



Article **34 § 1** of the Code of Labor, the notice period for termination of an employment contract concluded for a trial period:

- ❶ 3 working days if the trial period is less than 2 weeks
- ❷ 1 week, if the trial period is longer than 2 weeks
- ❸ 2 weeks, if the trial period is 3 months

*notice periods of a few days apply during the probationary period

Article **36 § 1** of the Code of Labor, the notice period for termination of an employment contract concluded for an indefinite period and a fixed-term employment contract is:

- ❶ 2 weeks, if the employee has been employed for less than 6 months
- ❷ 1 month, if the employee has been employed for at least 6 months
- ❸ 3 months if the employee has been employed for at least 3 years

We include in the period of employment not only the period of employment under the current employment contract, but also the periods resulting from previous contracts with the same employer, even if there were breaks in employment.

How to calculate the notice period?

According to Article **30 § 21** of the Code of Labor, notice periods for employment contracts are calculated at week's end on Saturday and must cover a full week or two weeks. The notice period is calculated at month's end on the last day of the next month after submitting notice of termination of the employment contract. In the case of a notice period calculated in days, we take into account only the working days following the day on which the notice is handed in and do not include Sundays and public holidays.

Types of terminations

• Agreement of the parties

Termination of an employment contract by mutual agreement involves the termination of the employment relationship on a date agreed upon and accepted by the employer and employee.

• Statement of either party with notice (termination by notice)

Termination of an employment contract by one of the parties on notice (termination on notice) involves termination of the employment relationship with a notice period calculated on the basis of the period worked (**see point 1**), This contract may be terminated at the request of one of the parties to the contract - the employer or the employee. In case of termination at the request of the employer, the reasons for the termination must be provided by the employer.

• Statement of either party without notice (termination without notice)

Termination of an employment contract without notice, otherwise known as termination with immediate effect. It consists of a unilateral statement by the other party to the employment contract, which clearly indicates that the employment contract is no longer valid. This kind of termination of the contract by the employer is most often related to a serious breach of basic employee duties by the employee.

• With the expiration of the time for which it was concluded

Termination of an employment contract at the end of the time for which it was concluded applies only to fixed-term contracts, including probationary and replacement contracts. As a rule, it does not create a risk of claims by the employee in connection with the termination of the employment relationship.

One of the most important changes from 2023 is the need for employers to provide a reason for termination, even for fixed-term contracts.

How to write a termination notice?

• Agreement of the parties

- 1 Place and date
- 2 Data of the employee
- 3 Employer's data
- 4 Request to terminate the contract by mutual agreement with an indication of the proposed termination date
- 5 Date and signature

• Statement of either party with notice (termination by notice)

- 1 Place and date
- 2 Employer's data
- 3 Data of the employee
- 4 Statement of termination of the employment contract, specifying the date of its conclusion and the parties to the contract
- 5 Statement of retention of the notice period, specifying the date of its expiration
- 6 Date and signature

• Statement of either party without notice (termination without notice)

- 1 Place and date
- 2 Employer's data
- 3 Data of the employee
- 4 Title, i.e. "Termination of employment contract without notice period"
- 5 Indication of which contract the employee is terminating, e.g. "employment contract of..."
- 6 Date and signature

Link to document templates



In order to receive link with the access, contact the person from **FlyingLizard**



Termination by notice

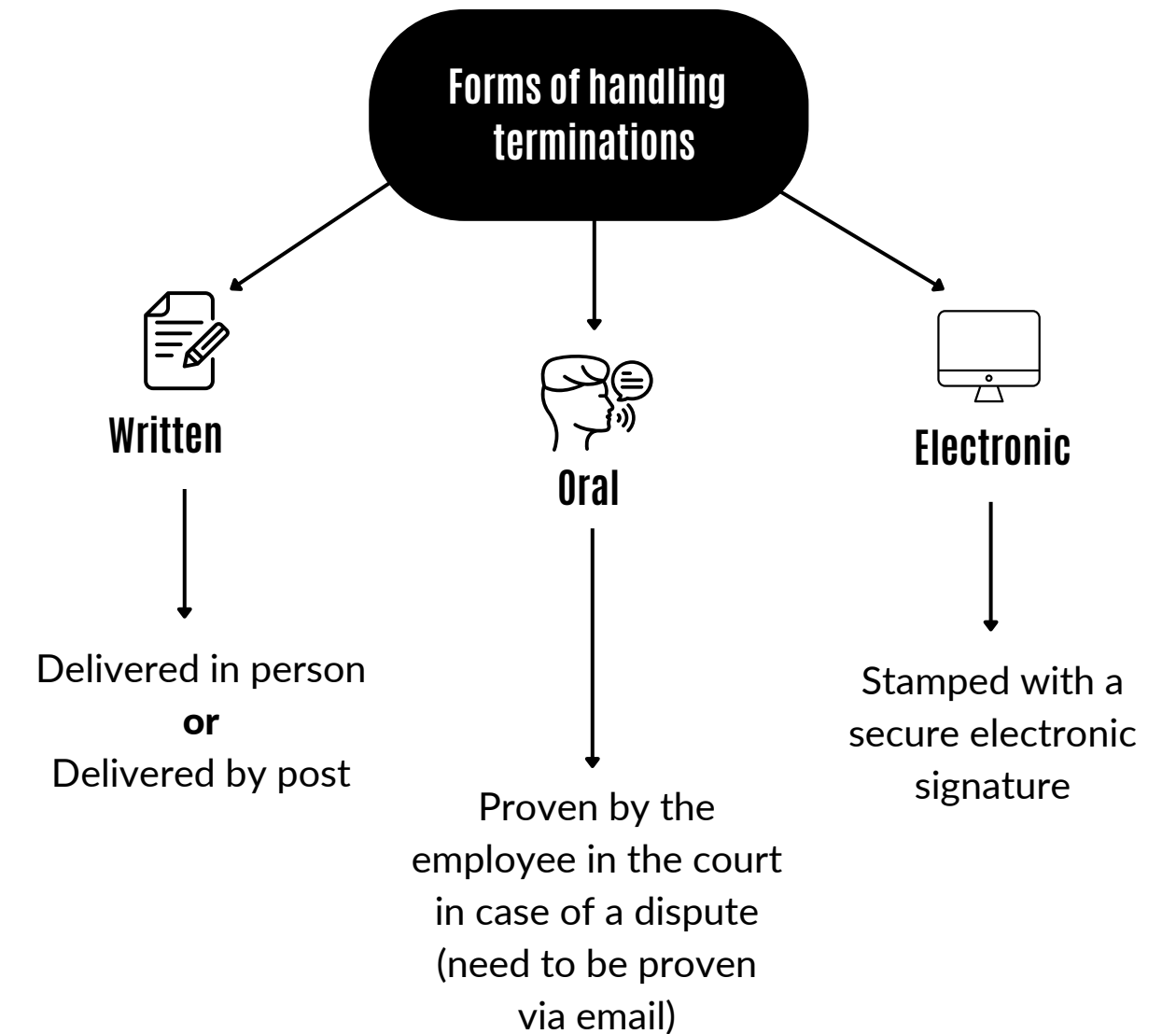


Termination without notice



Termination by agreement of parties

How to handle a termination?



Contact Details



Patryk Kościelniak (Founder)
FlyingLizard



+48 691 163 299



patrykkoscielniak@flyinglizard.pl