

HRadar | Newsletter

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Lifting of the State of Epidemic Risk

According to the latest draft regulation, the status, or level, of epidemic risk, will be lifted on 1 July 2023. This is important information for employers, as the raising of the state of the level of epidemic risk will have the following consequences, particularly:

1. The validity of all employee's preventive examinations that expired during the pandemic will expire 180 days after the end of the state of epidemic risk;
2. With the lifting of the state of epidemic risk, it will no longer be possible for the employer to grant up to 30 days of annual leave unused in previous years to the employee on a date set by the employer and without taking into account the leave scheme;
3. The time limit for periodic health and safety examinations due during the state of epidemic risk or 30 days from the date of its cancellation shall be extended to 60 days from the date of cancellation of the state of epidemic risk;
4. Health and safety pre-training, the deadline of which was during the state of epidemic risk or 30 days from the day of its cancellation, will be allowed to be carried out in its entirety via electronic communication for 60 days from the day of cancellation of the state of epidemic risk;
5. The period of validity of work permits of foreigners whose residence permits expired during the pandemic shall be extended to 30 days after the end of the state of epidemic risk;
6. With the lifting of the state of epidemic risk, the limitation on the amount of severance pay, compensation or other monetary benefit paid in connection with the termination of the employment contract will cease to apply.

Extension of legal residence of Ukrainian citizens

On 29 May 2023, the President signed a law amending the provisions of the so-called Special Law. According to this amendment, the legal stay of Ukrainian citizens who entered Poland from 24 February 2022, as well as those whose stay in Poland was legal before that date on the basis of visa-free regime, national visas, Schengen visas, temporary residence permits, will have their stay extended until 4 March 2024.

The Act is awaiting promulgation in the Official Gazette and is expected to enter into force 14 days after its promulgation.

Changes to employee documentation

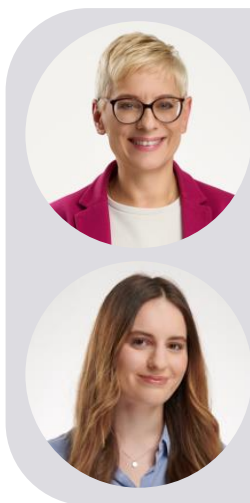
Due to amendments to the Labour Code implementing EU directives, a regulation introducing new rules for the storage of employee records came into force on 17 May 2023.

Part B of the personnel file must additionally contain:

- the employee's request to change the type of employment contract to a permanent contract or for more predictable and safer working conditions and the employer's response to this request;
- the employee's request for a reason justifying the termination of the probationary employment contract by notice or an action having equivalent effect to termination of the employment contract, and the employer's response to this request of the employee;
- documents relating to the application of flexible working arrangements.

In the documentation related to the employment relationship, the following must additionally be kept:

- documents relating to the use of leave of absence for reasons of force majeure;
- documents relating to the use of care leave;
- the application of an employee caring for a child up to 4 years of age to work under working time schemes that provide for an extension of the daily working hours;
- the application of an employee raising a child up to the age of 8 for overtime, night time, interrupted working time and posting outside the permanent workplace.



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New draft law on whistleblowers

A new version of the draft law on whistleblower protection has been published on the website of the Government Legislation Centre. The most important change for employers with 50-249 employees is the shortening of the effective date of the whistleblower provisions. These provisions will be effective already the day after the promulgation of the law.

In addition, under the new draft:

- encouragement to make internal notifications first will not be a mandatory element of the internal procedure;
- the time limit for processing data in relation to the acceptance of a notification has been extended from 15 months to 3 years;
- an obligation to collect a declaration from the notifier under penalty of false testimony that the information about the breach was true at the time the notification was made has been added.

