

Types of employment contracts (fixed-term, indefinite, probationary)

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□ Introduction

The Labor Code in Poland provides for three basic types of employment contracts. Each has its own purpose, limitations, and legal consequences. Understanding the differences between them allows employers and employees to better plan their cooperation and avoid formal errors.

□ 1. Probationary employment contract

□ Purpose:

It serves to assess the qualifications of the employee and the possibility of longer-term employment.

□ Duration:

- Maximum **3 months**, with the possibility of:
 - **1 month** – when employment on a contract shorter than 6 months is planned,
 - **2 months** – for a planned contract from 6 to 12 months,
 - **3 months** – when employed for a period longer than a year or for an indefinite duration.

□ Conditions:

- Can only be concluded **once** between the parties for a given scope of duties.
- It can be renewed **only in the event of a change in the nature of the work**.

□ Termination:

- Short notice periods: 3 working days (up to 2 weeks), 1 week (up to 3 months), 2 weeks (full 3 months).

□ 2. Fixed-term employment contract

□ Purpose:

Most commonly used for projects, seasonal work, replacements, or transitional periods.

□ Duration:

- No minimum period.
- **Maximum total duration:** 33 months.
- **Maximum number of contracts:** 3.
- After exceeding the limits, the contract **automatically converts into an indefinite-term contract** (Art. 251 LP).

□ Termination:

- Can be terminated if the contract was concluded for more than 6 months **and contains the appropriate termination clause.**
- Notice period identical to that of an indefinite-term contract (dependent on length of employment).

□ 3. Indefinite-term employment contract

□ Purpose:

The most stable form of employment, providing the employee with the greatest legal protection.

□ Employee protection:

- Requires **justification for termination** by the employer.
- The employee can pursue claims in the labor court in the event of unjustified termination.

□□ **Termination:**

- Period depends on length of employment:
 - 2 weeks (employment 6 months),
 - 1 month (6 months – 3 years),
 - 3 months (> 3 years).

□□ **Legal basis:**

- **Labor Code**, Art. 25, 25¹, 251, 33, 34, 36
- Amendment from 2023 regarding probationary contracts (came into effect on 26.04.2023)