

INFORMATION FOR EMPLOYEES ON EQUAL TREATMENT IN EMPLOYMENT

Unofficial working translation from the Polish original; the signed Polish-language document remains authoritative. Institute of Agrophysics, Polish Academy of Sciences (IA PAS), Lublin.

In accordance with the obligation under Art. 94¹ of the Labour Code, I make available to employees employed at the Institute of Agrophysics, Polish Academy of Sciences in Lublin the text of the provisions on equal treatment in employment, in the form of an extract from the Labour Code:

Art. 9. § 4.

Provisions of collective labour agreements and of other collective agreements based on statute, and of regulations and statutes determining the rights and obligations of the parties to the employment relationship, which violate the principle of equal treatment in employment, do not apply.

Art. 11².

Employees have equal rights on account of the equal performance of the same duties; this applies in particular to the equal treatment of men and women in employment.

Art. 11³.

Any discrimination in employment, direct or indirect, in particular on grounds of sex, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, denomination, sexual orientation, and also on grounds of employment for a definite or indefinite period or on a full-time or part-time basis, is inadmissible.

Art. 18. (...)

§ 3. Provisions of employment contracts and of other instruments on the basis of which the employment relationship arises, which violate the principle of equal treatment in employment, are invalid. Instead of such provisions, the relevant provisions of labour law apply, and in the absence of such provisions, those provisions are to be replaced by appropriate, non-discriminatory provisions.

Art. 18^{3a}.

§ 1. Employees should be treated equally as regards the establishment and termination of the employment relationship, conditions of employment, promotion, and access to training for the purpose of raising professional qualifications, in particular regardless of sex, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, denomination, sexual orientation, and regardless of employment for a definite or indefinite period or on a full-time or part-time basis.

§ 2. Equal treatment in employment means non-discrimination in any manner, directly or indirectly, on the grounds specified in § 1.

§ 3. Direct discrimination exists where an employee, on one or several grounds specified in § 1, was, is, or could be treated less favourably in a comparable situation than other employees.

§ 4. Indirect discrimination exists where, as a result of an apparently neutral provision, applied criterion, or action taken, disproportions arise in the conditions of employment to the disadvantage of all or a significant number of employees belonging to a group distinguished on one or several grounds specified in § 1, unless those disproportions can be justified by other objective reasons.

§ 5. A manifestation of discrimination within the meaning of § 2 is also: 1) conduct consisting in encouraging another person to violate the principle of equal treatment in employment, or instructing them to do so; 2) conduct whose purpose or effect is the violation of the dignity of an employee, or their humiliation or debasement (harassment).

§ 6. Discrimination on grounds of sex also includes any unwanted conduct of a sexual nature or relating to an employee's sex, whose purpose or effect is the violation of the dignity of the employee, or their humiliation or debasement; such conduct may comprise physical, verbal, or non-verbal elements (sexual harassment).

Art. 18^{3b}.

§ 1. Subject to §§ 2–4, a violation of the principle of equal treatment in employment is considered to be differentiation by the employer of an employee's situation on one or several grounds specified in Art. 18^{3a} § 1, the effect of which is in particular: refusal to establish or termination of the employment relationship; unfavourable shaping of remuneration for work or of other conditions of employment, or omission in promotion or in the granting of other work-related benefits; omission in the selection for participation in training raising professional qualifications — unless the employer proves that they were guided by objective reasons.

§ 2. The principle of equal treatment in employment is not violated by actions consisting in: not employing an employee on one or several grounds specified in Art. 18^{3a} § 1, if this is justified by the type of work, the conditions of its performance, or the occupational requirements placed on employees; terminating an employee's conditions of employment as regards working time, if this is justified by reasons not concerning the employees; applying measures that differentiate the legal situation of an employee on grounds of protection of parenthood, age, or disability; establishing conditions of employment and dismissal, rules of remuneration and promotion, and access to training for the purpose of raising professional qualifications — taking into account the criterion of length of service.

§ 3. Actions undertaken for a definite period, aimed at equalising the opportunities of all or a significant number of employees distinguished on one or several grounds specified in Art. 18^{3a} § 1, by reducing to the benefit of such employees the actual inequalities to the extent specified in that provision, do not constitute a violation of the principle of equal treatment in employment.

§ 4. Differentiation of employees on grounds of religion or denomination does not constitute a violation of the principle of equal treatment in employment if, in connection with the type and character of the activity conducted within churches and other religious associations, as well as organisations whose purpose of operation remains in direct connection with religion or denomination, the religion or denomination of the employee constitutes a substantial, justified, and legitimate occupational requirement.

Art. 18^{3c}.

§ 1. Employees have the right to equal remuneration for equal work or for work of equal value.

§ 2. The remuneration referred to in § 1 covers all components of remuneration, regardless of their name and character, as well as other work-related benefits granted to employees in monetary or non-monetary form.

§ 3. Work of equal value is work the performance of which requires from employees comparable professional qualifications, confirmed by documents provided for in separate provisions or by practice and professional experience, as well as comparable responsibility and effort.

Art. 18^{3d}.

A person against whom the employer has violated the principle of equal treatment in employment has the right to compensation in an amount not lower than the minimum remuneration for work, determined on the basis of separate provisions.

Art. 18^{3e}.

The exercise by an employee of the rights vested in them on account of a violation of the principle of equal treatment in employment may not constitute grounds justifying the termination by the employer of the employment relationship, with or without notice.

Art. 29².

§ 1. The conclusion with an employee of an employment contract providing for part-time employment may not result in the determination of their conditions of work and pay in a manner less favourable in relation to employees performing the same or similar work on a full-time basis, taking into account, however, the proportionality of remuneration for work and of other work-related benefits to the employee's working time.

§ 2. The employer should, as far as possible, take into account an employee's request concerning a change in the working-time dimension specified in the employment contract.

Art. 94.

The employer is obliged in particular: (...) 2b) to counteract discrimination in employment, in particular on grounds of sex, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, denomination, sexual orientation, and also on grounds of employment for a definite or indefinite period or on a full-time or part-time basis.

Art. 94³.

§ 1. The employer is obliged to counteract mobbing.

§ 2. Mobbing means actions or behaviours concerning an employee or directed against an employee, consisting in persistent and prolonged harassment or intimidation of the employee, causing in them a diminished assessment of their professional usefulness, causing or aiming at humiliating or ridiculing the employee, isolating them or eliminating them from the team of co-workers.

§ 3. An employee in whom mobbing has caused a health disorder may claim from the employer an appropriate sum as monetary compensation for the harm suffered.

§ 4. An employee who has terminated the employment contract as a result of mobbing has the right to claim from the employer compensation in an amount not lower than the minimum remuneration for work, determined on the basis of separate provisions.

§ 5. The employee's declaration on termination of the employment contract should be made in writing, stating the reason referred to in § 2 justifying the termination of the contract.

DIRECTOR

prof. dr hab. Józef Horabik

Translator's note: the notice reproduces extracts from the Polish Labour Code (Kodeks pracy); the superscript article numbers (e.g. 18^{3a}) follow the Polish numbering. Signed by the then Director of the Institute.