



Legal alert

Competition law in the labour market – a new UOKiK guide

Competition law in the labour market remains a hot topic in Poland and on an international scale. The Office of Competition and Consumer Protection (the “UOKiK”), following global trends in the area of competition law violations in the labour market, has issued a guide to provide a set of guidelines for businesses, in particular for their respective HR departments. With the issuance of this guide, the UOKiK is joining bodies such as the CMA (the UK’s competition authority), the Federal Trade Commission in the US and the European Commission, which in recent years have placed significant emphasis on protecting competition in the labour market.

What is discussed in the guide?

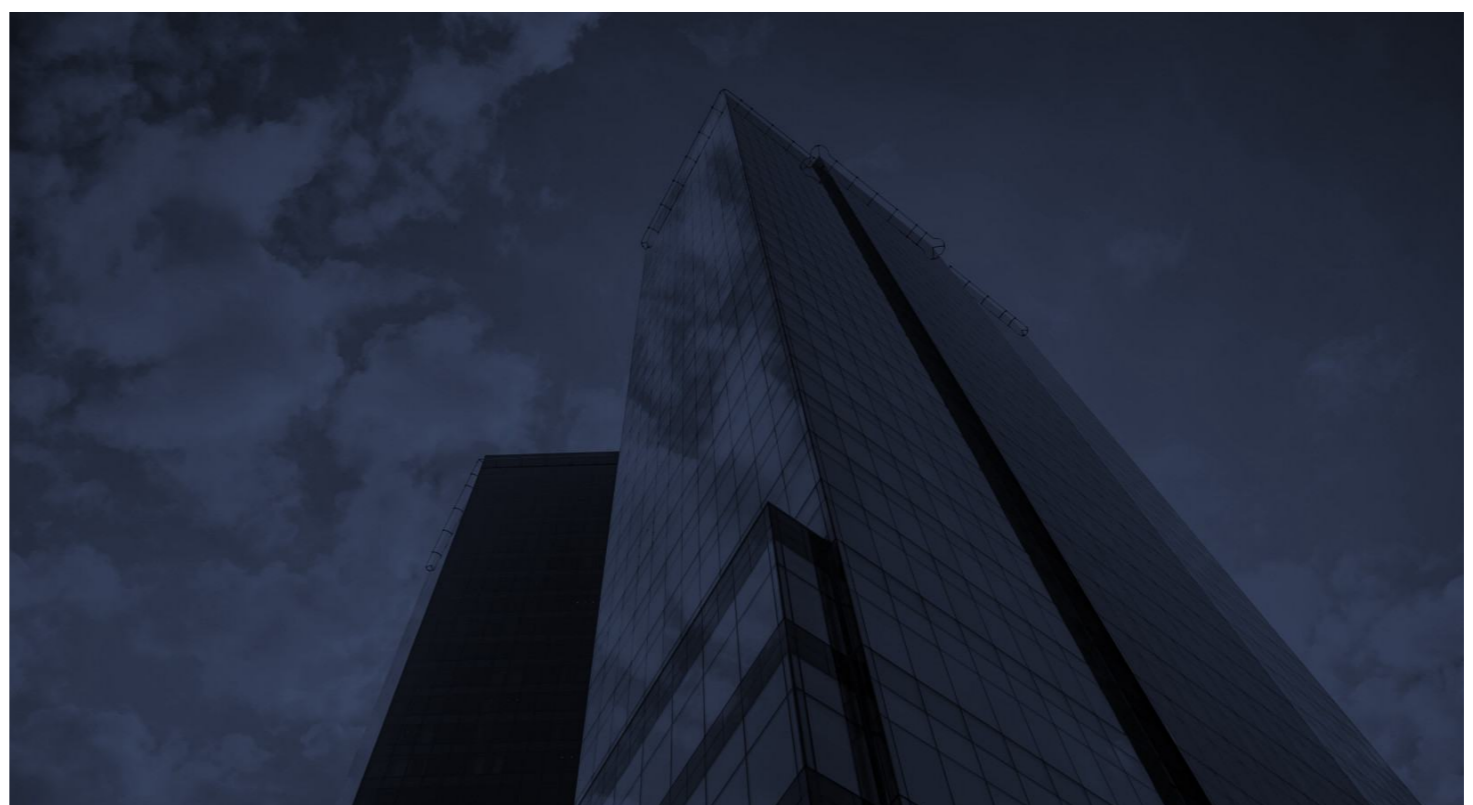
The guide “Collusive and abusive practices in the labour market. Competition law and labour issues” issued by the UOKiK presents practices in the labour market that, in its view, may be prohibited from the point of view of competition law.

In the guide, the UOKiK emphasises that agreements restricting competition in the labour market may adversely affect both the situation of employees (including, in particular, their wages) as well as the dynamics of economic development. The guide also points out that anti-competitive practices in the labour market may include:

- **wage-fixing:** e.g. the setting of a cap on salaries or a lack of pay rises;
- **no-poaching agreements:** i.e. eliminating the risk that a competitor will recruit your employee; and

- **fixing other working conditions:** e.g. perks and benefits, or the number of days that an employee may work from home, which affects the attractiveness of an employer in the eyes of employees.

The UOKiK has also highlighted the fact that competition bans in agreements with employees or self-employed persons (i.e. sole traders working under B2B contracts) are not, as a rule, within its field of interest. With regard to self-employed persons, the UOKiK further emphasises that coordinated activities on the part of such sole traders might not constitute a breach of competition law, or at least might not be a priority warranting the UOKiK's intervention.



The President of the UOKiK launches an investigation into the labour market

In response to received alerts, the President of the UOKiK has initiated an investigation into the practices of retail chains and the transport companies serving them. The President of the UOKiK suspects collusion between businesses providing services to retail chains consisting of not competing for employees. The investigation will also involve assessing whether such illicit arrangements were coordinated by the retail chains that such businesses serve.

This is not the first case of proceedings concerning violations of competition law in the labour market. As early as 2022 and 2023, the President of the UOKiK issued decisions imposing fines on sports clubs and their associations for competition law violations in connection with the fixing of players' salaries in basketball and speedway competitions. The President of the UOKiK has also utilised a number of soft-law measures in relation to other businesses.

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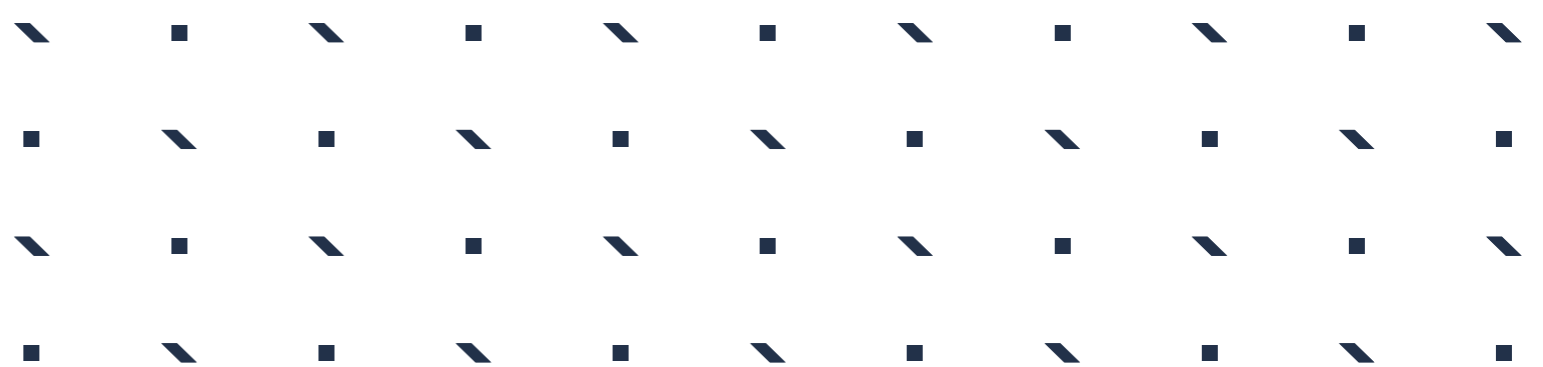
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