DO-0130/86/2013

**Ordinance no. 86**

**of the Jagiellonian University Rector**

**of 26 July 2013**

**on The Employment and Workplace Regulations at the Jagiellonian University**

Pursuant to Art.104 section 1 and Art. 1041-3 of the Act of 26 June, 1974 – Labour Code (i.e. Journal of Laws of 1998, no. 21, item 94, as amended), Art. 30 subsection 5 of the Act of 23 May, 1991 on trade unions (i.e. Journal of Laws of 2001, no. 79, item 854, as amended), Art. 66 subsection 2 of the Law on Higher Education of 27 July, 2005 (i.e. Journal of Laws of 2012, item 572, as amended), and the regulations referred to in other acts as well as secondary legislation on labour law, the Rector of the Jagiellonian University has resolved as follows:

§ 1

1. I hereby establish *The Employment and Workplace Regulations at the Jagiellonian University*, herein after called ‘the Regulations’, which constitute an annex to this Ordinance.
2. The Regulations come into force two weeks after they have been posted for the employees’ reference on the Jagiellonian University website.

§ 2

The moment the Regulations described in section 1 come into force, the Jagiellonian University Rector’s Ordinance no. 24 of 7 May 2002 on the Employment and Workplace Regulations at the Jagiellonian University, as amended, will no longer remain in force.

§ 3

The Ordinance comes into force the moment it has been signed.

**Rector**

**Prof. Dr hab. Med. Wojciech Nowak**

Annex

to Ordinance no.86 of the Rector of the Jagiellonian University of 26 July 2013

**THE EMPLOYMENT AND WORKPLACE REGULATIONS**

**AT THE JAGIELLONIAN UNIVERSITY**

The following Employment and Workplace Regulations have been created pursuant to Art. 104 section 1 and Art. 1041-3 of the Act of 26 June 1974 - Labour Code (i.e. Journal of Laws of 1998, no. 21, item 94, as amended).

**General provisions**

§ 1

1. The Regulations determine the organisation and order of work at the Jagiellonian University as well as the related rights and obligations of the employer and employees.
2. The Regulations shall apply to all the employees at the Jagiellonian University, irrespective of their position, the type and length of working time, the length of employment contract, or whether they are employed on the basis of nomination or appointment; with respect to academic teachers the Regulations shall apply to matters not regulated by the Law on Higher Education or internal legal regulations based on this law in force at the University.
3. To any matters related to the employment contract which are not regulated herein, Labour Code, Law on Higher Education and other acts and secondary legislation on labour law shall apply.
4. A direct supervisor or subordinate relationship cannot exist between members of academic staff employed at the Jagiellonian University and their spouses, their relatives by blood or marriage up to the second degree, their adopted children, or persons for whom members of staff have the right to exercise wardship or guardianship. This shall not apply to employees who hold the office of single-person authorities at the University and who, under the provisions of the Law on Higher Education, shall be elected by ballot.

§ 2

1. Throughout these Regulations:
2. the Regulations, the Employment and Workplace Regulations - shall mean ‘*The Employment and Workplace Regulations at the Jagiellonian University*’;
3. employee - shall mean a person employed on the basis of an employment contract, nomination or appointment, irrespective of the job type or post held;
4. employer, workplace - shall mean the Jagiellonian University;
5. JU, University – shall mean the Jagiellonian University;
6. Rector – shall mean the Rector of the Jagiellonian University;
7. organizational unit – shall mean a Jagiellonian University organizational unit, as defined in the Jagiellonian University Statute and the Organizational Regulations at the Jagiellonian University;
8. head of an organizational unit – shall mean the person in charge of a given organizational unit at the Jagiellonian University;
9. trade union – shall mean a trade union operating at the Jagiellonian University;
10. labour code – shall mean the act of 26 June 1974 - Labour Code (i.e. Journal of Laws of 1998, no. 21, item 94, as amended);
11. act of law, Law on Higher Education - shall mean the Act of 27 July 2005 - Law on Higher Education (i.e. Journal of Laws of 2012, item 572, as amended).
12. Whenever an employment contract is mentioned in the Regulations it shall also refer to the employment relationship established on the basis of nomination, appointment, or election by ballot.

**Duties related to establishing an employment relationship**

§ 3

Before commencing work it shall be the duty of every newly employed member of staff to:

1) submit to the university Human Resources Department the required set of documents;

2) complete an induction occupational health and safety trainings as well as fire safety training;

1. submit a medical check-up report by a certified doctor stating lack of counter-indications for work at the workplace;
2. submit a statement declaring the place of primary or additional employment and retirement/ pension entitlements in accordance with annex no.1 to the Employment and Workplace Regulations;
3. submit a declaration for the purposes of calculating the personal income tax advance payments (PIT-2);
4. get acquainted with the employment and workplace regulations, bonus entitlement regulations and the contents of the employment contract, all of which the employee confirms with their signature;
5. report at the workplace on the agreed date.

**Employer’s duties**

§ 4

The employer’s duties shall include the following:

1. on the day of commencement of employment at the latest, drawing up and handing in to an employee a written employment contract defining the conditions of employment;
2. notifying an employee in writing, not later than within 7 days from signing the employment contract, about their daily and weekly hours of work, the frequency of remuneration, the length of holiday leave the member of staff is entitled to, as well as about the length of the notice period;
3. registering a new employee to the social security authorities within 7 days of commencement of employment;
4. familiarizing an employee with the Employment and Workplace Regulations before commencement of employment;
5. organizing work in the way which ensures effective use of time;
6. upon the commencement of employment and not later than within 3 days from the date of commencement of employment, notifying an employee in writing about the scope of his job-related duties;
7. observing and providing safe and healthy working conditions in accordance with the latest advances in science and technology; conducting obligatory training in occupational health and safety as well as fire safety;
8. informing employees about occupational risks involved in the work performed;
9. conducting periodical medical check-ups for employees prior to the expiry of the previous medical certificate, according to the internal regulations in force at the university. The head of an organizational unit shall not allow an employee to perform work without a valid medical check-up report by a certified doctor stating lack of counter-indications for work at the workplace;
10. keeping working time records and making them available at an employee’s request;
11. timely and appropriate calculation and payment of remuneration;
12. using objective and fair criteria of assessing employees and their performance (promotion, awards, penalties, etc.);
13. not letting an employee start or continue work if there is a legitimate proof that he is under the influence of alcohol or drugs while on the job; on employee’s request the employer is required to arrange for him a sobriety test; the test is conducted in accordance with relevant regulations;
14. enabling employees to upgrade their professional skills;
15. for the members of staff who have been employed for the first time, creating conditions which enable them to get used to performing their duties effectively;
16. granting holiday leaves in the calendar year in which employees have acquired the right to holiday leave, according to the leave schedule;
17. observing the regulations prohibiting employing women in professions banned for women by law;
18. assisting members of staff who retire from employment with necessary formalities;
19. meeting employees’ social needs, if resources permit;
20. keeping employment records and employees’ files secure;
21. providing employees with access to regulations on gender equality at the workplace; an extract from current regulations on gender equality is included in annex no. 2 to the employment and workplace regulations;
22. preventing discrimination in employment based on sex, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, creed, or sexual orientation;
23. preventing workplace bullying, i.e. an activity or behaviour towards or against an employee which consists in repeated and persistent harassment or intimidation and results in undermining the employee’s perception of his professional competence, causes or aims at humiliating or ridiculing an employee, at isolating or eliminating a staff member from the group of co-workers;
24. establishing and implementing a procedure preventing workplace bullying and discrimination;
25. respecting employee’s dignity and personal rights;
26. applying principles of community co-existence at the university;
27. observing employee personal data protection policy;
28. informing employees in the standard way accepted at the workplace about the possibility of full-time or part-time employment; informing members of staff employed for a definite period of time about vacant job positions.

**Employee’s duties**

§ 5

The employee’s duties shall include the following:

1. performing work conscientiously and carefully, complying with the Employment and Workplace Regulations and other internal regulations at the University;
2. complying with the established working hours and using them effectively and to the full;
3. reporting to work on time by signing the attendance list available at the place indicated by the head of an organizational unit;
4. complying with the occupational health and safety regulations as well as fire safety regulations;
5. respecting confidentiality defined in separate regulations;
6. complying with personal data protection regulations in the case of data which an employee has access to in connection with job-related duties;
7. protecting the reputation and the property of the University, keeping confidential any information that could cause damage to the employer if disclosed;
8. undergoing periodical and verifying medical check-ups;
9. wearing an identity badge issued by the employer;
10. upgrading one’s professional qualifications;
11. immediately reporting to one’s superior any accident witnessed at the university premises or any hazard to people’s life or health;
12. informing the Human Resources Department about the changes in employee’s personal data as well as personal data of family members for the purpose of registering them to the health insurance authorities or verifying their eligibility for social benefits;
13. keeping one’s working space in order, securing documentation, tools and materials in places specifically designed for this purpose;
14. observing the principles of community co-existence.

§ 6

It is forbidden for employees to:

1. be under the influence of alcohol or drugs, bring these substances and consume them while on the job;
2. smoke cigarettes on the University premises
3. use tools, machines and workplace premises for private purposes;
4. stay at the workplace outside working hours without the immediate superior’s consent unless it is necessary to organize a rescue operation or remove a malfunction;
5. abandon the workplace, change the assigned place of work or the established working hours, substitute for each other without the superior’s consent;
6. in the case of jobs requiring handing over duties, abandon the place of work before a sub reports to work;
7. leave unattended any documents, tools or equipment which has not been turned off upon finishing work.

**Working hours**

§ 7

1. The following working hours shall apply at the university: 5 days a week, from Monday to Friday, from 7.30 a.m. to 3:30 p.m.
2. ‘Working hours’ means a period of time for which an employee is obliged to perform work for their employer at the University or at another place of work they have been assigned to.
3. The working hours of academic staff members shall be determined by the responsibilities and duties related to teaching, research and administrative tasks.

§ 8

1. Non-academic staff members may be employed in a standard, equivalent or task-based working time system as well as in a shortened working week system. For members of staff employed in an equivalent working time system the times of commencing and finishing work are regulated by the schedule of working hours established for a given month by the head of an organizational unit. Calculating working hours is done on the basis of an employee’s working time sheet bearing their name.
2. One-month settlement period shall apply, subject to the provisions of § 9, section 2, subsection 6.
3. Should the adequate conduct of the teaching process or the scope of tasks performed by an organizational unit require it, with the Rector’s consent, it shall be possible to define working days in a different way in a given organizational unit on condition that the five-day working week principle as well as the standard working hours per week determined for different groups of employees in § 9 herein are complied with. Should the way in which working days are defined be subject to change, the head of an organizational unit shall report it to the Human Resources Department.
4. Work on Saturday as part of the average standard weekly working hours is not equivalent to work on an off day.

§ 9

1. The following workload standard shall be established per average five-day working week:
2. for library staff and archive and electronic information systems staff referred to in Art. 130, subsection 7 of the Law on Higher Education - 36 hours;
3. for research and technology staff, engineering and technology staff, administration staff, finances staff, services staff, workers, drivers as well as library staff and archive and electronic information systems staff not referred to in subsection 1– on average 40 hours;
4. for research and technology staff, engineering and technology staff and services staff employed at the Chair of Forensic Medicine, the Chair of Pathomorphology and the Chair of Anatomy who perform work in conditions particularly harmful and hazardous to health involving handling blood, human samples (including potentially infectious samples), histological samples, tissues from human corpses, toxic reagents as well as working under ultraviolet lamp – workload reduced to 5 hours per day;
5. for research and technology staffas well as engineering and technology staff exposed to sources of ionizing radiation at the Chair of Physiology, the Chair of Radiology, the Chair of Endocrinology, the Department of Clinical Biochemistry of the Chair of Clinical Biochemistry and at the Department of Radioligands of the Chair of Pharmacobiology who perform work in conditions particularly harmful and hazardous to health involving contact with open sources of ionizing radiation - workload reduced to 5 hours per day;
6. The following schedule of working hours shall be established for:
7. research and technology staff, engineering and technology staff, administration staff, finances staff, services staff, drivers, workers and archive and electronic information systems staff – from 7:30 a.m. to 3:30 p.m. (Monday to Friday);
8. the Jagiellonian University Archives staff referred to in section 1 subsection 1, the working hours shall be determined by the Head of the Jagiellonian University Archives;
9. the Jagiellonian University Library staff – according to Annex no. 3 to the Regulations and for the Medical Library – according to Annex no.3a to the Regulations;
10. security guards protecting university property – according to Annex no. 4 to the Regulations;
11. the Botanical Garden staff – according to Annex no. 5 to the Regulations;
12. the staff of the Jagiellonian University Conference Centre ‘Pod Berłami’ in Zakopane – 12 hours daily, in an equivalent working time system complying with standard working time referred to in section 1 subsection 2, within a three-month settlement period established for the Centre;
13. technical inspection staff employed at the Administration Office for the Campus of the 600th Anniversary of the JU Revival as part of Building Automation Management System (BMS) and the audio-visual staff employed at the Auditorium Maximum at the Department of Administration and Maintenance – according to Annex no. 6 to the Regulations;
14. the workload of the staff employed at faculty or institute libraries shall be determined by the Dean or the Head of the Institute.
15. In specific cases justified by the need to complete the tasks required of an organizational unit, in particular the need to complete a programme of study:
16. the head of a unit may submit a request to the Rector to establish a different schedule of working hours for the staff employed at that unit;
17. at the request of the head of an organizational unit, with the Rector’s consent, it is possible to establish a two-shift work schedule. The second shift shall not finish earlier than 8:30 p.m. and later than 9:30 p.m. The head of an organizational unit notifies the Human Resources Department about the schedule of the first and the second shift;
18. it is possible to extend the daily working hours up to 12 hours, using an equivalent working time system, the schedule of which is established for a given month; the calculation of working hours shall be based on an individual working time sheet provided by the head of an organizational unit or another person responsible for providing it.
19. The changes to the schedule of working hours referred to in section 3 subsection 1 and 2 shall be subject to Rector’s approval.

§ 10

1. The working hours shall include a fifteen-minute break, to which any employee who works at least six-hours daily is entitled to.
2. During an employee’s absence, the head of an organizational unit, if necessary, redistributes the duties of the absent member of staff to other employees.

§ 11

The working hours of employees with a degree of disability confirmed by a medical certificate are governed by separate regulations.

§ 12

1. For part-time employees, an individual schedule of working hours shall be established. It shall include working days, days off and the number of hours an employee is supposed to work, which shall reflect the part-time nature of their employment contract.
2. Part-time employee’s working hours shall be determined by the head of an organizational unit.

§ 13

1. Night work shall mean 8 hours of work in the period between 11 p.m. and 7 a.m.
2. An employee performing night work is entitled to a benefit for every hour of night work which amounts to 20 per cent of the hourly rate of basic pay, not lower than 20 per cent of the hourly rate calculated on the basis of the minimum pay established by separate regulations.

§ 14

Work on Sundays and on public holidays shall be defined as work performed between 7 a.m. on that day and 7 a.m. the following day.

§ 15

An employee who works on a Sunday is entitled to having one Sunday off at least once every 4 weeks, which shall not apply to the employee referred to in Art. 144 of the Labour Code.

§ 16

1. Overtime shall mean hours which an employee works over and above normal working hours as well as to work performed over and above an extended daily working hours under the system and schedule of working hours binding for an employee.
2. Weekly working hours, overtime included, cannot exceed the average 48 hours within the agreed settlement period.
3. Performing overtime work due to special operational needs on the part of the employer shall require the superior’s consent or an employee being ordered so by the superior in writing.
4. Within one calendar year, an employee cannot be ordered to do more than 150 hours of overtime to meet special needs of the employer, proportionally to the full-time or part-time nature of his employment contract.
5. For overtime work an employee shall be entitled, apart from regular remuneration, to:
6. 100 per cent of remuneration – for overtime work done
7. at night
8. on Sundays and public holidays which are not working days for an employee under the agreed schedule of working hours,
9. on an off day granted to an employee in exchange for work on a Sunday or on a public holiday under the agreed schedule of working hours;
10. 50 per cent of remuneration for overtime work on any other day than the ones referred to in subsection 1.
11. Also, for every hour of overtime work exceeding employee’s weekly working hours within the agreed settlement period, an employee shall be entitled to the benefit in the amount determined in section 5 subsection 1 unless exceeding employee’s weekly working hours has been the result of working overtime, which entitles them to the benefit in the amount determined in section 5.
12. In exchange for overtime work, the employer, at the written request of an employee, may grant the employee time off equal to the overtime.
13. Granting time off in exchange for overtime work may also take place without a request from an employee. In this case the employer shall grant an employee time off before the end of the agreed settlement period amounting to one and a half times the number of overtime hours; however, this cannot result in a reduction in the remuneration due to an employee for all monthly working hours.
14. In the case of employees whose working hours are kept track of by means of a time sheet, the head of an organizational unit or any authorized person shall calculate the number of overtime hours cumulatively on time sheets from the beginning of the calendar year.
15. By agreeing to let the employee work overtime above the limit referred to in section 4, the head of an organizational unit violates the Regulations on working hours.
16. The head of an organizational unit shall make sure that their employees observe the schedule of working hours at the Jagiellonian University, shall appropriately establish schedule of working hours as well as keep records of and calculate employees’ working hours, including overtime.

**Workplace discipline**

§ 17

1. Every employee shall confirm their timely arrival at work by signing the attendance list.
2. An employee’s absence from work shall be reported on the attendance list along with the reason for absence.
3. The attendance lists shall be made available for employees to sign in the place indicated by the head of an organizational unit.
4. The head of an organizational unit has the right to check attendance lists on an everyday basis.
5. Having checked and signed the attendance lists, the head of an organizational unit shall submit them to the Human Resources Department after the end of each month, not later than on the 5th working day of the following month.
6. The head of the Human Resources Department shall supervise observing workplace discipline.

§ 18

1. Every employee shall report to work early enough to be at his place of work at the time of commencing work.
2. Every employee shall finish his/her work according to the schedule of working hours.

§ 19

Leaving work during the working hours requires prior consent of the immediate superior.

§ 20

1. An employee shall notify the head of an organizational unit about the reason and duration of their absence if the reason for the absence is known in advance or can be anticipated.
2. If an employee is unable to come to work, they shall immediately, not later than on the second day of their absence from work, contact the head of an organizational unit in person, by telephone, fax, electronic mail, through another person, or by post; the postmark date shall be deemed the date of notification. Such a notification shall include the reason and the anticipated duration of absence.
3. In the event of employee’s absence due to illness, an employee shall submit a medical certificate either in person, by post or through other means of communication to the Human Resources Department or to the immediate superior not later than within seven days of the day on which it has been issued. If the medical certificate is sent by post, the postmark date shall be deemed the date of notification.
4. If an employee fails to comply with the regulations referred to in sections 1 and 2, the absence from work shall be treated as unjustified and unpaid; it shall be considered a serious violation of basic employee’s duties.

§ 21

The documents justifying employee’s absence from work shall include among others:

1. a medical certificate confirming temporary incapacity for work;
2. the decision of the relevant sanitary inspector as to the isolation of an employee due to a contagious disease for reasons referred to in separate regulations;
3. an employee’s statement declaring that they have to take care themselves of their child under the age of 8 due to the fact that a nursery school, a kindergarten, or a school which the child attends has been closed without prior notice;
4. a call-up or summons addressed to an employee, issued by the relevant authority responsible for military service and training, a government or local government authority, court or the prosecutor’s office obliging an employee to appear as a litigant party or witness before these authorities; a call-up or summons shall contain an indication as to the date and time by which the person is required to appear before these authorities;
5. an employee’s statement declaring that they have been on a business trip at night and finished it when the time before commencing work was shorter than 8 hours, which does not allow for having a proper night rest.

§ 22

1. Serious instances of breaching basic employee’s duties shall include:
2. unjustified absence from work during a normally scheduled working hours;
3. failure to perform work properly, timely, neglect of duty;
4. engaging in non-work related activities during a normally scheduled work time;
5. leaving place of work, arriving late at work, unauthorized and unexcused departure from the place of work;
6. performing duties under the influence of alcohol or drugs, consuming alcohol or drugs at the workplace;
7. failure to observe the organization and order at the workplace;
8. failure to observe health and safety regulations as well as fire safety regulations;
9. failure to observe regulations on respecting confidential information;
10. failure to observe regulations on personal data protection;
11. bullying or discriminating against other employees, especially against subordinates.
12. The situation in which an employee under the influence of alcohol or drugs or an employee consuming these substances while on the job is prevented from starting or continuing work shall be considered an unexcused absence from work on a given day which is unpaid and may lead to negative consequences.
13. If it has been established that an employee is under the influence of alcohol or drugs or if there are grounds to suspect an employee of being under the influence of alcohol or drugs, the head of an organizational unit or any person authorized by the head shall, in the presence of at least one witness:
14. immediately stop an employee from performing their duties;
15. produce a situational report including all the circumstances, the date and the time of stopping an employee from performing his duties as well as the motion to apply the penalty referred to in the regulations;
16. immediately submit the situational report to the Human Resources Department, not later than the following day after the incident.
17. The employer shall arrange a sobriety test in accordance with relevant regulations;

If the test confirms that an employee is under the influence of alcohol, the cost of the test shall be covered by an employee.

**Short absence leave**

§ 23

1. An employee is entitled to paid leave in the event of:
2. employee’s marriage, birth of a child, spouse’s, child’s, father’s, mother’s, stepfather’s or stepmother’s death and funeral – 2 days;
3. employee’s child’s marriage, sister’s, brother’s, mother-in-law’s, father-in-law’s, grandmother’s, grandfather’s, or dependent relative’s death and funeral or the death and funeral of any person under employee’s direct care – 1 day;
4. seeking new employment during the period of notice if the employment contract has been terminated by the employer:
5. 2 working days if the period of notice is two-week or one-month long;
6. 3 working days if the period of notice is three-month long;
7. taking care of their child under the age of 14 – 2 working days in the calendar year.
8. Irrespective of the provisions referred to in section 1, an employee is entitled to paid time off in the cases referred to in separate regulations, which include among others:
9. undergoing obligatory medical check-ups and preventive vaccinations;
10. blood donation by an employee-blood donor;
11. acting as a board member of the trade unions operating at the university; the leave is granted for the time necessary to fulfil the duties of a board member;
12. upgrading employee’s professional qualifications having received the employer’s approval;
13. for a female employee undergoing medical check-ups related to her pregnancy, as recommended by a doctor, if such check-ups cannot be carried out outside working hours;
14. breastfeeding breaks:
15. for one child – two 30-minute breaks;
16. for more than one child - two 45-minute breaks;

Breaks for breastfeeding may be combined into one longer break upon the request of a female employee. If a female employee’s working hours do not exceed 6 hours daily, she is entitled to one breastfeeding break.

§ 24

1. Non-work related matters, whether personal or family-related, shall be dealt with outside working hours.
2. In the event of urgent personal or family-related matters, which have to be dealt with during working hours, the superior may grant their consent for an employee to take time off necessary to deal with these matters.

**Holiday leave**

§ 25

1. Annual holiday leaves shall be granted according to the regulations of the Labour Code.
2. An employee has the right to annual, uninterrupted, paid holiday leave.
3. An employee cannot renounce their right to holiday leave.
4. Leave not used within the period determined by the Labour Code must be granted to an employee at the latest up to 30 September of the following calendar year.
5. The length of leave amounts to:
6. 20 days - if an employee has been employed shorter than 10 years;
7. 26 days - if an employee has been employed for at least 10 years;
8. an employee who has been employed for the first time and started his job part-way through a leave year shall be entitled to a holiday leave with every working calendar month corresponding to 1/12 of the length of the total annual leave they will be entitled to having worked the entire year.
9. The length of holiday leave for a part-time employee is proportional to their working time, using the length of leave determined above; a part of a day of leave will be rounded up to a full day.

§ 26

1. Holiday leave shall be granted in accordance with the schedule of leave established for a given calendar year, at the employee’s request submitted at least 3 days before the day of commencing the leave. An employee has the right to commence leave provided the head of an organizational unit has given their consent for an employee to commence leave on a given day.
2. A schedule of leave does not include leave ‘on demand’.
3. The head of an organizational unit shall establish the schedule of leave, taking into consideration requests from employees and the need to ensure a regular course of work. The schedule of leave shall be announced to employees in the standard way accepted at a given organizational unit by 31 March of every calendar year at the latest and shall be submitted by the head of a unit to the Human Resources Department.
4. The date of leave may be moved to a different date than the one established in the schedule of leave in the following cases:
5. at the request of an employee submitted at least 3 days before the day of commencing leave. An employee has the right to commence leave provided the head of an organizational unit has given their consent for an employee to commence leave on a given day;
6. due to special needs of an employer, if the absence of an employee could cause a serious disruption at work.
7. Employees employed in senior positions shall nominate a person who will substitute for them during their holiday leave. As for other employees the course of action in this respect shall be determined on a day-to-day basis by the head of an organizational unit.
8. Within the period of notice, an employee is obliged to use the whole outstanding leave as long as they are granted leave within this period. In this case, the length of the granted leave shall be proportional to the employment period in a given calendar year, excluding unused leave.

§ 27

In every calendar year, within the annual leave period an employee is entitled to ‘on demand’ leave amounting to not more than four days at a time indicated by them. The employee shall demand the leave at the latest on the day of the leave; they shall submit an application for the leave immediately after it has come to an end.

**Remuneration**

§ 28

1. An employee is entitled to remuneration pursuant to binding regulations.

2. The remuneration for academic teachers is paid upfront, on the first day of each calendar month.

3. The remuneration for all employees except academic teachers shall be paid on 26th day of each calendar month.

4. If the payment is due on a Sunday, off day or public holiday, the remuneration shall be paid on the working day preceding that day.

§ 29

1. The remuneration is paid by means of a bank transfer to the bank account provided by the employee. An employee who does not have a bank account shall receive the remuneration in the bank handling the University account.

2. Each employee receives information containing details of their remuneration, so called „slip”, by standard communication means established at the University.

3. Information on the remuneration for the work is subject to personal data protection.

**Employment rights for parents**

§ 30

1. The employment of women in jobs requiring working in particularly arduous or health hazardous conditions is forbidden, even with their consent.

2. Jobs which are not allowed for women are listed in Appendix 7 hereto.

§ 31

1. A pregnant employee cannot be employed to work overtime or at night.

2. A pregnant employee cannot be delegated to work outside her permanent workplace, unless she gives her consent.

3. An employee taking care of a child younger than 4 years old cannot be employed to work overtime or at night and delegated to work outside their permanent workplace, unless they give their consent.

4. An employer who employs a woman to work at night is obliged to change her working hours during her pregnancy, so that she could do her work during daytime. If that is impossible or purposeless, the employee shall be assigned to do work which does not require working at night; if that is not feasible, the employer is obliged to grant her paid inactive leave.

5. If a pregnant employee or an employee nursing a child is performing work listed in legal provisions as prohibited from being performed by such an employee, regardless of the level of risk of exposure to factors harmful to health or hazardous factors, the employer is obliged to transfer the employee to perform other work, and if this is not possible, to grant her paid inactive leave for as long as necessary.

**Protection of juvenile workers**

§ 32

1. Light work that can be performed by juvenile workers is listed in Appendix 8 hereto.

2. The list of work forbidden to juveniles can be found in the Regulation of the Council of Ministers of 24 August 2004 on the List of Work Forbidden to Juveniles and Conditions of Engaging Them To Do Some Jobs (O.J 2004, No. 200, item 2047 as amended)

**Occupational health and safety and fire safety**

§ 33

1. The employer is obliged to ensure the observance of occupational health and safety and fire protection regulations by issuing relevant orders, addressing safety deficiencies and adhering to all recommendations of supervisory and control bodies, safety representatives and the doctor providing medical help to their employees.
2. The employer is obliged to protect the health and lives of the employees by ensuring healthy and safe working conditions, protecting the employees against accidents at work, occupational diseases and other diseases related to working conditions. In particular, the employer is obliged to:

1) organise work in a manner ensuring healthy and safe working conditions;

2) provide information to the employees on binding health and safety and fire safety regulations. In this scope the employer shall regularly conduct instruction in health and safety and fire safety;

3) send the employees to undergo medical check-ups;

4) inform the employees of the risks to their safety and health at the workplace, including information about principles of occupational risk prevention, as well as on any changes in the risks involved or in these principles;

5) ensure that the facilities and technical equipment at the workplace are healthy and safe and that collective protection measures are sufficient and in proper technical condition, and that they are used appropriately;

6) inform all employees, irrespectively of their position, about their duty to inform health and safety team about witnessed accidents at work;

7) provide employees, before they commence work, with working clothing and shoes and personal protection equipment compliant with the standards set in the Ordinance of the Rector of the Jagiellonian University;

8) provide the employees with and inform them about a secure place for storing their working clothing and footwear, their own clothing and the tools they use at work.

§ 34

1. Employees are obliged to observe the provisions and principles of health and safety and fire safety provisions. In particular, they are obliged to:

1) familiarise themselves with occupational health and safety regulations and participate in training sessions and briefings, as well as undergo required examinations;

2) perform work in a manner that complies with the provisions and the principles of health and safety at work, as well as to comply with the instructions and directives issued in this scope by their superiors;

3) care about the proper condition of machines, devices, tools and equipment, as well as tidiness and order in working premises;

4) use collective and personal protection equipment, as well as working clothing and footwear in accordance with their intended use;

5) undergo initial, periodical and verifying (after more than 30 days on sick leave) medical examinations and other recommended medical examinations, as well as follow medical recommendations;

6) immediately inform the employer about any accident they witness at the premises of the Jagiellonian University or about any circumstances hazardous to health or life, as well as warn their co-workers and other persons present at the site of the danger involved.

2. An employee shall have the right to refrain from performing work, and shall

immediately notify their superior that they have stopped working, when working

conditions do not comply with the provisions of occupational health and safety and create

immediate danger to the employee’s health or life or when the work performed by an

employee causes such danger to other persons.

3. If refraining from performing work does not eliminate the danger described in § 34.2 herein, an employee shall have the right to leave the danger zone, and shall immediately notify their superior that they have left the danger zone.

4. An employee shall be entitled to remuneration for the time during which they

refrained from performing work or left the danger zone in the cases referred to above.

5. Failure to observe health and safety regulations and principles and fire safety regulations constitutes a serious breach of employee’s duties.

§ 35

Smoking is banned at the Jagiellonian University premises.

**Awards and distinctions**

§ 36

1. An employee who does an exemplary job in performing their duties and especially contribute to University activities can be awarded by the University.

2. The principles of granting awards are described in the Regulations on the Awards.

3. An award can also be granted following the supervisor’s motion.

**Employees’ liability for maintaining order**

§ 37

1. If an employee breaches their duties at work, and in particular if they do not observe the organisation and order established in the process of work, the provisions of the Regulations, the provisions on occupational health and safety or the provisions on fire protection, they are held liable.

2. Pursuant to the Labour Code, the employer may apply the following penalties:

1) an admonition,

2) a reprimand.

3. If an employee does not observe the provisions on health and safety at work or the provisions on fire protection, commences work when intoxicated with alcohol or drugs, or if they drink alcohol or use illegal drugs at work or at the Jagiellonian University premises, they may be fined by the employer.

4. The fine may be administered only after the employee has been listened to.

5. The employee can appeal to the employer against the penalty within 7 days.

6. After a year of exemplary work, the penalty is deemed non-existent and the copy of the penalty notice is removed from the employee’s record. In exceptional circumstances, the penalty can be deemed non-existent before a year has passed, following a motion by the employee’s direct supervisor approved by the employer or a motion by the union representing the employee.

**Final provisions**

§ 38

1. Employee complaints and motions can be presented to and are handled by the Rector of the Jagiellonian University.

2. Irrespectively of the provision in section 1 above, complaints and motions in writing can be submitted daily at the University Office in Collegium Novum.

3. Complaints and motions are handled pursuant to the provisions of the Code of Administrative Procedure.

§ 39

These Regulations shall enter into force two weeks after their announcement.

§ 40

The Regulations shall be available at the Jagiellonian University website and in JU Human Resources Department.

**Rector**

**Prof. dr hab. med. Wojciech Nowak**

Appendix no. 1 to the Employment and Workplace Regulations at the Jagiellonian University

...............................................................

(name and surname)

...............................................................

(organisational unit)

STATEMENT

I hereby state that the Jagiellonian University is my primary (supplementary) place of employment.

I am retired – YES/NO \*

Decision no. ................................................................. of (date) ...............................................

I receive a disability pension – YES/NO \*

Decision no. ................................................................. of (date) ...............................................

.................................................

(signature)

Kraków, (date)............................................

\* delete as appropriate

Appendix no. 2 to the Employment and Workplace Regulations at the Jagiellonian University

PROVISIONS ON EQUAL TREATMENT OF WOMEN AND MEN IN EMPLOYMENT

**THE CONSTITUTION OF THE REPUBLIC OF POLAND**

Art. 33.

1. Men and women shall have equal rights in family, political, social and economic life in the Republic of Poland.
2. Men and women shall have equal rights, in particular, regarding education, employment and promotion, and shall have the right to equal compensation for work of similar value, to social security, to hold offices, and to receive public honours and decorations.

**THE LABOUR CODE**

Art. 9.

§ 4. The provisions of collective labour agreements and other collective agreements, regulations and statutes pursuant to the Act and determining the rights and duties of the parties to an employment relationship, are not binding if they violate the principle of equal treatment in employment.

Art. 112.

Employees have equal rights in respect of the same performance of the same duties; this applies in particular to the equal treatment of men and women in employment.

Art. 113.

Any discrimination in employment, direct or indirect, in particular due to gender, age, disability, race, religion, nationality, political views, trade union membership, ethnic origin, creed, sexual orientation, as well as due to the type of employment contract (permanent or fixed-term contract or full or part-time contract), is inadmissible.

Art. 18.

§ 3. Any provisions of employment contracts and other acts on the basis of which an employment relationship is established which violate the principle of equal treatment in employment are invalid. The appropriate provisions of labour law shall apply instead, and if there are no such provisions, then the appropriate provisions of a non-discriminatory character shall be applied instead.

Chapter IIa

Equal treatment in employment (Art. 183a – 183e)

Art. 183a.

§ 1. Employees should be treated equally in relation to establishing and terminating an employment relationship, employment conditions, promotion conditions, as well as access to training in order to improve professional qualifications, in particular regardless of sex, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, creed, sexual orientation, as well as regardless of the type of employment contract (permanent or fixed-term contract or full or part-time contract)

§ 2. Equal treatment in employment means that there must be no discrimination whatsoever, directly or indirectly, due to reasons referred to in § 1 above.

§ 3. Direct discrimination occurs where one employee, on one or more grounds referred to in § 1, has been, is or could be treated less favourably than other employees in a comparable situation.

§ 4. Indirect discrimination occurs where an apparently neutral provision, criterion or practice places or would place all or a considerable number of employees belonging to a particular group on the grounds of one or more reasons referred to in § 1 at a disproportionate disadvantage, or at a particular disadvantage in relation to the establishment and termination of an employment relationship, employment conditions, promotion conditions, as well as access to training in order to improve professional qualifications, unless that provision, criterion or practice is objectively justified by a legitimate aim to be achieved, and the means of achieving that aim are appropriate and necessary.

§ 5. Discrimination within the meaning of § 2 also includes:

1)practices encouraging another person to violate the principle of equal treatment in employment, or a situation when a person is ordered to violate that principle,

2) unwanted conduct with the purpose or effect of violating the dignity of an employee and of creating an intimidating, hostile, degrading, humiliating or offensive atmosphere (harassment).

§ 6. Discrimination on the grounds of sex also includes any form of unwanted conduct of a sexual nature, or in relation to the sex of an employee with the purpose or effect of violating the dignity of an employee, in particular when creating an intimidating, hostile, degrading, humiliating or offensive atmosphere; this conduct may include physical, verbal or non-verbal elements (sexual harassment).

§ 7. The submission of an employee to harassment or sexual harassment, as well as their conduct in order to reject harassment or sexual harassment, cannot inflict any negative consequences on the employee.

Art. 183b.

§ 1. The violation of the principle of equal treatment in employment, subject to § 2-4, also occurs when an employee is treated differently on one or more grounds outlined in art. 183a § 1,which results in particular in:

1) refusing to establish an employment relationship or terminating the employment relationship,

2) disadvantageous conditions of remuneration for work or other employment conditions, or not being selected for promotion or not being granted other work-related benefits,

3) not being chosen to participate in training organised to improve professional qualifications, unless the employer proves that this was due to objective reasons.

§ 2. The principle of equal treatment in employment is not violated by conduct aimed at legitimately differentiating the situation of an employee that includes:

1) not employing an employee on one or more grounds referred to in Article 183a § 1, if the type of work or the conditions of its performance mean that the characteristic or the characteristics referred to in that provision constitute a genuine and determining occupational requirement for the employee

2) serving a notice of termination of employment conditions to an employee in relation to the length of working time, provided it is justified for reasons not concerning employees and without referring to other grounds listed in Article 183a § 1,

3) applying means that differentiate the legal situation of an employee due to disability or the protection of parenthood,

4) applying the criterion of the employment period in establishing employment and dismissal conditions, remuneration and promotion principles, as well as access conditions to training to improve professional qualifications which justifies a different treatment of employees due to their age.

§ 3. The principle of equal treatment in employment is not violated by conduct undertaken for a certain period of time, aimed at creating equal opportunities for all or a considerable number of employees distinguished by one or more grounds referred to in Article 183a § 1, by reducing the actual inequalities for an advantage of such employees to the extent determined in that provision.

§ 4. The principle of equal treatment is not violated where churches and other religious societies, as well as organisations the ethics of which is based on religion, creed or world-view limit access to employment on the grounds of religion, creed or world-view provided the type or characteristics of the activity conducted by the churches and other religious societies, as well as organisations means that the religion, creed or world-view are a real and decisive occupational requirement for the employee, proportional to reaching a lawful aim of the

differentiation of the situation of such a person; it also concerns the requirement for the employed to act in good faith and loyalty towards the ethics of the church, other religious society and organisation the ethics of which is based on religion, creed or world-view.

Art. 183c.

§ 1. Employees have the right to equal remuneration for the same work or for work of an identical value.

§ 2. The remuneration referred to in § 1 includes all components of remuneration, regardless of their name or characteristics, as well as other work-related benefits granted to employees in cash or non-cash form.

§ 3. Work of an identical value means work that demands from employees not only comparable professional qualifications, certified by documents provided for in separate provisions or by practice and professional experience, but also comparable responsibility and effort.

Art. 183d.

A person against whom an employer has violated the principle of equal treatment in employment has the right to compensation of at least the amount of the minimum remuneration for work, determined in separate provisions.

Art. 183e.

§ 1. The fact that an employee has exercised their rights due to a violation of the principle of equal treatment in employment may not constitute a reason for the disadvantageous treatment of the employee and may not result in any negative consequences for the employee; in particular, it may not constitute grounds for the termination of an employment relationship by an employer, with or without notice.

§ 2. The provision of § 1 applies accordingly to an employee who has provided any support to an employee exercising their rights due to a violation of the principle of equal treatment in employment.

Art. 292.

§ 1. Concluding an employment contract with an employee for part-time employment must not establish their work and remuneration conditions in a manner that is less favourable in relation to employees performing the same or similar work full time, though taking into account the principle of proportionality of the remuneration for work and of other work-related benefits, in relation to the length of working time of the employee.

§ 2. An employer should, as far as possible, accept a request from an employee in relation to changing the length of working time determined in the employment contract.

Art. 94.

The employer is obliged, in particular, to:

2b) act against discrimination in employment, in particular due to sex, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, creed, sexual orientation, as well as on grounds of employment for a definite or indefinite period of time, or in full-time or part-time capacity.

Appendix no. 3 to the Employment and Workplace Regulations at the Jagiellonian University

WORKING TIME OF THE JAGIELLONIAN LIBRARY EMPLOYEES

1. The Jagiellonian Library is open for the public from Monday to Friday, from 8.00 to 20.50 (for the employees to 21.00), and on Saturdays from 9.00 to 16.00.

2. The employees of the Jagiellonian Library work flexible hours within five-day working week pursuant to the need of ensuring full scope of services in all Library facilities.

3. The weekly working time for particular groups of Jagiellonian Library employees shall be the following:

1) a 36-hour weekly working time shall apply to the employees employed at the position of a certified librarian, adjunct, custodian and senior librarian holding a MA degree;

2) a 40-hour weekly working time shall apply to the employees employed at the position of a junior librarian, librarian, senior librarian not holding a MA degree, warehouse worker, senior warehouse worker, engineering and technical worker, IT specialist, as well as customer service and administrative worker;

3) a 36,25 weekly working time shall apply to employees working in printing.

Appendix no. 3a to the Employment and Workplace Regulations at the Jagiellonian University

WORKING TIME OF THE EMPLOYEES OF MEDICAL LIBRARY OF THE JAGIELLONIAN UNIVERISITY MEDICAL COLLEGE

1. A 36-hour weekly working time shall apply to the librarians employed at the Medical Library JU CM (custodian, senior librarian). The remaining employees of the Medical Library JU CM shall work 8 hours a day, five days a week (average of 40 hours a week).

2. A detailed working schedule for the employees is established by the Medical Library Director and announced for the employees at least one week in advance, before the start of a given calendar month.

3. Working time of the employees is acknowledged by signing the attendance lists.

Appendix no. 4 to the Employment and Workplace Regulations at the Jagiellonian University

WORKING TIME OF THE EMPLOYEES GUARDING PROPERTY

§ 1

1. The average weekly working time shall be 40 hours. The employees shall work 5 days a week on average.

2. The working time referred to in section 1 shall be calculated monthly.

3. The system of equivalent working time shall apply to security professionals, excluding the security professionals employed by the Faculty of Law and Administration, to whom standard working time applies. A daily working time for employees guarding the property in equivalent working time system can be extended to 12 hours, and in Collegium Medicum to 24 hours.

§ 2

The working hours for employees guarding the property are defined in monthly schedules.

§ 3

1. Working time is recorded in and calculated on the basis of an employee working time sheet.

2. The schedules and monthly working time sheets for employers guarding the property are prepared by the manager or an authorised staff member in the employer’s home unit.

3. The manager (the authorised staff member) is responsible for timely preparing proper working time sheets.

4. After formal approval of working time sheets the manager or the authorised person submit the sheets to JU Human Resources Department, not later than on the 5th day of the month following the month in question.

§ 4

1. Exceeding the number of hours set in § 1 section 1 shall constitute working overtime.

2. The yearly number of overtime hours for each employee cannot exceed 416 hours and the overall number of hours in the calculation period shall not exceed the average of 48 hours a week.

3. If the number of overtime hours that an employee has worked in a given year reaches the yearly limit defined in section 2, they cannot be allowed to work additional overtime hours.

Appendix no. 5 to the Employment and Workplace Regulations at the Jagiellonian University

WORKING TIME FOR BOTANICAL GARDEN EMPLOYEES

§ 1

1. Due to the special character of Botanical Garden activities, the work is conducted also on Saturdays, Sundays and public holidays. However, the employees shall work 5 days a week on average and the average weekly working time shall be 40 hours. The working time shall be calculated for the specified period.

2. The manager of the organisational unit shall prepare a schedule and present it to the employees at least 5 days before the start of the month it concerns.

3. The schedule includes the day(s) off given to the employee for the work on Saturdays, Sundays or public holidays in a given calculation period.

4. Working time is recorded in and calculated on the basis of an employee working time sheet.

§ 2

The employees shall work the following hours:

1) academic and technical staff (botanist), administrative staff: from 7.30 to 15.30 (Monday to Friday);

2) academic and technical staff (gardeners): from 7.00 to 15.00 (Monday to Friday);

3) service, manual workers, drivers: from 7.00 to 15.00 (Monday to Friday);

4) employees guarding the property: from 7.00 to 19.00.

§ 3

1. The working time shall be calculated monthly subject to § 1 section 1.

2. The monthly working hours are set in the schedules prepared for each month.

3. Working on Saturdays, within the average working time does not constitute working on an off day.

Appendix no. 6 to the Employment and Workplace Regulations at the Jagiellonian University

WORKING TIME FOR TECHNICAL SUPERVISION STAFF IN ADMINISTARTION OFFICE OF THE CAMPUS OF THE 600TH ANNIVERSARY OF THE JAGIELLONIAN UNIVERSITY REVIVAL AS PART OF BUILDING AUTOMATION MANAGEMENT SYSTEM (BMS) AND EMPLOYEES SERVICING AUDIO-VISUAL SYSTEMS EMPLOYED AT THE DEPARTMENT OF ADMINISTRATION AND MAINTENANCE IN AUDITORIUM MAXIMUM

§ 1

1. The average weekly working time shall be 40 hours.

2. The working time shall be calculated monthly subject to section 1 above.

3. The equivalent working time system shall apply to BMS technical staff and employees servicing audio-visual systems. A daily working time in the equivalent working time system can be extended to 12 hours.

§ 2

The working hours, referred to in § 1 section 3, are set in monthly schedules.

§ 3

1. Working time is recorded in and calculated on the basis of an employee working time sheet.

2. The schedules and working time sheets for the BMS technical supervision and audio-visual systems support staff shall be prepared by the manager or an authorised member of staff of the employee home organisational unit.

3. After formal approval of working time sheets, the manager or the authorised person shall submit the sheets to JU Human Resources Department, not later than on the 5th day of the month following the month is question.

§ 4

1. Exceeding the number of hours set in § 1 section 1 shall constitute working overtime.

2. The yearly number of overtime hours for each employee cannot exceed 150 hours.

3. If the number of overtime hours that an employee has worked in a given year reaches the yearly limit defined in section 2, they cannot be allowed to work additional overtime hours.

Appendix no. 7 to the Employment and Workplace Regulations at the Jagiellonian University

THE LIST OF WORK FORBIDDEN TO WOMEN

1. Women cannot be employed to perform work involving lifting or moving loads on even terrain, at a distance exceeding 25 m and mass exceeding:

1) 12 kg when working permanently;

2) 20 kg when the loads are handled infrequently (up to 4 times in an hour within one working shift).

2. Pregnant women cannot be employed to perform work involving:

1) exposure to ionising radiation;

2) exposure to electromagnetic fields with values falling outside the safety zone;

3) exposure to noise, based on 8-hour working day, exceeding 65 dB;

4) exposure to ultraviolet radiation exceeding the maximum permissible values specified in provisions on maximum permissible concentrations and intensity of harmful factors in the work environment by ¼;

5) working with computer monitors for more than 4 hours a day, unless the work is performed interchangeably with other work;

6) working at heights and with the use of ladders.

3. Pregnant and breastfeeding women cannot be employed to perform work involving:

1) manual handling of loads exceeding:

– 3 kg when working permanently,

– 5 kg when the loads are handled infrequently;

2) standing for more than 3 hours in one shift;

3) the risk of infection with: hepatitis B, varicella zoster virus, rubella virus, HIV, cytomegalovirus, listeria monocytogenes, toxoplasmosis;

4) handling animals carrying infectious and invasive diseases, exposure to cancerous and likely cancerous factors;

5) exposure to the following chemical substances, irrespectively of their concentration:: chloroprene, *2*-Ethoxyethanol, ethylene dibromide, cytotoxic drugs, manganese, 2-methoxyethanol, lead and its organic and non-organic compounds, mercury and its organic and non-organic compounds, styrene, synthetic oestrogen and progesterone, carbon disulphide, plant protection products, exposure to organic solvents, if their concentrations exceed maximum permissible values by 1/3.

4. Breastfeeding women cannot be employed to perform work with open sources of ionising radiation.

5. The detailed list of work forbidden to women together with their parameters can be found in the Regulation of the Council of Ministers of 10 September, 1996 (O.J. No. 114, item. 545, as amended).

Appendix no. 8 to the Employment and Workplace Regulations at the Jagiellonian University

THE LIST OF LIGHT WORK THAT CAN BE PERFORMED BY JUVENILLES

1. Juvenile workers can be employed to perform work involving:

1) auxiliary administrative duties:

a) registering documents,

b) delivering the post,

c) doing simple tasks delegated to them by their supervisors;

2) auxiliary cleaning work;

3) handling library requests.

2. Juvenile workers can be employed at the position of:

1) auxiliary administrative worker;

2) auxiliary service worker;

3) library assistant.

3. Juvenile workers cannot be employed to perform work in particularly arduous or health hazardous conditions and conditions specified in the Regulation of the Council of Ministers of 24 August, 2004 (O.J No. 200, item 2047, as amended).