

Newsletter HR

February 2020

www.skslegal.pl



Minimum salary rise

As of 1 January 2020, the minimum salary was increased. As of the beginning of new year, the minimum salary amounts to PLN 2,600 gross per month, which means PLN 350 increase compared to the previous year. After the changes to the minimum salary, the internship allowance is no longer included, which means a real increase in salaries for persons with long job seniority.

The minimum salary rise results in an increase in other benefits related to the employment relationship determined on its basis. Therefore, all employees will benefit from the increase, not only the lowest income group.

The minimum salary increase affects other components of remuneration calculated on its basis. Since the beginning of the new year, the **remuneration for work stoppage** (referred to in Art. 81 § 1 KP) and the **remuneration for the month in which the employee does not perform work** due to the schedule of working time in the adopted calculation period (Art. 129 § 5 KP) may not be lower than PLN 2,600.

Also a **bonus for night-time work** was increased. Pursuant to Art. 151 (8) § 1 KP, a night-shift employee is entitled to a bonus for each hour amounting to 20% of the hourly rate applicable to the minimum remuneration for work. The amount of the bonus will vary depending on the working time in a given month - in February it will be PLN 3.25 and in March PLN 2.95.



The increase in the minimum salary also entails an increase in the **minimum amount of compensation** for an employee who suffered workplace mobbing (Art. 94(3) § 4 of the Labor Code) and against whom the principle of equal treatment in employment was violated (Art. 18 (3d) of the Labor Code).



The **maximum severance allowance due to employee in the event of collective redundancies** has also increased from PLN 33,750 to PLN 39,000. Pursuant to the provisions of the Act on Special Rules of Terminating Employment Relationships with Employees for Reasons not Related to the Individual Employees Concerned, the maximum amount of cash severance allowance may not exceed the amount of 15 times the minimum remuneration for work.



The increase in the minimum salary also results in an **increase in the amounts free of deductions**, specified in the Labor Code as a percentage of the minimum salary.

Newsletter HR

February 2020

www.skslegal.pl



INSTRUCTIONS ON APPEAL TO THE LABOR COURT - MRPIPS POSITION

On 20 January 2020, the Ministry of Labor, Family and Social Policy issued a position regarding the obligation to indicate the address of the competent court should the employee exercise his right to appeal. **The Ministry indicates that under the current legal status the employer is not required to indicate the address of the competent court to which the employee should file a claim.** This information raised a number of doubts of employers who are used to the old wording of the instruction. We would like to present some explanations thereon:



The Labor Code specifies the required elements of a termination notice of the employment contract. Among others, it must include the information on the employee's right to appeal to the labor court. **No need to provide an address does not release employers from the obligation to include the instruction in termination notice of the contract;**



The court address indicated so far in the notice is not the only court to which employees may file claims against termination of the employment contract. After the changes, the labor courts have an alternative jurisdiction - which means that an employee may file a claim with the court having jurisdiction over the employer or the court with jurisdiction over the area where the work was or was to be performed. **In other words, the court indicated by the employer in the instruction will not always be the only court competent to hear the employee's case;**



The new regulation on employee records no longer contains a schedule with a template of termination notice to an employment contract.

The key from the point of view of assessing the position of the Ministry of Labor, Family and Social Policy, is the last sentence of the contemplated document, in which the Ministry explicitly indicates that *"legal views and evaluations expressed by the Ministry of Labor, Family and Social Policy are not binding on the parties to specific employment relationships, employers' associations and employees' organizations, the National Labor Inspectorate and labor courts"*.



Agnieszka Fedor
Partner, attorney-at-law
Head of Labor Law Practice
☎ 22 608 71 50
✉ agnieszka.fedor@skslegal.pl



Magdalena Krupska
Associate
☎ 22 608 71 45
✉ magdalena.krupska@skslegal.pl