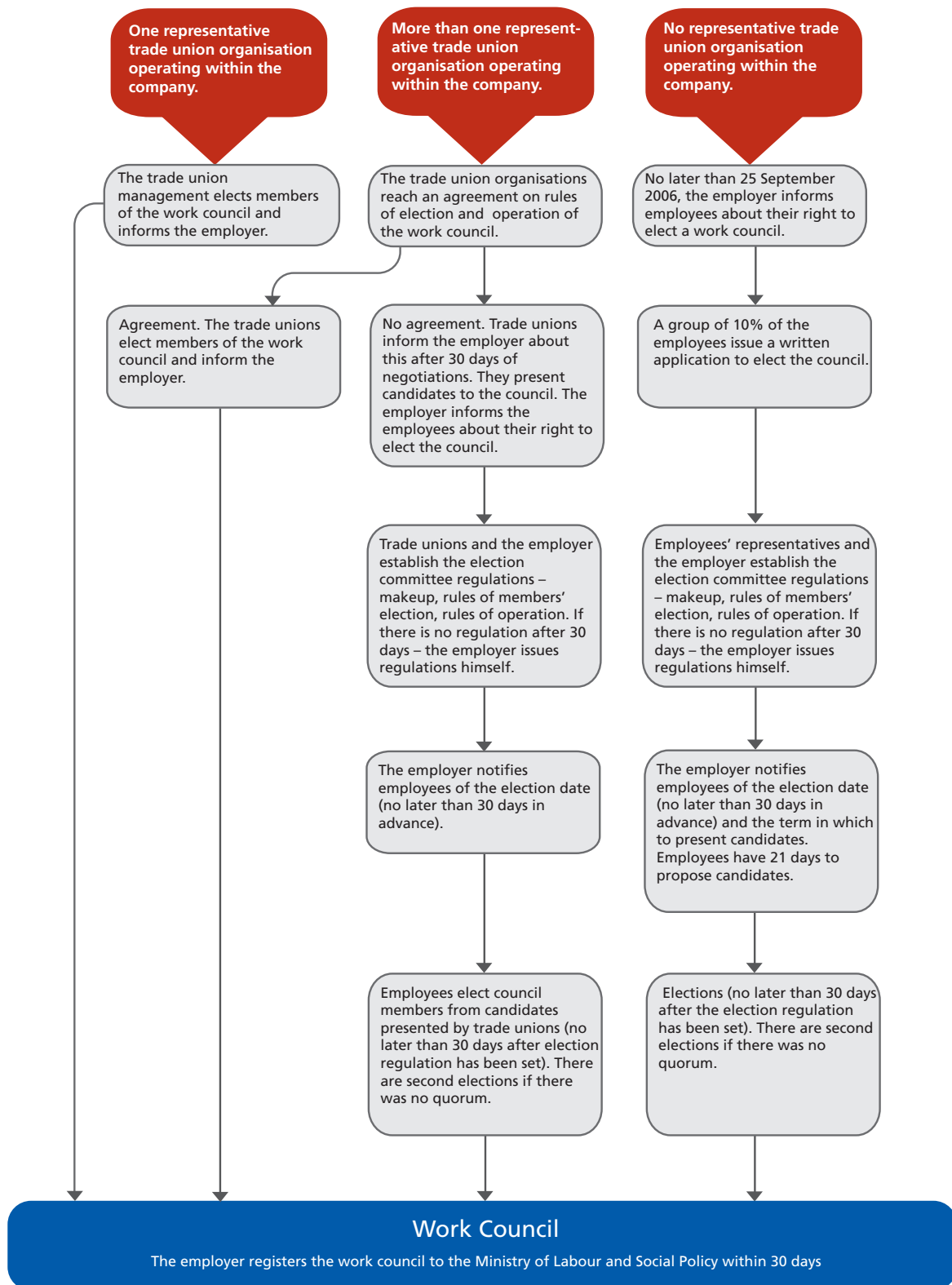


Work councils in Poland

August 2006

How a work council is established



Work councils - Q and A's

Can a work council be established in my company?

Yes, if you are an employer conducting business operations and you employ at least 100 employees. After 23 March 2008 work councils may be established in companies employing at least 50 employees.

Am I obliged to establish the work council?

No. The initiative to establish the work council comes from the representative trade union organizations, or a group of 10% of employees if such organisations do not operate within the company. The employer is not obliged to establish the work council if the trade unions or employees themselves do not initiate the proceedings. The employer is only obliged to inform employees of their right to establish a work council, before 25 September 2006.

Can I prevent the work council from being established?

No. If trade unions or employees themselves initiate the establishment of a work council, the employer may not prevent it. Any illegal interference or hindrance in organising elections is forbidden and subject to the penalty of restricted liberty or a fine.

What authorities does the work council have?

The employer is obliged to inform the work council on:

- (i) the recent and probable development of the company's activities and economic situation;
- (ii) the situation, structure and probable development of employment within the company and on any anticipatory measures envisaged, to maintain the level of employment;
- (iii) decisions likely to lead to substantial changes in work organisation or in contractual relations.

The work council has the right to issue an opinion on these matters. In cases indicated in points (ii) and (iii), the employer shall consult the work council to reach an agreement between the employer and the work council.

May I refuse to disclose information to the work council?

In specific cases, the employer is not obliged to communicate information when the nature of that information is such that, according to objective criteria, it would seriously harm the functioning of the company or establishment, or would be prejudicial to it. The work council may demand a judicial review.

Who finances the operations and elections of the work council?

If representative trade union organisations operate within the company then the operation and elections of the work councils are financed by them. If there are no trade unions, the employer bears the costs.

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