

Dear Readers,

We are devoting the first issue of HR Perspectives this year to the recent changes in employment law.

We discuss **the National Labour Inspectorates (PIP) inspection programme planned for 2022**, announced by the Chief Labour Inspector. We take a look at the **work-life balance directive** and the new rules regarding **child care leave**. We also explain **changes in the rules for granting and calculating benefits**.

We also comment on the issue of professional **burnout**-related sick leave, which has brought about an emotional reaction from both employees and employers.

Enjoy your reading!

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The PIP inspection programme for 2022:

Employee complaints, Sunday trading, clamping down on illegal employment

The National Labour Inspectorate has announced its control programme for the coming year.

One of their key tasks will be to deal with employee complaints. Therefore, PIP anticipates intervening in specific cases.

The Inspectorate will also check whether employers are taking measures to limit exposure to coronavirus infection. PIP will also inspect compliance with anti-crisis regulations concerning labour law, including the legal aspects of remote working.

Moreover, the inspectors will verify compliance with the new legislation that excludes employees from working on Sundays in shops that operate postal services.

Three strategies have also been identified to target workplaces with an increased incidence of accidents at work and occupational hazards:

- a control and prevention strategy for the construction sector;
- a control strategy for chemical health hazards in the workplace; and
- a strategy of intensified supervision of workplaces with an alarmingly high number of accidents and an increased level of dangerous and harmful factors in the workplace.

PIP has announced that it will focus on controlling the lawfulness of employment under civil law contracts, reducing breaches of regulations concerning working time, pay and other benefits under the employment relationship. Labour inspectors will also pay close attention to compliance with the minimum hourly pay regulations.

The programme also includes measures for preventing and clamping down on illegal employment of both Polish citizens and non-nationals. To achieve that, PIP will work closely with the European Labour Authority (ELA) through working groups, concerted and joint cross-border inspections. The Inspectorate will also support the ELA's Europe-wide campaigns aimed at promoting legal employment in specific industries.

Work-life balance directive and new rules for childcare leave

In mid-2022 Poland is to transpose the EU work-life balance directive, which will introduce changes to the childcare leave for parents.

The directive sets out that, in addition to the 10-day paternity leave already available in Poland, parents will be entitled to four months of parental leave.

However, part of such parental leave (e.g. 2 months) will not be transferable to the other parent. Therefore, a child's father will not be able to transfer his leave to a child's mother. Parental leave must be used up before the child turns eight.

The directive also allows for the introduction of provisions that would allow an employer to postpone parental leave if the start of such leave on a specific date would seriously disrupt workplace operation.

Furthermore, the directive will introduce changes to carers' leave, which would include 5 days off per year to provide personal care or support to a relative.

Changes to benefits

In addition to the much-discussed changes introduced by the "Polish Deal", new rules for granting sick pay and sickness benefit became effective on 1 January 2022.

According to the new regulations, after the termination of employment employees can collect sickness benefits for only half as long as before January 2022.

In practice, this means that employees who use medical leave to avoid termination will only receive benefits for 91 days instead of 182. However, these rules will not apply to some groups of people, including women unable to work during pregnancy and people suffering from tuberculosis.

Starting from the new year, the rules for determining the benefit period have been simplified. Before, if there were breaks in the inability to work, the previous period of inability to work was included in the benefit period provided that it was caused by the same illness. Now, the length of the benefit period will not depend on whether the cause of the inability to work before and after the break was the same. This means that employers paying sick pay will not have to verify the employee's disease code.

Furthermore, rules for calculating sick pay for the period of hospital stay will be more favourable to employees. The rate of the benefit has been raised from 70% to 80% of the assessment basis. Therefore, regardless of whether a sick employee stays at home or is hospitalised, the amount of sick pay will be the same.

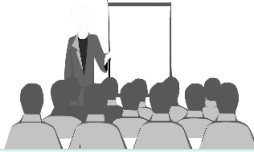
Sick leave for burnout

The news that as of 2022 professional burnout had been added to the World Health Organization's Classification of Diseases has sparked a lot of interest from both employers and employees.

Defining professional burnout as a disease entity would effectively mean that employees struggling with it could obtain sick leave for this reason.

The new Classification of Diseases indeed became effective on 1 January 2022, just not in Poland. And most likely, this situation will not change soon because it would require changes to Polish law. Therefore, employees taking sick leave for professional burnout in large numbers is more of a click-bait than a real threat for employers.

However, there is no doubt that the problem of professional burnout, as well as other problems caused by chronic stress and excessive workload, is not going away. Especially in the era of the coronavirus and remote working, which has forced employees.



Webinar: Benefits during a pandemic

We invite you to participate in a meeting organized by PCS Paruch Chruściel Schiffter Stępień | Littler Global together with Mercer Polska.

Date: 3 February, 11:00 - 12:00, online.

Speakers: Sławomir Paruch, attorney-at-law, Bartosz Wszeborowski, advocate

Registration: [here](#). | More: [here](#).