

Dear Sirs,

we are happy to deliver a new issue of HR Perspectives, summarising the most current changes and solutions in HR law during the coronavirus era.

The Anti-Crisis Shield 3.0 legislation came into force and has restored the courts to their normal work routine. Furthermore, court deadlines have been 'unfrozen' and the rules for employing foreigners clarified. Return to offices and workplaces have also begun. We, therefore we point out some of the most important issues which employers should take into consideration. We also review the rules for remote work, which will probably stay with us after the crisis for longer .

At the same time, we are pleased to announce that on 18 May 2020 we launched PCS' Wrocław office, run by Karolina Kanclerz as a partner. We are happy to be **#TogetherAgain**.



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In May our PCS Team has been also strengthened as Marcin Szlasa-Rokicki joined us to head the Litigation Team.



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Our team consists of over 50 people in 5 offices in Warszawa, Katowice, Kraków, Poznań and Wrocław, which means we are the largest HR law firm in Poland. We bring together the best lawyers - HR law experts - that we have come across in over 20 years of our practice.

We remain at your disposal **#PCShelpingHeads**.

Partners

The Anti-crisis Shield 3.0

The Anti-Crisis Shield 3.0. entered into force on 16 May 2020. The most significant changes from HR law perspective concern mainly procedural law, employing foreigners and making deductions from remuneration. We've written more about it in our Alert.

A. Changes in court proceedings, including employment matters.

Court deadlines are to start running or continue to run after 7 days from the date the Act enters into force. Hearings will be held remotely or may be replaced by closed meetings.. Appeal proceedings can also be carried out without a court hearing.

B. Employment of foreigners during the crisis.

Foreigners for whom the employer has used the forms of assistance provided for in the anti-crisis shield may perform work under changed conditions without the need to change their existing work permits, declarations or residence permits. Moreover, the validity of the EU citizen's family member residence cards is extended. Foreigners performing seasonal work are exempt from the requirement to have an applicable permit.

C. Change in the deduction-free amount.

If an employee's remuneration has been reduced or an employee's family member has lost the source of income, the deduction-free amount is increased by 25% for each their dependent family member with no income.

Remote work will stay with us for longer

Remote work has been so far recognized rather as a kind of non-salary benefit. Due to coronavirus, most employers have allowed employees to work remotely, outside the office. As a result, remote work has become a standard overnight.

Having in mind the above, we recommend setting out the rules and regulations for remote work to protect your interests and define the basic principles of performing work under this system. This will not only allow for securing the employer's interests in terms of responsibility for occupational health and safety, accidents at work, information security and personal data protection but also for monitoring performance and working time of remote employees.

Nowadays, such regulations should be one of the basic internal acts next to work or remuneration regulations. We can assume that remote work will stay with us for longer.

Lifting restrictions and returning to office - employer's obligations

The gradual 'defrosting' of the economy began on 4 May. The restrictions introduced under the state of the epidemic are being lifted and employees are going back to work. Below is the recap of practical information on the 'back to office' plan.

1. Ensuring H&S working conditions adapted to the new reality.

The employer should provide disinfectants or disposable gloves to all employees. Moreover, employees involved in direct contact with customers or business partners should be equipped with masks covering the mouth and nose.

Desks or other equipment shall be positioned in such a way to ensure that the shortest straight-line distance between employees is not less than 1,5 metres unless prevented by the nature of the activity carried out at a particular workplace and the workplace provides personal protective equipment necessary to combat the epidemic. Having rearranged the workstations, it is then necessary to reassess whether they fulfil general requirements of health and safety regulations.

The above workstation-related changes may result in the obligation to carry out on-the-job training again.

2. Amendment of the provisions on mandatory medical examinations.

Medical certificates issued in relation to pre-employment, periodic and return-to-work health examinations which expired after 7 March 2020 will remain valid - no longer, however, than 60 days following the day of revoking the state of the epidemic. The obligation to carry out periodic medical examinations is also suspended, but they also must be performed within 60 days from revoking the epidemic state.

Nonetheless, the requirement to perform pre-employment and return-to-work examinations still stands. In case it is not possible to carry out such examinations due to unavailability of a doctor authorized to do so, they may be carried out by any other doctor, regardless of specialization. The examinations may be performed through telecommunication channels (e.g. telephone) and will remain valid for 30 days after the cancellation of the epidemic state, which will provide enough time to carry out the examination again in a regular way.

3. Commuting to work and business trips.

In many cities, the frequency of public transport or the number of railway connections has been reduced. The number of people who can use public transport at the same time has also been limited. This means that employees may face real difficulties in getting to their workplaces. Wherever possible, the use of individual forms of transport - such as a car or a bicycle - should be encouraged.

Similarly, it is difficult to do business travels. . Thus, we suggest providing a taxi service for employees without cars. As of 4 May, hotels and other accommodations may reopen (with a limited range of services, e.g. no restaurants – only a takeaway and room service is allowed).

When considering business trips abroad, it should be taken into account that border controls are extended at least until 12 June 2020. Also from 4 May, the cross-border workers are exempt from compulsory quarantine after crossing the border. However, this doesn't apply

to persons who work in medical professions or started quarantine before 4 May 2020. Any of such cross-border employees must be able to provide the evidence of employment.

4. Revising employee benefits and perks.

As the gyms closed, many employers decided to suspend their employees' sports cards. We suggest monitoring the situation and reactivate the cards when the gyms reopen. As of 4 May, sports stadiums, football pitches, sports fields, tennis and golf courses where employees can play sports have been reopened.

Due to the epidemic, some cafeterias and canteens are temporarily closed. During the transition period, it is necessary to consider whether to provide employees with delivery meals.

5. Communication and psychological support for employees.

Current situation - isolation and the subsequent return to a new reality - is not easy for both employers and employees. The employer can support employees e.g. by providing them with the opportunity to consult a psychologist. Such consultations can make it easier for employees to find their way back to normal at work. Moreover, they will certainly appreciate such a gesture from the employer in the long run.

It is also important to properly manage the communication concerning return to work which may cause w some fear and stress on the side of employees.

Effective communication and ongoing contact/support for employees will help to tone down the emotions and soften the negative impact of returns on relations between employees and the atmosphere at work.