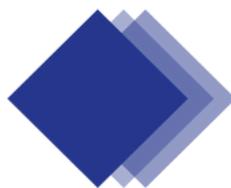
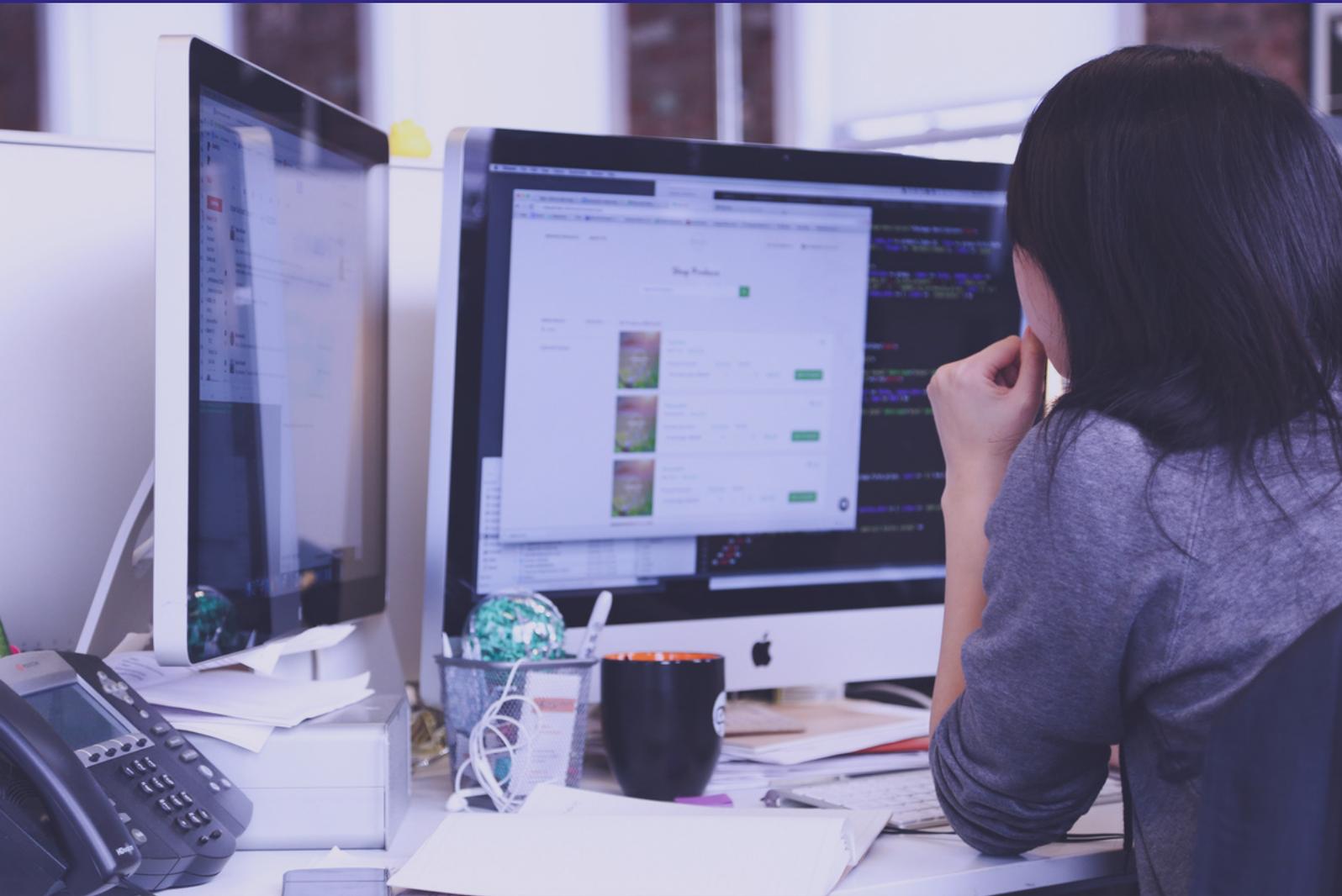


AUGUST 2022

# LEGAL ALERT

## EMPLOYMENT LAW



**BKB** BARAN  
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BIGAJ

Truple  
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Podrecki  
& Wspólnicy

# TKP

## Planned increase in allowance for a business trip

Recently, in one of our weekly alerts, we reported that, as of July 28, 2022, the amount of daily allowance for a domestic business trip was increased from PLN 30 to PLN 38. However, a draft of July 29, 2022 was published on the website of the Government Legislation Center, which provides for further changes in this matter:



- from January 1, 2023 – planned increase in the amount of daily allowance for domestic business trip to PLN 45;
- changes in the amounts of daily allowance for foreign travel and the amounts of the overnight accommodation limit in each country, for example, in the case of a business trip to the UK – the amount of daily allowance is planned to be increased to GBP 45 and the overnight accommodation limit to GBP 220 (currently the amount of the allowance is GBP 35 and the overnight accommodation limit is GBP 200).

More on this topic can be found here:

<https://legislacja.rcl.gov.pl/projekt/12362611/katalog/12899769#12899769>

## Amendments regarding work permits and declarations of commissioning of work

On July 29, 2022, the Regulation of the Minister of Family and Social Policy of July 18, 2022 on work permits and declarations on commissioning of work to a foreigner, came into force. This act introduced among other things new forms of application for a work permit, as well as a declaration of commissioning of work to a foreigner.

More on this topic can be found here:

<https://dziennikustaw.gov.pl/DU/rok/2022/pozycja/1558>

## Proposal amending the Labor Code, regarding working remotely and sobriety testing – the current status

On July 7, 2022, the first reading of the proposal on remote work and sobriety testing of employees took place at the session of the Polish Sejm. We described the precepts of the proposal in our previous monthly legal alert. We will continue to keep you informed of developments.

More on this topic can be found here:

<https://www.sejm.gov.pl/sejm9.nsf/PrzebiegProc.xsp?nr=2335>

## The next version of proposals for amendments to the Labor Code implementing the Work-Life Balance Directive and the Directive on Transparent and Predictable Working Conditions in the EU

In a previous alert, we described the precepts of a proposal of June 3, 2022, regarding the implementation into Polish law of the EU Work-Life Balance Directive and the Directive on Transparent and Predictable Working Conditions in the EU. Meanwhile, as of the date of this alert, another version (the version of July 25, 2022) has been published on the website of the Government Legislation Center. Compared to the previous version, among other things:



- the latest version includes a change to caregiving leave. The requirement that the person requiring care or support must have required "significant care" or "significant support" was removed (currently, there is no mention of care or support being required to a significant degree).
- It has also been clarified that an employee's period of employment, calculated for the purpose of being able to apply for a form of employment with more predictable or safer working conditions, includes the period of employment with a previous employer if the change of employer was due for instance to transfer of the employment establishment.
- Other editorial changes, for example, rewriting the provision on employment protection in the event of a request for flexible work organization (in the most recent proposals this is regulated in article 188(1) § 7; in the proposals of June 3, 2022, this matter was specified in article 177(1)).

The above directives should have been implemented into Polish law by August 2, 2022.

More on this topic can be found here:

<https://legislacja.rcl.gov.pl/projekt/12356556/katalog/12855413#12855413>

## New proposal for an Act on Protection of Whistleblowers

A new (fourth) version of the Act on Protection of Whistleblowers has been posted on the website of the Government Legislation Center. The new proposal does not contain significant changes in relation to the previous version, and therefore the final version of the whistleblowers bill can be expected to be similar to the one that has now been published.

More on this topic can be found here:

<https://lnkd.in/dZjCzQXN>

Link to our alert about the previous draft bill:

<https://lnkd.in/dDQwQA3x>

## Proposal for law on collective disputes

A proposal for a law on collective labor disputes has been released on the website of the Government Legislation Center.



- The proposal provides for instance for a departure from the enumerative definition of the subject of collective labor disputes.
- The proposal also includes a new definition of a collective dispute, which is "a collective labor dispute of persons performing gainful work with an employer or employers over collective trade union rights or freedoms, as well as professional, economic or social collective interests or rights, related to the performance of work." In essence, the proposed change is that the dispute could be carried out in any collective cases in which unions represent people in gainful employment.
- Another solution found in the collective bargaining bill is that the collective dispute must be conducted by a joint union representative team or at least with the participation of representative organizations according to collective bargaining rules.
- The bill also introduces judicial review of the legality of the strike referendum on an expedited basis with a ban on strikes during the proceedings.
- The bill stipulates that the parties to the dispute may agree that negotiations will be through a mediator.
- Another proposal is to hold a strike ballot within 30 days from the date of the record of differences ending the mediation.
- The bill proposes extending the deadline for declaring a strike, which is announced in the notification of the dispute (from 14 to 21 days), so that the parties have more time to conduct negotiations and thus have a better chance of reaching an agreement.

More on this topic can be found here:

<https://legislacja.rcl.gov.pl/projekt/12361950>

## Appointment to perform a function and health insurance - clarification of provisions

As of January 1, 2022, the Act on Health Services Financed from Public Funds states that persons appointed to perform functions under an act of appointment, who receive remuneration for this appointment, are covered by health insurance.



- Due to the current wording of this provision, there were numerous doubts as to whether it also applied to commercial proxies, and so far these doubts were resolved by the Social Insurance Institution through individual interpretations.
- The amendment to the Act, effective from July 1, 2022, clarified that proxies are also subject to health insurance, and stated also that persons appointed to perform functions and commercial proxies whose annual remuneration for this role does not exceed PLN 6,000.00, are not subject to obligatory health insurance.
- This clarification changes the description of the insurance code of persons affected by the changes due to a necessity to download the code update in the Płatnik program.

More on this topic can be found here:

<https://dziennikustaw.gov.pl/DU/rok/2022/pozycja/1265>

<https://www.zus.pl/-/informacja-dotycz%C4%85ca-zmiany-opisu-kodu-tytu%C5%82u-ubezpieczenia-os%C3%B3b-powo%C5%82anych-do-pe%C5%82nienia-funkcji?redirect=%2Fo-zus%2Faktualnosci#2>

## Visas for drivers from Belarus

Drivers from Belarus who are present in Poland on a national visa and whose time in Poland on that visa lasts beyond September 1, 2022 will have their visas extended automatically by law until December, 31 2022.



- The extended visa will allow these drivers to cross the border - once they have the appropriate vignette in their travel documents.
- This new system will be available to those whose national visas subject to this extension are granted for a period of less than one year.
- Temporary residence permits valid beyond September 1, 2022 will also be extended until December 31, 2022.

The new regulations came into force on August 18, 2022.

More on this topic can be found here:

<https://www.gov.pl/web/udsc/szczegolne-regulacje-dotyczace-pobytu-obywateli-bialorusi-bedacych-kierowcami-w-transporcie-drogowym>

## Authors:

- ◆ Michał Bering
- ◆ Łukasz Łaguna
- ◆ Magdalena Solich

**This legal alert does not constitute any form of legal advice.**

If you have any questions, please do not hesitate  
to contact us by e-mail at: [office@ksiazeklegal.pl](mailto:office@ksiazeklegal.pl)  
or  
by phone: + 48 12 426 42 31