

HR IN THE KNOW 8/2026

Amendments to the legislation on mobbing (workplace bullying) and discrimination passed by the Sejm: changes and new obligations for employers this autumn

JULY 2026

Long-pending amendments to the provisions on mobbing (workplace bullying) are now approaching the finish line. The Sejm has adopted the draft Act of 19 June 2026 amending the Labour Code and the Code of Civil Procedure. It is currently before the Senate.

NEW REQUIREMENTS FOR ALL EMPLOYERS: SYSTEMATIC PREVENTION, DETECTION AND RESPONSE

Employers will be subject to a newly defined obligation to systematically prevent, detect and respond to breaches of the principle of equal treatment in employment, discrimination and mobbing (workplace bullying). In addition to these explicitly defined duties, there will also be a requirement to prevent violations of an employee's dignity and other personal rights, particularly in the areas of health, personal life and reputation, appropriate workplace communication, position within the team, work performance and its assessment, as well as the employee's professional status and qualifications. The implementation of new system-level measures, together with an audit and, where necessary, supplementation of existing arrangements, will be indispensable to ensure compliance with these obligations.

PROCEDURES TO BE AGREED WITH TRADE UNIONS OR EMPLOYEE REPRESENTATIVES WITHIN A SPECIFIED TIMEFRAME

Every employer with at least 10 employees is to be required to adopt internal regulations setting out the rules, procedures and the frequency of actions to prevent violations of an employee's dignity and other personal rights, to prevent breaches of the principle of equal treatment in employment, to prevent discrimination and to prevent mobbing (workplace bullying). These may be set out in a collective agreement, in the work regulations or in separate regulations (which come into force two weeks after the date of announcement). They are to form a mandatory part of the work regulations (unless they are already included in those separate regulations).

These rules cannot be introduced unilaterally – it will be necessary to agree the content of the regulations with the trade union or trade unions, where more than one trade union organisation operates at the employer's establishment (in such case, if it is not possible to agree the content of the regulations with all of them, the employer shall agree it with the representative trade union organisations within the meaning of Article 25[3] sec.1 or 2 of the Trade Unions Act, each of which groups at least 5% of the employees employed by the employer). If the draft regulations are not agreed upon within 30 days of their submission, the employer shall determine their content, considering the arrangements made with the company trade union organisations. In the absence of a trade union, it will be necessary to agree the regulations with employee representatives within the timeframe specified above.



A NEW, BROAD DEFINITION OF MOBBING (WORKPLACE BULLYING). WHY IT IS PRUDENT TO ENSURE COMPLIANCE WITH THE NEW DUTIES.

DEFINITION OF MOBBING (WORKPLACE BULLYING)

Under the new regulations, behaviour involving persistent (repeated, recurring or continuous) harassment of an employee will be deemed to constitute mobbing (workplace bullying). Manifestations of mobbing (workplace bullying) are to include, in particular (whether occurring individually or in combination, and even if unintentional), where they take the form of persistent harassment: humiliating or degrading treatment, intimidation, lowering an employee's self-evaluation of their professional abilities, unjustified criticism, belittling or ridiculing an employee, hindering their ability to function in the workplace in terms of achieving work results, performing professional duties, utilising their skills, communicating with colleagues or accessing necessary information, isolating an employee or eliminating them from the team. These may take physical, verbal or non-verbal forms. The assessment of whether mobbing (workplace bullying) has occurred is to be made on a case-by-case basis and considers the circumstances of the specific case, both in terms of the nature of the behaviour towards the employee and their situation.

THE PERPETRATOR OF MOBBING (WORKPLACE BULLYING)

The perpetrator of mobbing (workplace bullying) may be the employer, a line manager, a person in an equivalent position, a subordinate, another employee or a person carrying out work on a basis other than an employment relationship – whether acting alone or as part of a group.

WHAT WILL DEFINITELY FALL OUTSIDE THE DEFINITION OF MOBBING (WORKPLACE BULLYING)?

The draft provisions expressly state that mobbing (workplace bullying) cannot be deemed to encompass justified conduct towards an employee, provided it is expressed in an appropriate manner, in particular the review and evaluation of work entrusted to the employee or criticism thereof. Incidental behaviour is not to be considered mobbing (workplace bullying), even where they constitute an infringement of the employee's personal rights,

WHAT CLAIMS WILL AN AFFECTED EMPLOYEE BE ABLE TO PURSUE?

An employee who has suffered mobbing (workplace bullying) is entitled to claim compensation from their employer in an amount not less than six times the minimum wage, as determined under separate regulations, or to claim damages from their employer.

THE EMPLOYER'S RIGHT OF RECOURSE AGAINST THE PERPETRATOR OF MOBBING (WORKPLACE BULLYING)

An employer who has paid an employee compensation or damages in respect of mobbing (workplace bullying) shall be entitled to seek from the person whose conduct constituted mobbing (workplace bullying) reimbursement of the loss suffered, in an amount corresponding to the degree of fault of that person and the employer in causing the loss.

THE PROPOSED AMENDMENTS ALSO INVOLVE A REVISION OF THE PROVISIONS ON UNEQUAL TREATMENT AND DISCRIMINATION

These include a modification of the definition of direct discrimination, which is to mean a situation in which an employee, for one or more grounds, in particular sex, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, denomination or sexual orientation, is treated less favourably in a comparable situation than another employee is, has been or would be treated;

The introduction of new concepts into the Labour Code: 'discrimination by assumption', defined as treating an employee, on one or more of the grounds specified in the Labour Code, in a comparable situation less favourably than another employee is, has been or would be treated, even if that ground is wrongly attributed to them; and 'discrimination by association', which is deemed to arise where an employee, on one or more of the Labour Code-based grounds, is treated less favourably in a comparable situation than another employee is, has been or would be treated, by reason of their association with a person to whom that ground applies;

The inclusion of compensation as a remedy available to a person against whom an employer has breached the principle of equal treatment; and specifying that such compensation is to be awarded at a correspondingly higher level, not less

than three times the statutory minimum wage, in the event of multiple breaches of the principle of equal treatment in employment in relation to that person, to be understood as repeated breaches on the same ground, repeated breaches on multiple grounds, or a single breach on multiple grounds simultaneously;

The employer will be required to demonstrate that it has not infringed this principle, whereas the person alleging unequal treatment need only render the occurrence of such treatment plausible.

THE NEED TO ADDRESS VICTIMS OF MOBING (WORKPLACE BULLYING) AND UNEQUAL TREATMENT

The new obligations are also to extend to remedial measures and support for individuals affected by unequal treatment and mobbing (workplace bullying).

IN PRACTICE: THE KEY IMPLICATIONS FOR EMPLOYERS

Employers will be required to meet a higher standard of prevention in relation to undesirable behaviour in the workplace. In practice, the entry into force of the amended regulations will mean a new legal landscape for cases involving unequal treatment and mobbing (workplace bullying), including, inter alia:

- an increase in employee reports/complaints relating to mobbing (workplace bullying);
- an increase in the number of court proceedings and claims concerning mobbing (workplace bullying), unequal treatment and discrimination;
- a materially higher risk than at present of the employer losing court disputes under the new rules in force;
- the crucial importance of prevention (requiring a systematic approach to counteracting such behaviour and corresponding procedures) to eliminate or mitigate the risk of potential liability for mobbing (workplace bullying);
- the need to implement or update procedures on equal treatment, anti-discrimination and anti-mobbing (even those already in place will require amendments);
- the obligation to train HR departments, managers and employees on the application of the new regulations, with particular emphasis on the new definitions of undesirable workplace behaviour;
- the need to cooperate with (in practice, to consult in decision-making) the workplace trade union organisation or employee representatives on mobbing (workplace bullying) prevention;
- more severe financial consequences in the event of successful claims relating to mobbing (workplace bullying).

The draft Act provides that the new provisions will enter into force three months after the date of their promulgation. Employers will then have six months from the date of entry into force of the Act to bring their work regulations into compliance with the new requirements or to adopt new regulations.

CONTACT



MONIKA KRZYSZKOWSKA
Partner
Head of Employment Practice
Mob: +48 605 125 344
monika.krzyszkowska@aglaw.com



ZOFIA JASIŃSKA
Junior Associate
Employment Practice
Mob: +48 605 571 701
zofia.jasinska@aglaw.com



addleshawgoddard.com

© Addleshaw Goddard LLP. Addleshaw Goddard is an international legal practice carried on by Addleshaw Goddard LLP and its associated entities. For further information about the Addleshaw Goddard group, including how we are regulated, please refer to the Legal Notices on our website. For information about how we process your personal data, please refer to the Privacy Notice on our website. This document is for general information only and is correct as at the publication date. It is not legal advice, it does not create a solicitor client relationship and no Addleshaw Goddard entity assumes a duty of care or liability to any party in respect of its content.