



POLAND IMPLEMENTS INITIAL STEPS TO TRANSPOSE EU PAY TRANSPARENCY DIRECTIVE INTO LABOUR CODE

Poland has taken initial steps to transpose certain (a portion of) remuneration transparency requirements under Directive EU 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms (EUPTD) through the Act of 4 June 2025, which amends the Labour Code. The Act was published in the Journal of Laws of the Republic of Poland on 23 June 2025 (**Act**). It introduces new obligations for employers aimed at ensuring transparency in the recruitment process. Relevant requirements include the obligation to inform candidates about remuneration for a given position and accomplishing additional formalities.

WHAT ARE THE REQUIREMENTS? TRANSPARENCY ON HIRE

Content: in particular, the following information must be communicated to candidates during the recruitment process:

- details of the remuneration for the given position, including all components (regardless of their name or nature) and other work-related benefits, specified as either an initial amount or a range, based on objective and neutral criteria, particularly with regard to gender; whilst the EUPTD leaves room for interpretation as to whether the disclosure on hire is limited to salary or includes all pay elements, the Polish transposition is clearly requiring inclusion of all remuneration elements
- relevant provisions of a collective labour agreement or remuneration regulations, if the employer is subject to such an agreement or has established remuneration regulations. This is in line with the EUPTD's requirement

The Act also provides for some further details on **format and timing**: this information must be provided in either paper or electronic form, with sufficient notice to enable candidates to review it and engage in informed and transparent negotiations and should be provided to a candidate at one of the following stages: (i) in the job advertisement; or (ii) before the interview, if the employer has not included this information in the advertisement; or (iii) before establishing the employment relationship, if the employer has not included this information in the advertisement or provided it before the interview.

In line with the EUPTD, the Act also expects that advertisements and job titles are gender-neutral and that the recruitment process is non-discriminatory. It will further not be possible for the employers to inquire candidates to disclose information about their current or previous remuneration.

WHAT DOES THIS MEAN IN PRACTICE FOR EMPLOYERS?

Although the new law may not constitute a complete revolution, it significantly impacts existing recruitment processes for employers, necessitating adjustments. These changes will likely be identified through audits, which should be conducted to address compliance requirements. Drafting new templates for job advertisements to align with the new obligations is likely to be needed.

The requirement to provide candidates with detailed information on all elements of remuneration (total reward) will often impose the employer to catalogue the components of remuneration and benefits applicable to specific positions. Employers will need to align these components with the terms of their award as set out in collective bargaining agreements (which are often complex and outdated) or remuneration regulations. These elements must then be extracted and presented to candidates in a clear and transparent manner.

Additionally, a comprehensive remuneration structure will need to be established. Relying on candidates' expectations, negotiation skills, or market conditions to shape remuneration policies will become increasingly risky. While it may not be strictly necessary to define salary ranges for specific positions yet (employers could also provide for an initial amount) the determination of remuneration offered to candidates must be based on objective and neutral criteria, and particularly those outlined in the EUPTD, including remuneration differentiation criteria. In practice, it means that irrespectively, either the remuneration is provided to a candidate within the recruitment process as an initial amount or a range, it should be benchmarked against remunerations of other employees on the same/similar positions and include skills, effort, responsibility and working conditions, and, if appropriate, any other factors which are relevant to the specific job or position. They shall be applied in an objective gender-neutral manner, excluding any direct or indirect discrimination based on sex.

Employers will also need to make strategic decisions regarding the timing, scope, and method of disclosing remuneration information to candidates. These decisions should consider the management of internal communication with existing employees, as well as the potential impact of revealing such information externally from a competitiveness perspective.

As a result of the above also new policies will need to be issued and training provided to managers and other engaged in the recruitment process to assure consistency across the firm, uniform approach and knowledge sharing on the new requirements and best practices. In some cases, this may require aligning procedures across various entities within international firms, or potentially even on a global scale.

The new reality with respect to the recruitment as above described should start at the **end of the year**, as the new law is to enter into force within 6 months as of the date of its promulgation. This is a significant goldplating compared to the EUPTD which provides that transparency provisions should enter into force by 7 June 2026. Employers who had anticipated having another year to adapt may be surprised by this accelerated timeline, highlighting the importance of acting swiftly to ensure readiness for these imminent changes. That said, it should be noted that we are still awaiting the transposition of the remaining and most significant provisions of the EUPTD Work is ongoing under the auspices of the Ministry of Family, Labour and Social Policy; however, no draft legislation has been disclosed yet.

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