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LEGAL ALERT

EMPLOYMENT LAW



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Regulation on employee documentation

As of 17 May, there have been changes to the Regulation on employee records .



- Following the changes, the following must be stored in Part B of a personnel file:
 - **a request submitted by an employee for more predictable and safer working conditions and the employer's response to this request** (Article 293 § 1 and 3 of the Labor Code),
 - **a request submitted by an employee for a statement of grounds where an employment contract for a trial period is terminated upon notice** or action is taken that is tantamount to termination of an employment contract, and the employer's response to this request (Articles 294 § 3 and 4 of the Labor Code),
 - **documents concerning a flexible system of work** (Article 188(1) of the Labor Code).
- There are new rules on the records to be kept relating to an employment relationship; time-keeping records now have to include:
 - **requests for time off from work due to force majeure** (Article 148(1) of the Labor Code),
 - **requests for leave to provide care** (Article 173(1) of the Labor Code),
 - **consent given by an employee caring for a child up to the age of four** (Article 148(3) of the Labor Code) and an **employee raising a child up to the age of eight** (Article 178(2) of the Labor Code).

[Link](#)



Regulation on requests concerning employees' rights related to parenthood and documents attached to such requests

On 18 May, the Regulation of the Minister of Family and Social Policy of 8 May 2023 on requests concerning employees' rights related to parenthood and the documents attached to such requests came into force. This regulation lays down the procedure for applying for maternity, parental, paternity and childcare leave. It was issued in connection with the recent amendment to the Labor Code of 26 April, which includes developments such as the abolition of the option of applying for *extended leave*, i.e. combined parental and maternity leave. Employers now need to review the forms used for these requests, and appendices, to ensure that they comply with the new regulation.

[Link](#)



Regulation amending rules on employment certificates

On 23 May, a regulation came into force aligning requirements concerning information to be given on an employment certificate with the recent amendments to the Labor Code. Under the new rules, employment certificates must include the following information:

- **the amount of time off granted due to force majeure** in the calendar year in which the employment relationship ended,
- **the amount of care leave** taken during the calendar year in which the employment relationship ended,
- **the amount of time spent doing occasional remote work** during the calendar year in which the employment relationship ended.

[Link](#)



New version of the bill on whistleblowers

On 25 May, 2023, a new proposal for a bill on whistleblower protection was posted on the website of the Government Legislation Centre. The changes mainly concern whistleblowing to a competent public authority. The bill provides for example that obtaining a certificate of protection will be conditional on submitting a statement under pain of liability for false testimony that information provided about misconduct was true at the time of reporting. A public authority will be in a position not to issue a certificate to a whistleblower if the person does not sufficiently substantiate that the reported violation of the law occurred. Information given to the Police has been limited to information concerning an offence, and labor inspection authorities are now required to establish a procedure for receiving whistleblower information when a whistleblower is unable to determine the external authority to which they should turn.

For employers, an extremely important development is the shortening of the period in which rules on whistleblowing within an institution enter into force. Unlike the other rules, these will take effect just one day after publication of the Act.

[Link](#)



State of epidemic threat to be declared at an end

Under the *Covid Act*, a number of employer obligations were suspended for the duration of the pandemic and the state of epidemic threat. Under a new proposal for a Minister of Health regulation, these pre-pandemic obligations will once again apply, most likely from 1 July, 2023:

- **the obligation to carry out periodical medical examinations** within 180 days from the day on which the epidemic threat is declared at an end (first sentence of Article 229 § 2, § 4a regarding periodical examinations and § 5 of the Labor Code),
- **shorter deadlines that determine that preliminary medical examinations** are not required due to working in the same position or under the same conditions,

- **the obligation to conduct preliminary medical examinations for people whose jobs involve administrative and office work** and who hold up-to-date medical certificates clearing them for work in the relevant working conditions,
- **it is doubtful whether initial occupational health and safety training online can be conducted online** (Article 237(3) of the Labor Code),
- **the obligation to carry out overdue periodical occupational health and safety training** within sixty days of the day on which the state of epidemic threat is declared at an end (Article 237(3) of the Labor Code),
- **it will not be possible to independently change dates of outstanding leave that is already agreed with the employee or is specified in the leave schedule,**
- **it will no longer be possible to apply reduced severance pay, compensation or other cash benefit of ten times the minimum wage,**
- **obligations in respect of the company social fund,**
- **it will no longer be possible in general to terminate a non-competition agreement once the employment relationship has come to an end** (termination of certain civil contracts) (by default, such an agreement can be terminated only if the parties have provided for such a possibility),
- **it will no longer be possible to reduce working hours and to apply economic standstill,**
- **it will no longer be possible to obtain subsidies for employees' salaries from the guaranteed employee benefit fund,**
- **it will no longer be possible to change working hours** (reaching an arrangement concerning equivalent working time, applying less favorable conditions of employment than provided for in employment contracts, regarding limitation of daily and weekly rest periods).

In addition to the above changes, there will be a return to the rule that correspondence is considered served by law following two notifications of correspondence awaiting collection, to apply no less than fourteen days from the time the epidemic threat is declared at an end, and it will no longer be possible to instruct employees to work remotely due to the state of epidemic threat three months from the time the epidemic threat is declared at an end (Art. 67(19) § 3 (1) of the Labor Code).

[Link](#)



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