



Dear Readers,

as usual, we come to you with a selection of the most interesting HR news and topical issues of the past week.

WORK UNDER CIVIL LAW CONTRACTS COUNTED TOWARDS WORK EXPERIENCE?

The Ministry of Family, Labour, and Social Policy (MFLSP) is considering allowing periods of self-employment and work under a contract for services to be counted as length of service. For now, the MFLSP is consulting with other ministries on the proposal. This change would have a number of practical consequences: the length of service affects factors such as the notice period, the length of leave, and the amount of severance pay.

CHANGES TO THE SPECIAL LAW ON STAY OF UKRAINIANS IN POLAND UNDERWAY

The Ministry of the Interior and Administration is working on an amendment to the law on assistance to Ukrainian citizens in connection with the armed conflict on the territory of the country. The current regulations provide legal grounds for their presence only until 4th March 2024. According to the Ministry, the rights and entitlements for Ukrainians under the law can only be extended by an additional six months. However, there is still no bill with detailed solutions that would cover Ukrainian citizens staying in Poland.

CJEU: EMPLOYERS MUST MAKE REASONABLE ACCOMMODATIONS BEFORE DISMISSING PERMANENTLY INCAPACITATED EMPLOYEES

According to the recent ruling of the Court of Justice of the European Union (CJEU) in case C-631/22, before deciding to terminate the employment contract of an employee who has become permanently incapacitated for work, the employer should make reasonable accommodations to enable such employee to maintain employment. If reasonable accommodations are not feasible, the employer must demonstrate that the burden of implementing them would be excessive. Failure to take any necessary measures may lead to allegations of employment discrimination. CJEU judgment of 18th January 2024 C-631/22, link to judgment: [click here](#).

GOVERNMENT RECONSIDERS WHISTLEBLOWER PROTECTION LEGISLATION AGENDA

The government has decided to revisit its plans for how the proposed whistleblower protection law will go through the legislative process. Because Poland should have implemented the EU directive more than two years ago, the original intention was to skip the public consultation stage. However, to make sure that public concerns are fully addressed, the government decided against omitting that step, which may extend the drafting period.

SUPREME COURT: UNCLEAR ORGANIZATIONAL STRUCTURE MAY BE GROUNDS FOR COMPENSATION

The Supreme Court of Poland ruled that an employee's dismissal may be unlawful if the employer's organizational structure disregards the working conditions for individual job positions. Specifically, employers should establish separate job positions for each department if the working conditions differ significantly. Even factors such as temperature and humidity can be considered differentiating factors. Failure to adapt the organizational structure to the realities of the company could lead to various violations, including issues related to the dismissal procedure. Supreme Court ruling of 24th October 2023 ref. no. I PSK 150/22.

Please do not hesitate to contact us: Karolina Kanclerz, attorney-at-law, partner, **Sławomir Paruch**, attorney-at-law, partner and **Oskar Kwiatkowski**, trainee attorney-at-law, lawyer.

UPCOMING EVENTS

- **Let's talk about money: The 5 most problematic issues of the bonus rules – based on our experience** - 1 February 2024, 11:00-11:45, online. More: [here](#).
- **Webinar: 10 rules of a dismissal meeting** - 6 February 2024, 11:00-11:45, online. More: [here](#).
- **Webinar: Social media policy** - 8 February 2024, 11:00-11:30, online. More: [here](#).
- **Webinar: Strategically on HR and labour law in 2024** - 8 February 2024, 12:00-13:00, online. More: [here](#).
- **Conference: 10 most important changes in HR law in 2023** - 15 February 2024, 11:00-12:40, online. More: [here](#).

HR LAW BRIEF: CEE

Welcome to our new newsletter HR Law Brief: CEE. Read: [here](#).