulations strictly define **what periods apply** and **when their countdown begins**.

▣ 1. Legal basis

- **Labor Code:**

- art. 32-36 – fixed-term and indefinite contracts,
- art. 34 – probationary contract,
- art. 30 § 2 point 2 – notice period.

▣ 2. Notice periods - summary table

▣ **Fixed-term and indefinite contracts:**

- Less than 6 months - 2 weeks
- From 6 months to 3 years - 1 month
- More than 3 years - 3 months

▣ **Probationary contract:**

- Up to 2 weeks - 3 working days
- More than 2 weeks up to 3 months - 1 week
- 3 months - 2 weeks

☐ **Tenure is counted only with the given employer**, not in total.

☐ **3. When does the notice period begin?**

☐ **In the case of a notice period calculated in:**

- **weeks** – the period starts on the **nearest Sunday after submitting the notice**,
- **months** – counted from the **first day of the next calendar month**.

☐ Even if the notice is submitted on May 1 – the **1-month period** begins on **June 1**, and the contract ends on **June 30**.

☐ **4. Examples of calculating the notice period**

☐ **Example 1 - 2-week notice:**

Notice submitted on Wednesday, May 15 → notice period starts from **Sunday, May 19**, and ends on **Saturday, June 1** → **termination occurs on June 2 (Sunday)**.

☐ **Example 2 - monthly notice:**

Notice submitted on May 5 → notice period 1 month → starts on **June 1**, ends on **June 30**.

☐ **Example 3 - 3-day notice (probationary period):**

Notice submitted on May 10 (Friday) → counting 3 **working days**: Monday, Tuesday, Wednesday → contract ends on **May 15 (Wednesday)**.

☐ **5. Note - what counts towards tenure?**

The period of employment with the given employer, upon which the length of the notice depends, **includes**:

- all contracts concluded with the same employer (even without interruption),

- also periods of employment based on a contract with the previous employer in the case of **transfer of the workplace** (art. 23¹ of the Labor Code),
- time worked at another company **is not significant** for the notice period (unless continuing employment with the same employer).

▣ 6. Special rules

- In the case of **part-time employment**, the notice period is the same as for full-time.
- Notice can only be **shortened** by mutual agreement.
- **Annual leave may be granted during the notice period** – even compulsorily (art. 167¹ of the Labor Code).
- The employer may **release from the obligation to perform work** during the notice period – while retaining the right to remuneration.

▣ Legal basis

- **Labor Code**, art. 30–36
- Judgment of the Supreme Court dated November 26, 2003 (I PK 18/03) – “a month of notice is a calendar month”
- Judgment of the Supreme Court dated January 11, 2005 (I PK 127/04) – “the 2-week period counts from the nearest Sunday”