

iGlobal Law 2024 Annual Alert : Poland

Legal Change	Effective Date	Action required
<p>Protection of whistleblowers</p> <p>Implementation of the EU whistleblower directive. The new Act is intended to regulate:</p> <ul style="list-style-type: none"> - Conditions under which persons reporting a violation of law will enjoy protection: whistleblower status will derive from submitting an internal report or an external report or from public disclosure; - Procedure for reporting violations through an employer’s internal channels; - Procedure for notifying violations through external channels of state authorities; - Forms of reporting violations (paper, electronic or oral form); - The concept of public disclosure: broad disclosure to the public of information about a violation of law; - Whistleblower protection measures, in particular, prohibition of retaliation, protection against retaliation, sanctions; and - Personal data protection requirements. 	<p>Under the draft bill’s current wording, the new Act will enter into force 2 months after its date of promulgation, but there is no confirmed date yet as it is still being reviewed before going to parliament.</p> <p>Provisions regarding the obligation to implement internal whistleblowing procedure will enter into force 14 days after promulgation.</p>	<p>Companies with at least 50 workers will be required to adopt internal procedures for receiving reports on violations of law and following them up with appropriate actions. Before their introduction, draft procedures will have to be consulted with the company’s trade union(s) or employee representatives.</p>
<p>Workstations equipped with monitors</p> <p>New regulations require employers to adapt within 6 months, workstations that were set up before November 17th 2023, to the new minimum requirements of H&S at work and ergonomics. All new workstations should conform with the new regulations from the outset. Apart from changes related to H&S at work and ergonomics, employers are now also required to provide workers with contact lenses, if an eye examination carried out as part of preventive health care shows a need for their use at work (until now, the regulation only referred to spectacles with corrective lenses).</p>	<p>November 17th 2023 plus 6 months for adapting workstations that were set up before November 17th .</p>	<p>Employers must set up new workstations in accordance with the amended regulations and adapt to the new requirements, within 6 months from their entry into force, all workstations that were set up before 17 November 2023.</p> <p>Therefore, employers should carry out a detailed review of their workstations and the document templates for occupational health and safety, particularly with regard to remote working.</p>

<p>Calculation of the minimum remuneration after removing special working conditions allowance</p> <p>The special working conditions allowance will no longer be taken into account when calculating an employee’s remuneration, which may result in a need to adjust the employee’s remuneration to the minimum level required by separate regulations.</p>	<p>January 1st 2024</p>	<p>Employers who include an allowance for special working conditions should review the remuneration of employees who receive it, to ensure the minimum remuneration rules are met.</p>
<p>Trade unions</p> <p>A draft bill amending the Trade Union Act, includes a requirement for employers to inform trade unions of the parameters, rules and instructions that algorithms or artificial intelligence systems use to influence decision-making that may affect working and pay conditions, access to and continuation of employment, including profiling.</p>	<p>No confirmed date yet.</p>	<p>No action at this stage.</p>
<p>Collective Labour Disputes</p> <p>A new draft of the bill on collective labour disputes has been published. The major changes include:</p> <ul style="list-style-type: none"> - a broader definition of a collective dispute; - empowering persons who work under civil-law contracts to take part in a collective dispute; - the concept of a predominant employer intended to allow various stages of a collective dispute to be conducted with the entity empowered to make decisions on the demands issued in a collective dispute; - a fixed maximum duration of a collective dispute (9 months with a possible extension of 3 months; currently, there is no maximum duration); - an option to submit to preventive mediation; - a requirement to submit information about the dispute to the Minister of Labour (currently the district labour inspector). 	<p>No confirmed date yet.</p>	<p>No action at this stage.</p>