# HR IN THE KNOW 12/2026

## Workplace bullying and discrimination: new laws, key questions answered



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On 5 November 2026, the Act of 19 June 2026 amending the Labour Code and the Code of Civil Procedure came into force, significantly altering the existing regulations on workplace bullying and discrimination. What do the new regulations mean for your business? We break down the implications for employers, explain the new obligations and highlight the key points to keep on your radar. For a closer look, explore our previous publications:

In a nutshell: what is changing?

The existing provisions obliged employers to prevent undesirable behaviour in the workplace, in particular workplace bullying, whilst leaving the scope of this obligation and the manner of its fulfilment undefined.

The new rules introduce more specific requirements for employers:

- First, it is made clear that employers' responsibilities go beyond preventing workplace bullying. Employers must also tackle all forms of unequal treatment and discrimination at work, as well as conduct that infringes employees' dignity or other personal rights; this includes, in particular, behaviour relating to employees' health, private life and reputation, workplace communication, their place within the team, their performance and how it is assessed, and their professional status and qualifications;

- Second, the new rules set out five key areas in which employers must take action and put specific measures in place: preventing these behaviours, detecting it, responding appropriately, taking remedial action and supporting those affected;

- Third, employers must formalise their procedures. Those with at least 10 employees must set out the rules, procedures and frequency of preventive action in internal regulations, work regulations or a collective agreement - these arrangements must be implemented in accordance with the new formal requirement;

- Fourth, the new rules give employee representatives a greater role: employers must consult trade unions before introducing these regulations and where no trade unions operate, employers must consult employee representatives; in accordance with the statutory procedure;

- Crucially, the amendment modifies the statutory definition of workplace bullying, making it more concise, flexible and comprehensive. This allows it to cover a broader range of undesirable behaviours, which was one of the main objectives behind the changes, aimed at enhancing employee protection and enabling them to pursue claims more easily;

- It specifies that an employee who has suffered workplace bullying is entitled to claim compensation from the employer in an amount not less than six times the minimum wage, as determined under separate legislation, or to claim damages from the employer. It introduces rules stipulating that, in the event of repeated breaches of the principle of equal treatment in employment against the same person, compensation should be no less than three times the minimum wage;

- Courts cannot dismiss a claim for compensation or damages relating to personal rights, unequal treatment or workplace bullying simply because the employee has relied on the wrong legal grounds. If the facts established in the case support the claim on another legal basis, the court must consider that basis.

## Q & A

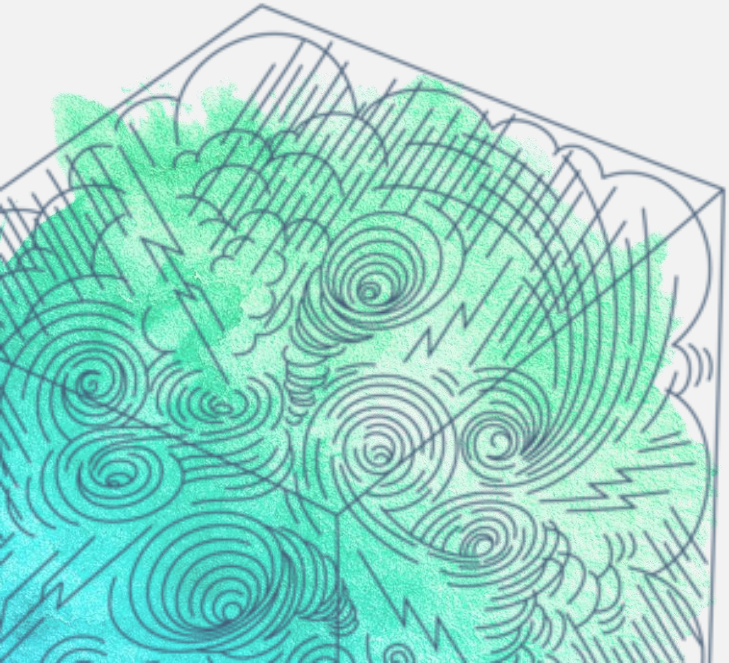
### Do the changes apply to all employers or only those employing at least 10 employees?

The changes apply to all employers, in particular in the areas set out in points (1) and (2) above. However, reaching the threshold of 10 employees triggers an additional requirement to introduce specific provisions into the rules of procedure, the work regulations or the collective agreement, and to consult with trade unions or employee representatives. Although they are not required to introduce such rules, adopting them will make them easier to apply in practice and provide greater protection in the event of claims.

### How should these new obligations be implemented in practice?

It is essential to analyse the measures adopted to date in terms of their effectiveness and comprehensiveness. Simply implementing an investigation procedure or adopting a policy to counteract undesirable behaviour is not sufficient. It is essential for every employer to establish a coherent system of measures aimed at preventing workplace bullying, unequal treatment and discrimination in employment, as well as violations of employees' dignity and other personal rights.

This system should cover the entire cycle of actions: prevention, detection of irregularities, appropriate responses to reports, taking corrective action, and providing support to those affected by undesirable behaviour. Its effectiveness requires a clear definition of responsibilities, the provision of adequate resources, and regular monitoring and evaluation of the measures adopted. It is therefore a matter of a sustainable, genuinely functioning mechanism for the protection of employees, rather than one-off measures or the mere formal adoption of internal regulations. Within this framework, the following may be implemented: educational materials, training, guidelines, periodic surveys, procedures for reporting and verifying irregularities, and appropriate follow-up actions. An effective system enables difficult situations to be resolved before they escalate, whilst also providing the employer with grounds to stand their ground in the event of a dispute with an employee.



### Will an anti-harassment policy alone be sufficient? Will corporate procedures covering Polish companies as well meet the new requirements?

No. Existing policies, regulations and procedures will not be sufficient. The new regulations extend the scope of required measures to include combating unequal treatment, discrimination and violations of an employee's dignity and other personal rights. They also provide for a full cycle of measures: from prevention and detection of irregularities, through response and corrective action, to support for those affected by undesirable behaviour. The amendment also introduces new definitions and sets out the procedure for adopting regulations. Merely subjecting Polish companies to international corporate policies will therefore not be sufficient. It is essential that local employers carry out the required measures. Compliance with the new obligations will require updating existing documents or adopting new regulations, and, above all, their effective implementation.

### Can consultations on the rules and regulations be conducted with the employee representatives previously elected at the employer's premises?

The first step is to check the scope of the employee representatives' mandate. It may well be that they are not authorised to participate in consultations on this type of internal regulation. In that case, it will be necessary either to appoint new employee representatives, usually through elections, specifically to conduct these consultations, or to extend the mandate of the existing representatives.

### By when should employers comply with the new requirements? How should the six-month transitional period be understood, and should all the required measures be fully implemented by the time it expires?

From 5 November 2026, the obligations introduced by the amendment will apply to all employers. The new definition of workplace bullying will also take effect on that date, and employees will be able to pursue related claims under simplified procedures.

The new provisions also apply to conduct involving repeated breaches of the principle of equal treatment in employment or persistent harassment of an employee (workplace bulling) which began before the date of their entry into force and continues after that date.

Employers will have a six-month transitional period, until 5 May 2027, to update their work regulations or adopt new ones that meet the new requirements. Although the six-month transitional period may seem relatively long, it should be borne in mind that the process of implementing the new regulations will require cooperation with trade unions or, in the absence of such unions, with employee representatives. The time required to carry out this process should therefore be taken into account appropriately in the implementation schedule.

### Will existing case law on workplace bullying and discrimination, in particular the case law of the Supreme Court, remain relevant in the light of the new provisions, and what significance will it have for their application in practice?

The amendment does not fundamentally change the principles established by existing case law. Many will remain relevant but will need to be applied within the new legal framework.

However, the revised definition of workplace bullying means that some earlier judgments should be treated with greater caution. Reasoning that previously supported a finding that workplace bullying had not occurred may no longer apply under the new rules.

### How will the mechanism for seeking recourse against the perpetrator of mobbing work in practice?

Under the new rules, employers can seek compensation from the person responsible for workplace bullying. The amount will reflect the respective degree of fault of that person and the employer in causing the damage. The provisions do not specify how these recourse claims should be pursued. However, the explanatory memorandum to the draft bill indicates that: where the perpetrator is an employee, rules analogous to those governing employees' financial liability for damage caused to their employer should apply and where the perpetrator is not an employee, the claim should be pursued under the Civil Code.

Whether the employer has met its statutory obligations may be crucial to its ability to recover compensation from the perpetrator.

### Will compliance with these new obligations come under scrutiny by the National Labour Inspectorate? Should employers expect inspections?

The National Labour Inspectorate can check whether employers are complying with the relevant rules. Depending on its findings, a labour inspector may issue a formal notice or order the employer to remedy any irregularities identified. However, the scope for sanctions is limited. Breaches of employers' obligations to prevent workplace bullying and discrimination are not explicitly listed as offences against employees' rights punishable by a fine. At the start of this year, the Inspectorate announced plans to check whether employers are meeting their duty to prevent workplace bullying and complying with the principle of equal treatment in relation to pay.

### Will it also be necessary to amend other regulations in force at the employer's premises?

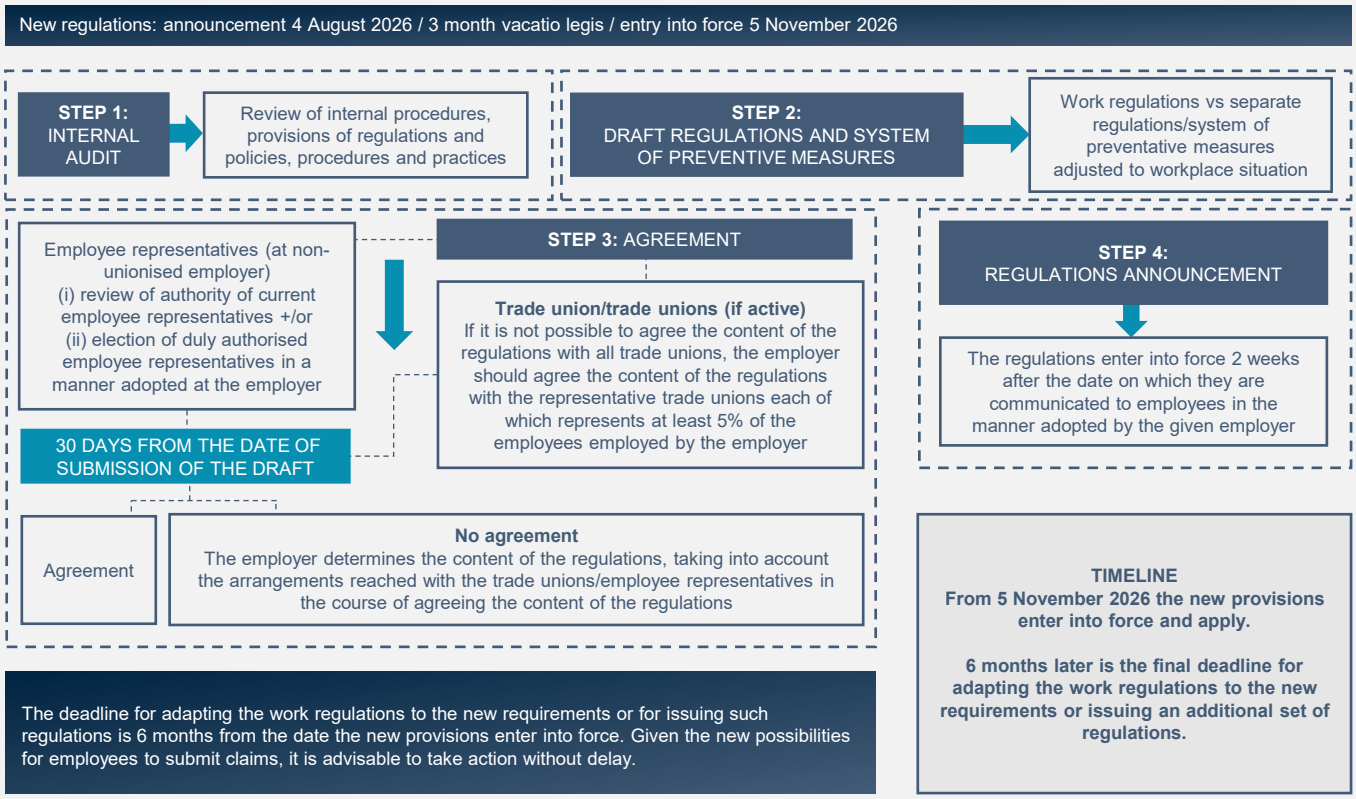
Yes, although the legislation does not expressly require this. The revised definition of workplace bullying and the new concepts relating to discrimination may mean that internal policies and procedures need updating. Employers should therefore review their existing rules on unacceptable behaviour at work and bring them into line with the new legislation. Employers should also bear in mind Article 94[1] of the Labour Code which requires them to make the provisions on equal treatment in employment available to employees, either through written information displayed in the workplace or by another method used by the employer. This information will also need to be updated to reflect the changes.

### How will disputes with employees regarding workplace bullying change?

These changes are expected to strengthen employees' position in workplace bullying proceedings through new definition and measures.



## HOW TO INTRODUCE NEW INTERNAL REGULATIONS?




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