

## **TERMINATION OF THE EMPLOYMENT CONTRACT**

The termination of employment results from legal actions taken by one or both parties to the employment contract. The contract may be terminated by mutual agreement of the parties or with or without prior notice (through the fault of the employee, without the fault of the employee or through the fault of the employer).

**Termination of the employment contract by mutual agreement of the parties** - Each employment contract may be terminated by mutual agreement by both the employer and the employee. The contract is terminated within the time limit set forth in the agreement, which the parties determine at their discretion. If the contract specifies no time limit for the termination thereof, the agreement terminates the contract as of its conclusion.

**Termination of the employment contract with prior notice** - The termination notice is a statement provided by the party of the contract to the other party thereto. The termination notice may be used for the purpose of terminating the employment contract in the case of the employment contract for an indefinite period of time, the employment contract for a trial period, as well as the employment contract for a specified period of time. The termination notice applicable to the employment contract for an indefinite period of time and a specified period depends on the period of employment at a given employer. In accordance with the provisions of the Labour Code:

- if the employee has been employed for less than 6 months, the termination notice is 2 weeks,
- if at least 6 months – 1 month,
- if the employee has been employed for more than 3 years, the notice period is 3 months.

**Termination of the employment contract without prior notice** - The termination of the employment contract without prior notice is a statement made by one of the parties thereto, which results in the employment contract being regarded as immediately expired. The employment contract may be terminated without prior notice through the fault of the employee in the following events:

- a serious breach of the fundamental work obligations by the employee,
- a crime being committed by the employee during the term of the employment contract, which makes it impossible for him or her to be further employed at the position held, if the crime is evident or confirmed by a legally valid court decision,
- a loss of competences needed to perform work at the position held, through the fault of the employee.

In accordance with the Labour Code, the employer may terminate the employment contract without prior notice also without the fault of the employee. The employer may exercise such a right:

- if the employee's inability to work due to illness is longer than 3 months, when the employee has been employed by the employer for less than 6 months,
- if the employee's inability to work due to illness is longer than the aggregated period of the collection of remuneration and sickness benefit and of the collection of rehabilitation benefit for the first three months, when the employee has been employed by the employer for at least 6 months, or if the employee's inability to work is caused by an accident at work or an occupational disease,
- in the case of the employee's excused absence from work for reasons other than specified above, which is longer than 1 month.

**Termination of the employment contract without prior notice by the employee** - The employee may terminate the contract in such a way only in two events, namely when:

- a medical statement is issued that the work performed is detrimental to his or her health, and the employer fails to transfer the employee to another job position, appropriate to the state of the employee's health and professional qualifications, within the time limit specified in the said statement,
- the employer commits a serious breach of the fundamental obligations towards the employee.

*Source: Labour Code Act of 26 June 1974 (Journal of Laws of 2014, no 24, item 1502, as amended)*

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