



**Dear Readers,**

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

#### **LABOR CODE AMENDMENT SIGNED**

The President has signed a bill amending the Labor Code concerning remote working and employee drug and alcohol testing by an employer or the police. We have repeatedly pointed out that these issues need to be regulated internally. We are now waiting for the publication of the law in the Journal of Laws. The drug and alcohol testing laws will become effective 14 days after the publication and remote working regulations after two months. This is a good opportunity to update internal documents for compliance with the final version of the new laws.

#### **DRUG AND ALCOHOL TESTING REPORTS IN EMPLOYEE RECORDS**

The Government Legislation Center started working on a draft regulation concerning drug and alcohol testing. The regulation sets out in which part of employee records the testing reports will be stored. The new legislation is expected to enter into force 7 days after being enacted.

#### **EFFECTIVE ZUS INSPECTIONS AND REDUCED SICK PAY IN 2022**

According to the provided data, in 2022 Social Insurance Institution (ZUS) carried out almost 430,000 checks on people temporary unfit for work. The total amount of reduced or revoked sick pay resulting from the inspections was more than 40 million zlotys in the fourth quarter of 2022 and around 153 million zlotys in the whole of 2022.

#### **MINISTRY OF FINANCE: PIT-11 ONLY FOR UKRAINIANS WITH PESEL**

According to the Ministry of Finance, to properly file the PIT-11 tax form, employers should require a non-national employee to provide a tax identifier (PESEL or NIP number). The ministry underlines that as soon as non-national employees start working, they should be informed about the obligation to obtain such a number.

#### **BETTER LEAVE CONDITIONS FOR ADOPTIVE PARENTS FROM 1 FEBRUARY**

As of 1st February, adoptive parents are entitled to parental leave if they adopt a child up to the age of 14, instead of 7 as before. The changes to the Labor Code result from the amendments to foster care regulations.

#### **SUPREME COURT: CONTRACT FOR SPECIFIC WORK NOT ALWAYS BLATANTLY MISCLASSIFIED**

There is a fine line between contracts for specific work and contracts for services. A court's decision to classify a contract as one or the other does not mean that the other classification would not be possible. The recent judgment on this matter is significant from the perspective of contract reclassification risk and the freedom of shaping the employment relationship (Supreme Court judgment of 18th January 2023 II NSNc 13/23).

Please do not hesitate to contact us:

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#### **UPCOMING EVENTS**

- **Webinar: 5 great sins of employers against ZUS** - 7 February 2023, 11:00-11:45, online. More: [here](#).
- **Employee and employer in court: The most interesting 2022 Supreme Court rulings for labour disputes** - 8 February 2023, 11:00-11:45, online. More: [here](#).
- **Let's talk about money: Pay negotiations with unions or employee representatives** - 9 February 2023, 11:00-11:45, online. More: [here](#).
- **Workshop: Remote work. Prepare your company for change** - 9 February 2023, 9:00-15:30, Warsaw. More: [here](#).
- **Employer in crisis: Image crisis – how to protect company reputation against online smear campaigns?** - 10 February 2023, 11:00-11:45, online. More: [here](#).