



Ius Laboris Poland Global HR Lawyers

Raczkowski

PRO HR

JUNE 2026

TOPICS

New definition of workplace bullying (mobbing) –
“persistent harassment of an employee”

Employers must not review employee’s social media, even if they have access on a company computer (e.g. the employee failed to log out), and even if employee used them on company computer in violation of company policy.

PAY TRANSPARENCY – action plan

NEW DEFINITION OF WORKPLACE BULLYING (MOBBING) – “PERSISTENT HARASSMENT OF AN EMPLOYEE”



Dominika Dörre-Kolasa
Partner

Persistence is defined as behaviour that is repetitive, recurring or continuous. One-off incidents are excluded, even if they violate the employee’s personal rights.

The amendment of 19 June 2026 will enter into force three months after its publication (the exact date is not yet known) and provides a transition period of months in which to adapt internal regulations (collective labour agreements/workplace rules) or to introduce new policies/procedures.

- There will be a catalogue of examples of mobbing (humiliation, degradation, intimidation, unjustified criticism, hindering work performance, isolating an employee from the team, etc.), provided that they take the form of persistent harassment.
- Mobbing also includes instructing or encouraging another person to engage in such behaviour.
- The perpetrator may be an employer, supervisor, co-worker, subordinate, another employee, or a person performing work on a basis other than employment (e.g. B2B contractor, mandate contract), whether acting individually or as part of a group.
- Justified and appropriately expressed behaviour (e.g. performance management, criticism) is excluded from the definition of mobbing.

The minimum compensation for non-pecuniary damage is set at six times the minimum wage. The employee may claim higher compensation.

An employer who has paid compensation may seek recourse from the perpetrator. The amount of the recourse will correspond to the degree of fault of both the perpetrator and the employer in causing the damage.

The employer is obliged to systematically prevent mobbing, in particular through preventive measures, detection of mobbing, appropriate response, remedial actions, and support for those affected by mobbing. The same applies to preventing violations of the principle of equal treatment.

Employers with at least 10 employees are required to establish a separate anti-mobbing policy (or to include it in a collective agreement or workplace regulations).

The employer’s policy must specify:

- rules, procedures and frequency of actions in four areas:
 - prevention of violations of dignity and other personal rights,
 - prevention of breaches of equal treatment in employment,
 - prevention of discrimination,
 - prevention of mobbing,
- the content of the policy must be agreed in advance with:
 - all workplace trade union organisations, and if no agreement is reached, then with representative organisations representing at least 5% of the employees, with the possibility of unilateral adoption after 30 days, taking into account prior arrangements;
 - in the absence of trade unions, with employee representatives selected in accordance with the procedure adopted by the employer.

EMPLOYERS MAY NOT REVIEW AN EMPLOYEE'S SOCIAL MEDIA, EVEN IF THEY HAVE ACCESS TO IT ON A COMPANY COMPUTER (E.G. THE EMPLOYEE FAILED TO LOG OUT), AND EVEN IF USING IT VIOLATED COMPANY POLICY (JUDGMENT OF THE SUPREME ADMINISTRATIVE COURT OF 28 MAY 2026)



Michalina Kaczmarczyk
Senior Lawyer

While preparing a computer for another employee, an employer reviewed private messages on messaging platforms, printed them and then used them against a former employee and their colleague.

The Personal Data Protection Office (UODO) reprimanded the employer for violating GDPR. The employer appealed, arguing that the private messages appeared on the screen automatically. The court rejected these arguments and confirmed a breach of data protection regulations.

PAY TRANSPARENCY – ACTION PLAN



Katarzyna Wilczyk
Senior Lawyer

| Obligation | Action plan |
|---|---|
| <p>1. Job evaluation and employee categories</p> | <p>→Conduct a job evaluation using at least basic criteria: skills, effort, responsibility, working conditions</p> <p>→Note: the criteria must be agreed with any trade unions at the workplace</p> <p>→Based on the evaluation, establish employee categories</p> <p>→Note: categories also require consultation with trade unions</p> |
| <p>2. Pay structure (amendment of remuneration policies)</p> | <p>→Prepare base salary tables</p> <p>→Amend remuneration regulations and include the tables.</p> |
| <p>3. Criteria for determining salaries / pay rises</p> | <p>→Collect the criteria used by the company</p> <p>→Define how they will be made available to employees (e.g. intranet, policy).</p> |
| <p>4. Components of remuneration / benefits</p> | <p>→Identify all remuneration components (financial and non-financial).</p> <p>→Determine which should be included in pay calculations</p> |
| <p>5. Rules for calculating average pay</p> | <p>→Define the methodology (annual/hourly), including: part-time employment, employment during the year, absences</p> |
| <p>6. Employee right to pay information</p> | <p>→ Establish request and response procedures.</p> <p>→ Prepare templates.</p> <p>→ Define communication channels.</p> |
| <p>7. Gender pay gap</p> | <p>→ Choose a methodology (consider external advisors).</p> <p>→ Inform the trade unions.</p> <p>→ Make all calculations before the regulations enter into force.</p> |
| <p>8. Employee representatives- if no trade unions</p> | <p>→ Assess the potential need to expand their powers.</p> <p>→ Verify the purpose and rules of their selection.</p> |
| <p>9. Single source principle</p> | <p>→Business decision: centralise authority for bonuses/evaluations within the Polish entity.</p> |

follow us



contact us



www.rackowski.eu

The PRO HR Newsletter does not contain any legal opinions and cannot be treated as their source. To obtain legal advice about a relevant subject, please contact us at the following address: office@rackowski.eu.

Copyright © 2026: Rackowski sp.k.