

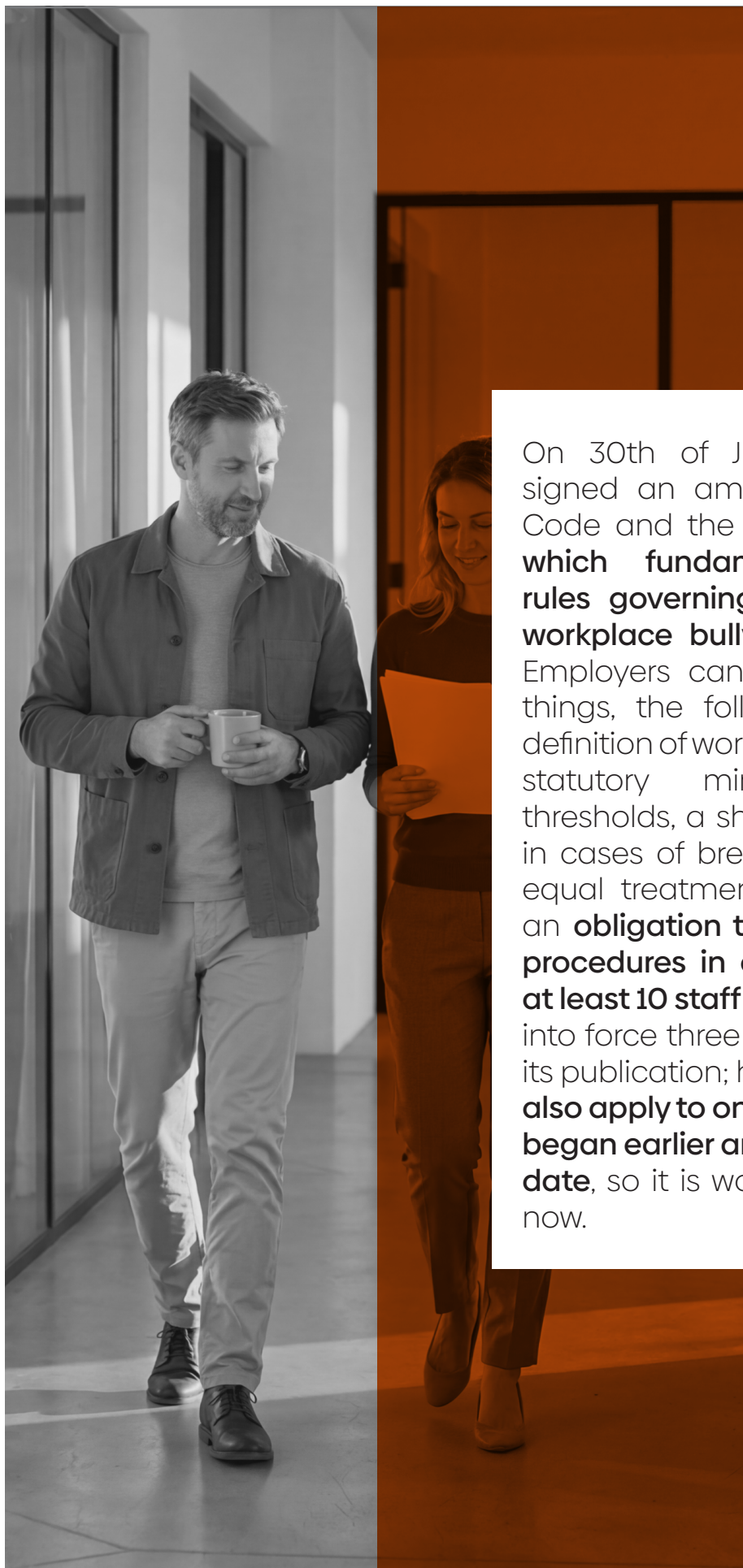


JDP

newsletter

The new Anti-Bullying Act 2026 – key changes for employers

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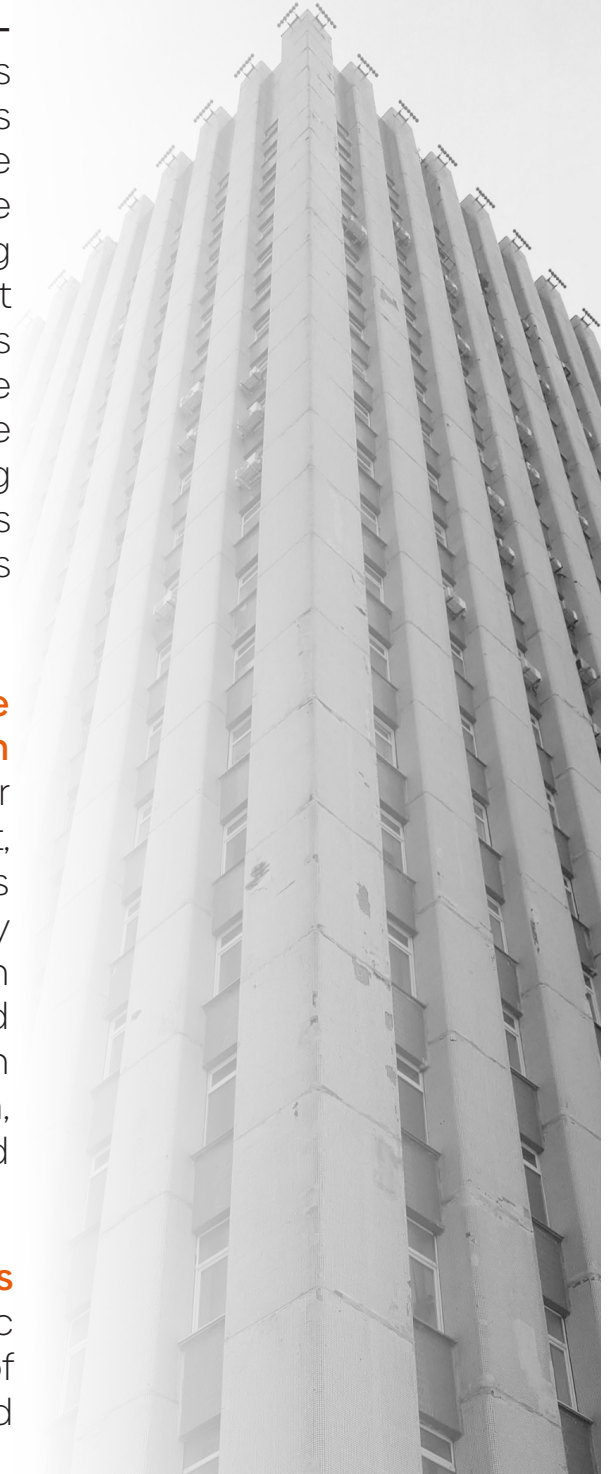


On 30th of July 2026, the President signed an amendment to the Labour Code and the Code of Civil Procedure, **which fundamentally changes the rules governing employers' liability for workplace bullying and discrimination.** Employers can expect, amongst other things, the following changes: a new definition of workplace bullying, increased statutory minimum compensation thresholds, a shift in the burden of proof in cases of breaches of the principle of equal treatment to the employer, and an **obligation to introduce anti-bullying procedures in organisations employing at least 10 staff members.** The Act comes into force three months after the date of its publication; however, the **new rules will also apply to ongoing infringements that began earlier and will continue after that date,** so it is worth starting preparations now.

The Anti-Bullying Act – anti-bullying policy and other organisational obligations

The amendment restructures employers' obligations in three main areas:

- **Obligation to introduce regulations** – employers with at least 10 employees will have to set out the rules, procedures and frequency of actions in a collective agreement, work regulations or separate regulations. The procedure for adopting these rules will depend on the document chosen: the content of separate regulations will have to be agreed with the trade unions, or, in their absence, with employee representatives, with the employer having the option to draw up the regulations independently after a 30-day period has elapsed without result;
- **The obligation to prevent breaches of the principle of equal treatment, discrimination and workplace bullying** – the employer shall prevent any unequal treatment, discrimination and workplace bullying, as well as violations of an employee's dignity and other personal rights, in particular in the areas of health, personal sphere and reputation, appropriate communication in the workplace, position within the team, work performance and its assessment, and professional status and qualifications;
- **A higher standard of employer obligations** – countermeasures must be systematic and encompass prevention, detection of breaches, response, remedial action and support for those affected.





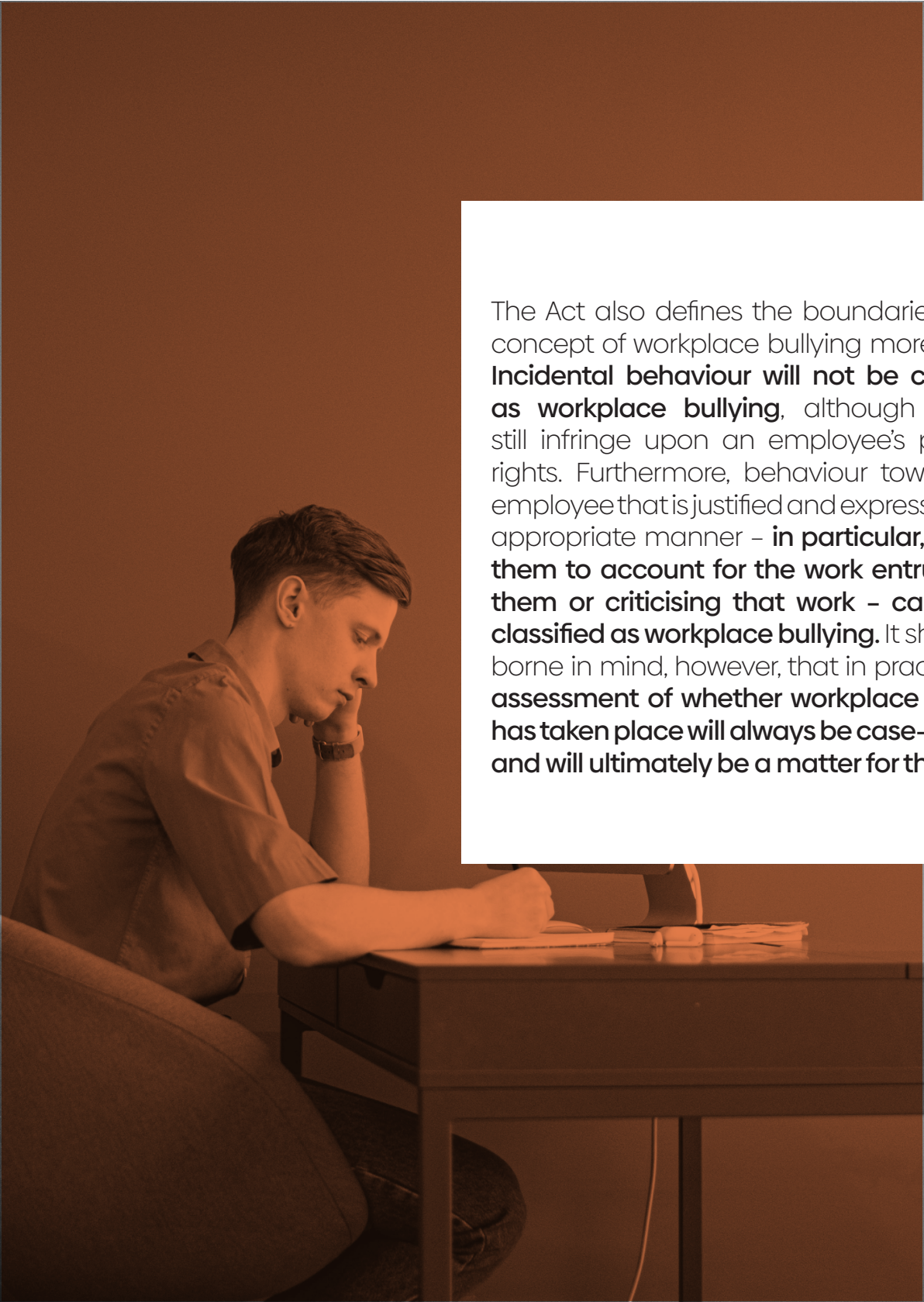
In view of the forthcoming changes, an anti-bullying policy adopted solely for documentation purposes will not meet the statutory requirements. The regulations will have to provide for **specific, regular measures** (e.g. training, surveys, reviews), and the employer will be obliged to demonstrate that these have actually been implemented. It should also be emphasised that the obligation to prevent **workplace bullying applies to all employers, regardless of the number of employees.**

The new definition of workplace bullying

The definition that has been in force for over twenty years requires proof of persistent and long-term harassment or intimidation of an employee, as well as the effects or purpose of such behaviour as specified in the Act, relating, amongst other things, to the **undervaluing of an employee's professional competence, humiliation, ridicule, isolation or exclusion from the team.**

The amendment to the Anti-Bullying Act provides for the **removal of the elements of 'purpose' and 'consequence' from the definition of workplace bullying, which means that an employee will no longer have to prove them.** According to the new definition, workplace bullying means **behaviour consisting of persistent harassment of an employee, whilst 'persistence' means that the behaviour is repetitive, recurring or ongoing.** The amendment also introduces other significant changes, in particular:

- an illustrative, non-exhaustive list of forms of workplace bullying is introduced, including **humiliation, intimidation, unjustified criticism, hindering the performance of work, communication or access to information, and isolation from the team;**
- the Act clarifies that such **behaviour may be physical, verbal or non-verbal;**
- **anyone may be a perpetrator of workplace bullying** – a line manager, colleague, subordinate, a group of people, as well as persons working with the organisation on a basis other than an employment relationship (e.g. contractors, B2B contractors);
- **ordering or encouraging such behaviour also constitutes workplace bullying.**



The Act also defines the boundaries of the concept of workplace bullying more clearly. **Incidental behaviour will not be classified as workplace bullying**, although it may still infringe upon an employee's personal rights. Furthermore, behaviour towards an employee that is justified and expressed in an appropriate manner – **in particular, holding them to account for the work entrusted to them or criticising that work – cannot be classified as workplace bullying**. It should be borne in mind, however, that in practice, the **assessment of whether workplace bullying has taken place will always be case-by-case and will ultimately be a matter for the court.**

Higher financial risk – statutory minimums and recourse against the perpetrator

The new Anti-Bullying Act introduces **significant changes regarding the employer's financial liability for workplace bullying**. Currently, only an employee whose health has been impaired as a result of workplace bullying may claim compensation.

The amendment removes this condition: **any employee who has been subjected to workplace bullying will be able to claim compensation for the harm suffered amounting to at least six times the minimum wage** (28,836.00 zlotys at the 2026 rate) and **damages covering financial loss**.

The introduction of a minimum threshold for compensation means that even in cases where the extent of the harm is relatively minor, the **employer will face significant financial exposure**.

A similar mechanism will apply to discrimination. **An employee will be entitled to compensation of no less than the minimum wage, and in the event of multiple breaches – no less than three times that amount**. The Act also classifies a single breach arising from several grounds simultaneously (e.g. on the grounds of gender and age) as a repeated breach, which immediately raises the threshold to three times the minimum wage.

The amendment also introduces a provision whereby **an employer who has paid compensation or damages for workplace bullying may claim reimbursement from the perpetrator** – in a proportion corresponding to the degree of the perpetrator's fault and the employer's fault.



Extended scope of protection against discrimination

The amendment explicitly introduces into the Labour Code **discrimination by assumption** (where an employee has been discriminated against on the basis of a characteristic wrongly attributed to them, e.g. on the basis of a nationality wrongly attributed to them) and **discrimination by association** (discrimination on the grounds of a connection with a person to whom such a characteristic applies, e.g. a parent of a child with a disability).

The definition of harassment is also clarified by specifying that it may consist of verbal, physical and non-verbal elements.

At the same time, the Act explicitly confirms that unequal treatment does not constitute discrimination if it is objectively justified.





Protection against retaliation

Protection against retaliatory measures has been significantly strengthened. An employee's exercise of their rights arising from a breach of labour law must not give rise to any adverse consequences, including termination of employment. It should be emphasised that this **applies to the exercise of rights relating to any breach of employees' rights, not just anti-bullying and anti-discrimination provisions.** Protection will also extend to those who have supported an employee, such as witnesses – they too will be entitled to compensation (at least the minimum wage) or damages. **The only people excluded from this protection will be those who knew that no violation had in fact taken place.**

In practice, this means that HR decisions affecting individuals who have reported a breach or supported the complainant (changes to job responsibilities, appraisals, bonuses) will require particularly careful and documented justification, based on reasons unrelated to the report.

The burden of proof rests with the employer in equal treatment cases – including in internal

The new Act extends the distribution of the burden of proof, which is favourable to employees, **to all categories of employment cases involving a breach of the principle of equal treatment**, and not just – as has been the case to date – to those relating to discrimination. A person alleging a breach of this principle will only have to establish a *prima facie* case, whilst the burden of proving that no breach occurred will rest **with the employer**. Another new feature is the extension of this rule not only to court proceedings but also to those conducted under the employer's internal procedures.

Internal investigations thus take on a substantive character and constitute the first stage of a potential dispute. **Procedures must be designed to clearly define the standard for assessing complaints and to ensure reliable documentation of findings that will stand up in court later on.**

The impact of the amendment on ongoing proceedings and changes to the Code of Civil Procedure

The amendment also provides that **if persistent harassment or repeated breaches of the principle of equal treatment began before the Act came into force and continue after that date, the new provisions shall apply.**

Ongoing complaints must be investigated promptly and thoroughly, and, if irregularities are confirmed, the disputed conduct must be brought to a genuine end. **The mere formal closure of internal proceedings will not preclude the application of the new provisions if the conduct continues.**

However, the new provisions will not affect ongoing court proceedings concerning workplace bullying if the conduct forming the basis of those proceedings ceased before the Act came into force.



The amendment also introduces changes to the Code of Civil Procedure. **Proceedings concerning workplace bullying, discrimination and breaches of the principle of equal treatment will now be heard by district courts, regardless of the value of the claim.**

It has also been explicitly confirmed that, in such proceedings, it is not permissible to dismiss a claim, **if the established facts of the case indicate that the claim is valid on grounds other than those indicated by the employee**; for example, if an employee sought compensation for workplace bullying and, although the conditions for workplace bullying were not met in the specific circumstances, **there were grounds for awarding compensation for an infringement of personal rights.**



When will the changes come into force?

The Act will come into force **three months after the 30th of July 2026**. Employers, however, should amend their internal regulations **no later than six months after the Act comes into force**.

What should employers do now?

■ Introduce anti-bullying procedures

Employers with at least 10 employees will have to set out the rules, procedures and frequency of actions in a collective agreement, work regulations or separate regulations.

■ Audit of procedures

If an employer already has anti-bullying procedures in place, they will need to review their existing anti-bullying and anti-discrimination policies in light of the new requirements: the five areas of action (prevention, detection, response, redress, support) and the extended scope to include personal rights, and, where necessary, bring them into line with the new regulations.

■ Choosing the regulatory approach

Deciding whether the new rules will be included in the employment regulations or in a separate set of regulations, and planning consultations with trade unions or employee representatives.

■ Review of ongoing cases

Identification of current reports and disputes. Behaviour that is not resolved before the Act comes into force will be assessed according to the new, stricter rules.

■ Updating the reporting procedure

Aligning investigative procedures with the standard of prima facie evidence: how to assess reports, document findings, and protect reporters and those providing support.

■ Training for management

Drawing the line between performance management and harassment, and establishing rules for documenting assessments, instructions and feedback – this is a key element in mitigating the employer's risk.

■ People employed on a basis other than an employment contract

Taking into account people employed under civil law contracts, in particular: B2B contractors, service providers, agency staff and subcontractors, whose behaviour may also constitute workplace bullying.

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