

Financing adult learning database

Name of the instrument - Local language	Klauzula lojalnościowa
Name of the instrument - English translation	Payback clause
Scheme ID	177
Country	 Poland
Reporting year	2020
Type of instrument	Payback clause
Sub-type of instrument	Payback clauses are possible within set limits
Type of entry	Single instrument

Short description	Employer and employee can agree on a payback clause. The payback clause applies when the employer co-finances training activities for the employee (directly - e.g. covering tuition fees). The employer may oblige the employee to stay in employment for a maximum of 3 years after completing the training. If an employee decides to terminate the employment, he/she must reimburse the costs of the training paid by the employer. All types of training and education relevant to performed work are eligible. (Co)financing to employees' training may include tuition fees, learning materials, travel, and accommodation costs. No government bodies and agencies are involved in the operation of the payback clause in Poland.
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Level of operation	National
Name of a part of the country	Not applicable
Name of the region (for regional instruments)	Not applicable
Name of the sector (for sectoral instruments)	Not applicable
Relevance	Further instrument
Legal basis	Labour Code art. 103 ⁴ -103 ⁵

Objective(s) and target(s)	The objective of the payback clause is to protect employers in the situation when they invested in employee's training, and after completing the training employee quit the job in order to be employed in another company
Year of implementation	1989
Operation/management	No government bodies and agencies are involved in the operation of the payback clause in Poland. The only involvement was connected with introducing the changes in the Labour Code, that defined the rules for the payback clause (and training leave).
Eligible group(s)	Employers who co-financed training programme to employees
Group(s) with preferential treatment	No preferential treatment
Education and training eligible	All types of training and education relevant to performed work, including: - Programmes leading to a formal qualification (formal education) allowing to obtain a qualification of ISCED 0-8 level; - General courses (e.g. language courses); - Occupational courses connected to the present economic activity of the participant; - Occupational courses of all kinds
Source of financing and collection mechanism	Employer (co)funds training, employee provides (partial) repayment of eligible training costs in case of premature departure of the company
Financing formula and allocation mechanisms	Following training (co)financed by the employer, the employee may be required to stay in a company for a contractual period of no more than 3 years. If the employee discontinues training or employment before the payback clause expires, she/he is obliged to reimburse the direct costs of training paid by the employer (excluding salary paid during training and training leave). The reimbursement of costs may be reduced progressively in accordance with the period of employment after training.
Eligible costs	(Co)financing to employees training may include: tuition fees, learning materials, travel and accomodation costs
Volumes of funding	Not applicable
Beneficiaries/take up	Not applicable
Organisation responsible for monitoring/evaluation	Not applicable
Monitoring/evaluation reports available	Not available
Most relevant webpage - in English	Not available
Most relevant webpage -	Not available

local language	
Recent changes	No recent amendment Recent changes in response to COVID-19 No changes
Sources	Labour Code Website of the Public Employment Services Information on payback clause prepared by a lawyer: https://www.portalkadrowy.pl/temat-tygodnia/pracownik-ktory-nie-odpracu...