

Compensation for overtime

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□ Introduction

Any work performed beyond the applicable working time norms constitutes **overtime work** and must be appropriately compensated. The regulations specify **when we are dealing with overtime**, what the **limits** are, and what **supplement rates** must be paid to the employee.

□ 1. When does overtime occur?

According to **Article 151 § 1 of the Labour Code**, overtime occurs when:

- the employee exceeds the **daily working time norm** (usually 8 hours), or
- there is an **exceedance of the average weekly working time norm** in the accepted billing period.

□ Overtime is permissible **only in cases of special needs of the employer** or:

- the necessity to conduct a rescue operation,
- repairing a malfunction.

□ 2. Overtime limits

- Annual limit: **no more than 150 overtime hours per year per employee**, unless the regulations, collective bargaining agreement, or employment contract provide for a different (higher) limit.
- Daily working time – **must not exceed 13 hours** (8 hours standard + max 5 overtime hours).

□ 3. Compensation and supplements for overtime

According to **Article 151¹ of the Labour Code**, an employee is entitled to:

- **100% supplement** to the remuneration for overtime occurring:
 - at night,
 - on a Sunday or holiday that is not a working day for the employee,
 - on a day off granted for another working Sunday or holiday.
- **50% supplement** for overtime occurring:
 - in other cases, i.e. overtime on working days during regular daytime hours.

□ Example:

If an employee has a rate of 30 PLN gross/hour and worked 2 overtime hours on a working day, then:

- for each overtime hour, they are entitled to 30 PLN (base rate) + 15 PLN (50%) = **45 PLN/hour.**

□ 4. Form of compensation - money or time off

According to Article 151² of the Labour Code, the employer may:

- pay the **salary increased by the supplement** (50% or 100%), or
- grant **time off**:
 - at the employee's request: **1 hour off for 1 overtime hour** (without a supplement),
 - on the employer's initiative: **1.5 hours off for each overtime hour** (instead of a supplement).

□ 5. Fixed allowance for overtime

If an employee regularly works overtime (e.g., manager, salesperson):

- a **fixed allowance for overtime** can be established,
- its amount must correspond to the **anticipated number of overtime hours**,
- information about the allowance should be included **in the employment contract**.

□ 6. Prohibition of overtime - protected groups

Employees who **generally should not be employed for overtime**:

- pregnant women,
- minor employees,
- persons with a certified disability (unless allowed by a doctor),
- parents of children up to 4 years old – without their consent.

□ 7. Employer's obligations

The employer must:

- keep a **record of working time** (including overtime),
- pay supplements or grant time off in a timely manner,
- **not abuse overtime** – in case of inspection, a fine may be imposed by the National Labour Inspectorate: **from 1,000 PLN to 30,000 PLN** (Article 282 of the Labour Code).

□ Legal basis

- **Labour Code:**
 - Article 151-151⁴ – overtime work,
 - Article 129, Article 133 – working time norms,

- Article 282 – penalties for employers.
