

# Working regulations

Igor Kryczewski · 25.05.2025 · Kadry i Płace – JDG, Kadry i Płace – Spółki

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## □ Introduction

**Work Regulations** are an internal normative act applicable in the workplace. They define the rights and obligations of the parties to the employment relationship as well as internal order. In many companies, they are mandatory – in others, they may be voluntarily implemented as part of good organizational practice.

## □ 1. Legal Basis

- **Labor Code** – art. 104-104<sup>4</sup>
- **Trade Union Act** – consultations when implementing the regulations
- Jurisprudence of the Supreme Court – including the ruling of 4.10.2022, III PSKP 47/21

## □ 2. When is the work regulation mandatory?

According to **art. 104 § 2 of the Labor Code**, the employer **is obliged** to introduce work regulations if:

- **employing at least 50 employees**,
- **not covered by a collective labor agreement** that regulates organizational issues.

□ In companies **with 20 to 49 employees**, work regulations are introduced **upon the request of the workplace trade union**.

## □ 3. When can, but do not have to, introduce regulations?

Work regulations **can be voluntarily introduced** if:

- you employ **fewer than 50 employees**,
- you want to standardize organizational rules (e.g., working hours, breaks, health and safety procedures),
- there are no trade unions or collective agreements.

□ Although not mandatory, regulations in a small company can **be an important piece of evidence in the event of a dispute with an employee**.

## □ **4. What should work regulations include?**

According to art. 104<sup>1</sup> of the Labor Code – the regulations must specify, in particular:

- Work organization - Working hours, shifts, systems, and schedules
- Employee and employer obligations - Health and safety rules, prohibitions (e.g., alcohol, personal phone)
- Rules for justifying absences - Procedures for reporting illness, leave, delays
- Work breaks - Duration, rules for taking breakfast, technical breaks
- Duties and business trips - When and under what conditions they are planned and compensated
- Disciplinary sanctions - Possible penalties and the procedure for their imposition (art. 108 of the Labor Code)

## □ **5. How to introduce work regulations?**

### □ **Step by step:**

1. **Draft of the regulations** – prepared by the employer (e.g., HR department, lawyer),
2. **Consultation with the workplace trade union** – if it exists (time: 30 days),
3. **Signing and announcing** – the regulations come into effect **two weeks after being communicated to employees**,

4. **Distribution of content** – each employee should receive a copy or have access (e.g., in the HR system).

□ The regulations apply to all employees – regardless of position or length of employment.

## □ **6. Changing or repealing regulations**

- Changes can be made **at any time** as long as they do not violate labor law regulations,
- The change must go through **the same procedure as the introduction**,
- The regulations can be repealed if they are no longer required (e.g., a decrease in the number of employees below 50).

## □ **7. Consequences of lacking regulations**

- Lack of regulations with  $\geq 50$  employees - Violation of regulations - PIP control, penalty up to 30,000 PLN
- Unclear organizational rules - Court disputes, difficulty in enforcing obligations
- Lack of health and safety procedures, penalties, duties - Risk of formal and personnel allegations

## □ **Legal Basis**

- **Labor Code**, art. 104-104<sup>4</sup>
- **Regulation of the Ministry of Family and Social Policy of 10.12.2018 on employee documentation**
- **Trade Union Act** – art. 28
- **Jurisprudence of the Supreme Court** – including the ruling of 6.12.2022, II PSKP 93/21

