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Job order contracts from 2017

From the 1st of January 2017 most of the regulations of the law that guarantees the minimum hourly rate for the job order contracts and contracts for the provision of services came into force.

How it was so far

Previous regulations concerning the minimum wage referred only to employees. The wage could be shaped freely by the parties to the job order contract.

How it is from the 1st of January 2017

The amendment of the law on the minimum wage brings changes as regards employees' salaries. In particular it introduces the minimum hourly rate for job order contracts at the level of PLN 13 gross.

The amendment provides that the salary must be prescribed in the contract so that for every hour of carrying out of the commission the remuneration must not be lower than the minimum hourly rate.

In the event that a commission will be accepted by several persons jointly, the minimum hourly rate regards each of these people. The commission agent shall not waive the right to compensation equal to the minimum hourly rate or transfer these rights to third parties.

The payments of remuneration resulting from the minimum hourly rate will have to be made in pecuniary form.

The amendment also introduces the obligation of the monthly payment of said remuneration.

The parties to the job order contract or the contract for the provision of services are required to establish - in the contract - the manner of **keeping working time records**. If the contract does not foresee such a manner, the contractor prepares the information on the number of hours of work performed prior to the payment of remuneration (an information on the invoice or statement should be enough).



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In the event that the commission contract was not concluded in writing, in electronic form or as a document, the person ordering is obliged to confirm the manner of keeping working time records before the execution of the contract.

Whom it concerns

The minimum hourly rate concerns contractors and service providers.

A contractor is:

- a sole proprietor, who provides services personally, does not assume employees and does not subcontract the provision of services,
- an ordinary contractor, i.e. not a sole proprietor.

The minimum hourly rate is in force from the 1 st of January 2017, however it also applies to contracts concluded by the end of 2016 still in force.

Sanctions

The payment of wages lower than the minimum hourly rate is a criminal offense and is subject to fine from PLN 1.000 to 30.000 (Art. 8e of the Act).

For further information please contact us via e-mail: info@investmentsgroup.net