

## iGlobal Law : 2022 Annual Update : Poland

Legal Change	Effective Date	Action required
<p><b>Minimum monthly remuneration and minimum hourly wage in 2022</b></p> <p>Increase of national minimum wage from PLN 2,800 gross in 2021 to PLN 3,010 gross per month in 2022 for individuals working under employment contracts, and from PLN 18.30 gross to PLN 19.70 gross per hour for employees engaged under civil law contracts.</p>	<p>1 January 2022</p>	<p>No specific action required. However, the changed minimum wage affects: amounts not liable to bailiff deductions, maximum statutory severance due to an employee in case of dismissal for reasons not attributable to employees and additional pay for night-time work.</p>
<p><b>Changes in Social Security (sickness absence)</b></p> <p>The most important changes:</p> <ol style="list-style-type: none"> <li>1. Change in the way sickness benefit periods are calculated - one benefit period will cover all periods of inability to work if the interval between them is not more than 60 days, and it will be no longer relevant whether the next period of inability to work is caused by the same or a different disease (with exceptions such as pregnancy);</li> <li>2. Higher sick pay / benefit for hospital stays - up to 80% of the assessment basis (currently up to 70%);</li> <li>3. Change to the rules for correcting documents submitted to Social Insurance Institution (ZUS) - a deadline for submitting corrections to certain ZUS documents will be introduced – which will be five years, counting from the date when contributions became due (after that date corrections will be possible only based on a final court ruling or a final decision);</li> <li>4. Information on the percentage rate of premiums for accident insurance - as of April 2022 ZUS will inform the payer of the percentage rate of premiums for accident insurance only in electronic form via the PUE ZUS.</li> </ol>	<p>1 January 2022</p>	<p>No specific action required.</p> <p>The change will shorten the period for which an employee can receive sick leave, which should reduce numerous irregularities related to employees' abuse of sick leave.</p>
<p><b>Draft Law on remote work and sobriety checks at workplace</b></p> <p>The intention of the change is to adopt the provisions regulating remote work into the Labour Code (currently remote work may be performed under COVID-19 temporary special measures), and to amend rules on sobriety checks in the workplace.</p> <p>The highlights of the <b>new remote work regulation</b>:</p> <ul style="list-style-type: none"> <li>• Definition of remote work – work wholly or partially performed at the employee's place of residence or in another place agreed by the</li> </ul>	<p>N/A</p> <p>Still a draft, currently under the work of the Government Legislation Centre, not yet submitted to Parliament</p>	<p>Once the changes enter into force, if employers intend to apply remote work on a regular basis, it will be obliged to specify the rules of remote work in collective agreement with trade unions (if any), internal regulations or individual agreements with employees.</p> <p>If the employer intends to apply remote work on a regular basis, it should prepare to cover the employees' costs directly related to</p>

<p>employee and the employer, in particular through means of direct distance communication;</p> <ul style="list-style-type: none"> <li>• In special cases (including the pandemic) the employer will be entitled to order an employee to work remotely, but only if the employee declares to have the conditions and technical facilities to perform work in this form;</li> <li>• The employer will be obliged to specify the rules on remote work (collective agreement, internal regulations or individual agreements with employees);</li> <li>• Defining an employer's obligations towards an employee performing remote work, in particular: <ul style="list-style-type: none"> <li>○ providing the employee with materials and tools necessary to perform remote work;</li> <li>○ covering costs directly related to remote work; and</li> <li>○ providing the employee with technical support and trainings necessary to perform remote work.</li> </ul> </li> </ul> <p><b>Sobriety checks at the workplace</b></p> <p>The proposal is to provide a legal basis to allow employers to carry out sobriety checks on employees and persons performing work, on a different basis than an employment contract (civil-law workers and self-employed persons) – currently such checks may be formally carried out only by state authorities, on employer's request.</p> <p>Attending work after using agents similar to alcohol or taking such substances at work is to be added to the catalogue of pre-requisites justifying the imposition of a disciplinary penalty on the employee (currently only alcohol use is in this catalogue).</p>		<p>the performance of remote work and provide the remote employee with materials and work tools necessary to perform remote work.</p> <p>No specific actions required. However, if employers carry out sobriety checks, once the change enters into force, verification of the existing procedures (if any) and their compliance with the new regulations will be recommended.</p>
<p><b>Draft Law on protection of whistleblowers</b></p> <p>The draft is to implement EU Whistleblowers Directive 2019/1937.</p> <p>In particular, the new Act will regulate:</p> <ol style="list-style-type: none"> <li>1) The legal status of a person reporting a violation of law – the whistleblower;</li> <li>2) The scope and definitions of reportable violations of law – very wide, including EU law as well as wide range of national law;</li> <li>3) The conditions under which persons making reports will enjoy protection – the status of whistleblower will derive from making an internal report or an external report or public disclosure;</li> </ol>	<p>N/A</p> <p>The draft is currently under the work of the Government Legislation Centre, not yet submitted to Parliament</p>	<p>When the Act enters into force, employers with <b>more than 50 employees</b> will be obliged to issue reporting procedure regulations (in the form of an agreement with company trade unions or employee representatives). The employer will be required to ensure the proper organization of receiving and verifying reports, including the confidentiality of the persons making reports and the subjects of such reports.</p> <p>However, the obligation to establish internal reporting regulations for entities in the private sector with <b>less</b></p>

<ul style="list-style-type: none"> <li>4) Reporting violations through internal channels (obligation to establish internal reporting channels, procedures for internal reporting and following-up reports by the employer);</li> <li>5) Notification of violations through external channels (establishment of external reporting channels, designation of state authorities for accepting reports, procedures for external reports and their follow-up);</li> <li>6) Public disclosure defined as a broad disclosure to the public of information about an infringement;</li> <li>7) Whistleblower protection measures (prohibition of retaliation, protection against retaliation, sanctions); and</li> <li>8) The concept and model of a central institution for receiving reports and providing support to whistleblowers.</li> </ul>		<p><b>than 250 employees</b> is to be <b>deferred until 17 December 2023</b>. In addition, employers who have less than 250 employees may, based on a contract, share resources in receiving and verifying notifications and following-up actions with other entities (e.g. group companies), provided that these comply with the Act.</p>
<p><b>Draft Law on special arrangements to ensure that business may be conducted during the COVID-19 epidemic</b></p> <p>Employers are to be granted a right to require an employee or a contractor to present a negative result of a diagnostic test for COVID-19, carried out within the previous 48 hours. A person who will be able to demonstrate a past infection with COVID-19 or vaccination against COVID-19 would be exempt from this requirement.</p> <p>The employer is to require such personal data from an employee / contractor in a form of a declaration. However, the employer will be entitled to request an employee / contractor present relevant documents.</p> <p>Businesses will not be subject to temporary restrictions if the business activities are <b>carried out by</b> a person with a negative test result for COVID-19, vaccinated against COVID-19, or recovered from COVID-19 and the activity is <b>carried out on behalf of</b> the said persons.</p>	<p>Draft was submitted to Parliament on 14 December 2021, it is not sure whether it will be adopted at all.</p>	<p>No specific action required.</p> <p>If the Law enters into force, employers will be granted the following rights towards the employees/contractors who do not have a negative COVID-19 a test result, vaccination, or recovered status, allowing them to:</p> <ol style="list-style-type: none"> <li>1. make changes at the workplace or other place designated for work, including in how employees / contractors work;</li> <li>2. make changes to the working hours systems or schedules;</li> <li>3. request an employee / contractor work outside the workplace specified in the contract, within the same city, or to entrust other work to the employee / contractor for remuneration corresponding to that type of work, although not lower than the current remuneration.</li> </ol>