

APRIL 2023

LEGAL ALERT

EMPLOYMENT LAW



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LABOR CODE AMENDMENT COMING INTO FORCE

On 26 April 2023, an amendment to the Labor Code came into force, introducing revolutionary changes to labor law. The new obligations placed on employers include:



- updating following documentation:
 - significantly expanding the information described in Article 29 § 3 of the Labor Code , and in cases where employees work remotely, the information described in Article 6721 of the Labor Code.
 - revising templates of trial period employment contracts - making the period for which the contract is to be concluded dependent on the envisaged employment
 - revising templates of all employment contracts to comply with new obligations, such as stating the address of the employer's registered office (residence), place or places of work, and date of commencement of work; also it is now not possible to ban employees from taking up other employment, except where the parties are bound by a non-competition agreement
- reviewing internal procedures concerning
 - termination of fixed-term employment contracts
 - granting leave relating to parenthood (maternity, parental, paternity leave)
- producing templates for requests (responses to requests) for more predictable and safer working conditions, flexible working arrangements, parental leave, force majeure leave

GRANTS FROM ZUS 2023 - ACCIDENT PREVENTION PROGRAM

From 17 April to 18 May 2023, employers can apply for grants to improve workplace safety. Employers who submit the best ideas can receive up to PLN 300,000 in grants. An idea must meet the following conditions to be considered in the competition:

- it aims to reduce the impact of at least one of the specified parameters of work conditions;
- the person submitting the idea is not in arrears with the payment of social and health insurance contributions or taxes;
- the person submitting the idea is not bankrupt, in receivership, in liquidation, or in bankruptcy or composition proceedings with creditors;
- the person submitting the idea does not apply for a further grant within three years of the date on which the Social Insurance Institution disbursed the last grant in full;
- where the person submitting the idea has been ordered to repay a grant, they do not apply for a new grant within three years of the date of repayment.

Further information: <https://bip.zus.pl/konkurs-dofinansowanie-dzialan-platnika-skladek-na-poprawe-bezpieczenstwa-i-higieny-pracy/konkurs-202301>

TWO DAYS OFF WORK FOR BLOOD DONORS



On 20 April, the Act of 9 March 2023 on the National Cancer Network entered into force, amending Article 9 of the Act of 22 August 1997 on the Public Blood Service. This provision maintained the additional day of leave of absence introduced during the pandemic, awarded to those eligible due to giving blood. The extra leave of absence is granted on the day the donor gives blood, and on the following day as well.

Link:

<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20230000650/O/D20230650.pdf>

DISCRIMINATION IS PROHIBITED REGARDLESS OF FORM OF EMPLOYMENT

On 24 April 2023, a precedent was set in a judgment handed down on the protection of self-employed workers against discrimination on the basis of sexual orientation. The ruling is in line with the CJEU's ruling in January this year, following a preliminary question posed by the Tribunal hearing the case. The Claimant provided services for the Respondent as a sole trader, and entered into successive contracts with the Respondent on a regular basis. After the release of a short Christmas film in which the Claimant, together with his partner and other homosexual couples, encouraged tolerance, the Respondent informed the Claimant that they would no longer be doing business. The Claimant filed a claim for breach of equal employment rights, but as the parties were not in an employment relationship there were doubts about the validity of the claim. These were resolved by the CJEU, stating that Directive 2000/78 includes an obligation to treat employees equally irrespective of the basis of their employment relationship and that discrimination on the basis of sexual orientation cannot be justified by invoking the freedom of choice of contractor.

File reference : C-356/21

Link to judgment:

[https://curia.europa.eu/juris/document/document.jsf?jsessionid=C404D45E24470B4F75D830D6C05FB050?](https://curia.europa.eu/juris/document/document.jsf?jsessionid=C404D45E24470B4F75D830D6C05FB050?text=&docid=269149&pageIndex=0&doclang=PL&mode=lst&dir=&occ=first&part=1&cid=223044)

[text=&docid=269149&pageIndex=0&doclang=PL&mode=lst&dir=&occ=first&part=1&cid=223044](https://curia.europa.eu/juris/document/document.jsf?jsessionid=C404D45E24470B4F75D830D6C05FB050?text=&docid=269149&pageIndex=0&doclang=PL&mode=lst&dir=&occ=first&part=1&cid=223044)

DRAFT REGULATION ON APPLICATIONS CONCERNING EMPLOYEES' RIGHTS IN RELATION TO PARENTHOOD AND THE DOCUMENTS TO BE SUBMITTED WITH THEM

Following changes relating to parental leave, the respective applications and the documents that are submitted with them have to be updated as well. Currently, the legislative proposal is undergoing consultations, and it is not known when it will become law.

Link: <https://legislacja.rcl.gov.pl/projekt/12370853/katalog/12960631#12960631>

Authors

- ◆ Łukasz Łaguna
- ◆ Magdalena Gołacka
- ◆ Anna Socha

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