

Work on Sundays and holidays

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□ Introduction

As a general rule, **Sundays and public holidays are days off work** – this is stipulated by the Labor Code. However, there are exceptions where work on these days is permitted. Employers must adhere to strict rules: provide a day off in return or pay a corresponding bonus.

□ 1. Legal Basis

- **Labor Code**, art. 151⁹ and art. 151¹⁰
- **Act of January 18, 1951, on days off work**
- Judgments of the Supreme Court and positions of PIP

□ 2. When is work on Sundays and public holidays allowed?

According to **art. 151⁹ §1 of the Labor Code**, work on Sundays and public holidays can be performed **only in cases specified by law**.

□ Permissible cases:

1. **Shift work** (e.g. production, security)
2. **Interruption of work continuity** (malfunctions, rescue operations)
3. **Transport and communication**
4. **Hospitality, hotels**
5. **Online commerce** and other remote services
6. **Healthcare and social assistance**
7. **Agriculture, breeding**
8. **Work necessary due to the employer's special needs** (after justification)

□ Work on **holidays in stationary commerce** (e.g., stores) is **prohibited** with exceptions (e.g., pharmacies, gas stations, bakeries, flower shops).

□ **3. Public holidays in Poland (statutory days off)**

- January 1 – New Year
- January 6 – Epiphany
- Easter – Sunday and Monday
- May 1 – Labor Day
- May 3 – Constitution Day of May 3
- Corpus Christi – Movable (Thursday)
- August 15 – Assumption of the Blessed Virgin Mary
- November 1 – All Saints' Day
- November 11 – Independence Day
- December 25-26 – Christmas

Non-commercial Sundays stem from a separate law (regarding trade restrictions), but they are not formally “holidays”.

□ **4. Employer's obligations**

□ **Day off in return:**

- For work on **Sunday** – another **day off within 6 calendar days preceding or following Sunday**,
- For work on a **holiday falling on a workday** – **another day off by the end of the settlement period**.

□ If a day off cannot be provided – **100% bonus to the salary** is due (art. 151¹¹ of the Labor Code).

□ 5. Salary for work on Sunday or public holiday

- Day off - Generally always - this is the basic form of compensation
- 100% bonus to salary - When a day off cannot be provided
- Additional payment for overtime - When the daily-weekly norm is exceeded

□ 6. Work on Sunday in a continuous system

In some sectors (e.g., security, combined heat and power plants, hospitals), a **continuous work system** applies. Then:

- Work on holidays and Sundays is possible,
- but the principle of compensation with a day off or a bonus still applies.

□ 7. Work on Sundays and public holidays and the right to rest

An employee is entitled to:

- **uninterrupted daily rest** - minimum 11 hours,
- **uninterrupted weekly rest** - minimum 35 hours (art. 133 of the Labor Code).

In case of work on Sunday, the weekly rest may be shifted.

□ 8. Documentation and planning

- The obligation of **planning work on Sundays and public holidays** arises from the schedule or timetable,
- In the work time records, it is necessary to indicate:
 - the number of hours worked on those days,
 - the day off granted or the payment of the bonus.

□ Legal basis

- **Labor Code**, art. 129–151¹³
- **Act of January 18, 1951, on days off work**
- **Act of January 10, 2018, on restricting trade on Sundays and holidays**

⇒ Summary

- Work on Sunday - Allowed only in specified cases (art. 151⁹ of the Labor Code)
- Day off in return - Mandatory if work took place on Sunday/public holiday
- 100% bonus - When there is no possibility of granting a day off
- Prohibition of trading on holidays - Applies, with exceptions (pharmacies, stations, bakeries)
- Planning and records - Required according to the work regulations and schedules