

## Financing adult learning database

<b>Name of the instrument - Local language</b>	Klauzula lojalnościowa
<b>Name of the instrument - English translation</b>	Payback clause
<b>Scheme ID</b>	177
<b>Country</b>	 Poland
<b>Reporting year</b>	2015
<b>Type of instrument</b>	Payback clause
<b>Type of entry</b>	Single instrument

<b>Short description</b>	Employer and employee can agree on a payback clause. 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 maximum 3 years after completing training. If employee decides to terminate the employment, he/she must reimburse costs of the training paid by the employer.
<b>Short description of the related instruments</b>	nap

<b>Level of operation</b>	National
<b>Name of a part of the country</b>	nap
<b>Name of the region (for regional instruments)</b>	nap
<b>Name of the sector (for sectoral instruments)</b>	nap
<b>Relevance</b>	Key scheme
<b>Legal basis</b>	Labour Code art. 1034-1035
<b>Objective(s) and target(s)</b>	To encourage employers to invest in employees' training; protect employers in the situation when they invested in the employee's training and after completing the training employee quit to be employed in other company

<b>Year of implementation</b>	1989
<b>Year of latest amendment</b>	2010
<b>Operation/management</b>	Department of Labour Law in the Ministry of Labour and Social Policy is only responsible for introducing amendments in legal regulations. No government bodies and agencies are involved in operation of payback clause in Poland.
<b>Eligible group(s)</b>	Employees with any employment contract
<b>Group(s) with preferential treatment</b>	None
<b>Education and training eligible</b>	Any type of training and education relevant to the performed work.
<b>Source of financing and collection mechanism</b>	Employer, employee
<b>Financing formula and allocation mechanisms</b>	<p>Following training (co)financed by employer, employee may be required to stay in a company for a contractual period of no more than 3 years. This applies to an employee who:</p> <ul style="list-style-type: none"> <li>- does not attend training although being sent by employer</li> <li>- decides voluntarily to discontinue training</li> <li>- decides voluntarily to discontinue the employment relationship with the employer</li> <li>- is dismissed by the employer due to breach of the contractual obligations.</li> </ul> <p>Such an employee is obliged to reimburse direct costs of training paid by the employer (excluding salary paid during training and training leave); reimbursement of costs may be reduced progressively in accordance with the period of employment after training.</p>
<b>Volumes of funding</b>	na
<b>Beneficiaries/take up</b>	na
<b>Monitoring/evaluation reports available</b>	na
<b>Most relevant webpage - in English</b>	na
<b>Most relevant webpage - local language</b>	<a href="http://www.mpips.gov.pl/prawo-pracy/zmiany-kodeksu-pracy/zmiany-obowiaz...">http://www.mpips.gov.pl/prawo-pracy/zmiany-kodeksu-pracy/zmiany-obowiaz...</a>
<b>Sources</b>	<p>Labour Code; <a href="http://isap.sejm.gov.pl/Download?id=WDU19740240141&amp;type=3">http://isap.sejm.gov.pl/Download?id=WDU19740240141&amp;type=3</a></p> <p>Website of the Ministry of Labour and Social Policy; <a href="http://www.mpips.gov.pl/prawo-pracy/zmiany-kodeksu-pracy/zmiany-obowiaz...">http://www.mpips.gov.pl/prawo-pracy/zmiany-kodeksu-pracy/zmiany-obowiaz...</a></p>

