

Certificate of employment

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□ Introduction

Work Certificate is a mandatory document that an employer issues to an employee **upon termination or expiration of the employment relationship**. It contains information necessary to determine employment rights in subsequent places of employment – for example, for vacation, sickness benefits, or retirement.

□ 1. Legal Basis

- **Article 97 of the Labor Code,**
- **Regulation of the Minister of Family and Social Policy of December 30, 2016, on the Work Certificate** (Journal of Laws 2018, item 1289, as amended)

□ 2. When is a work certificate issued?

□ The obligation to issue arises:

- **on the day of termination or expiration of the employment contract,**
- irrespective of the reason for the end of employment,
- both in cases of contract termination **by mutual agreement, notice, immediate dismissal**, and upon **expiration of the contract duration**.

□ A work certificate is issued **automatically**, without a request from the employee.

□ 3. Deadline for issuing the certificate

- Termination or expiration of the contract - **Immediately**, no later than the day of termination of the employment relationship
- Continuation of employment with the same employer after a break of 7 days - Issued only at the employee's request
- Fixed-term contract, with subsequent contracts signed continuously - Certificate issued after the end of the last contract or at request

□ 4. Form and method of delivery

- The work certificate must be issued **in writing**,
- It may be:
 - handed over in person,
 - sent by post (registered letter),
 - transmitted electronically with a qualified signature.

□ The employer should obtain **confirmation of receipt** by the employee (e.g., a receipt or proof of dispatch).

□ 5. What does the work certificate contain?

According to the regulation, the document contains, among others:

- the period of employment,
- positions held,
- the method and legal basis for the termination or expiration of the contract,
- utilized vacation, paternity, parental, and unpaid leave,
- periods of incapacity for work,
- information about bailiff actions,
- a statement about additional rights (e.g., family member of a disabled person),
- information about the period of paying social insurance contributions.

□ As of 2023, the employer no longer includes salary information - unless requested separately by the employee.

□ 6. Correction of the work certificate

If the employee notices an error, they can, within **14 days of receiving the document**:

- submit a request for **correction** to the employer,
- if the employer refuses – the employee may file a lawsuit in labor court (additional 14 days).

□ An employer who notices an error on their own should issue **correction of the work certificate** marked "correction dated ...".

□ 7. Consequences of not issuing the certificate

Failure to issue on time - Fine from 1,000 to 30,000 PLN (Article 282 of the Labor Code)

Delay or error in data - Possibility of employee claims (compensation)

Obstructing taking new employment - Risk of court disputes, negative opinions

□ Legal Basis

- **Labor Code**, Article 97
- **Regulation of the MRiPS of December 30, 2016** on the work certificate
- **Article 282 §1 point 3 of the Labor Code** – penalty for failing to issue the certificate
- **Act on the Promotion of Employment and Labor Market Institutions** (concerning employment offices and benefits)

⇒ **Summary**

- Deadline for issuing - No later than the day of termination of the employment relationship
- Form - Written or electronic (qualified signature)
- At the employee's request - Only in the case of continuation of employment with a break of 7 days
- Employee rights - Request for correction within 14 days
- Employer liability - Fine + compensation for damages