



**Dear Readers,**

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

**NEW BILL ON COLLECTIVE DISPUTES**

New project of the bill on collective disputes has been submitted for public consultations. The project includes an open catalogue of matters in which a collective dispute may be conducted; an obligation to form a coalition of trade unions in an ongoing collective dispute; the introduction of preventive mediation – already at the stage of negotiations. The project also sets out a maximum duration of collective dispute. Its duration should not be longer than nine months, with the possibility of extension for three months. If it does not end within this period of time, it will become legally invalid.

**AMENDMENT TO THE LABOUR CODE REGARDING WORK-LIFE BALANCE MAY BE INCOMPATIBLE WITH THE DIRECTIVE**

The government's proposition is not compatible with the guidelines of the work-life balance directive. This is the conclusion of the analysis presented at the Senate committee. There is an issue of partial payments for additional parental leave for fathers. Further legislative work will continue in the Senate.

**ADDITIONAL PAY FOR OVERTIME ONLY FOR WORK, NOT FOR AVAILABILITY**

In order to receive additional pay for overtime, work must be actually performed. In a case concerning a claim for overtime pay brought by a conductor operating sleeping cars, the Supreme Court ruled that where a crew consist of two employees, only one of whom is working, being on standby is not overtime work. Resting in a place other than that chosen by the employee, e.g. in the office, does not mean that the employee remains at the employer's disposal. Judgement of the Supreme Court of 8 February 2023, ref. no I PSKP 19/22.

**SEVERANCE PAY FOR TERRITORIAL DEFENCE FORCES**

The Social Insurance Institution (ZUS) found that severance payments paid by employers to employees drafted for compulsory, periodic, or territorial military service are subject to contributions. ZUS decision of 1 February 2023, DI/100000/43/14/2023.

**TERMINATION FOR CAUSE JUSTIFIED IN CASE OF APPROPRIATION OF FUNDS BELONGING TO THIRD PARTY**

An employee who appropriates funds accumulated in an employee social support fund violates their duties, even though the fund does not formally belong to the employer but to third parties, and may be terminated for cause. Judgement of the Regional Court in Czluchów of 16 December 2022, ref. no IV P 72/22.

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**UPCOMING EVENTS**

- **On unions with unions: Staying compliant in relations with trade unions** - 21 February 2023, 11:00-11:45, online. More: *here*.
- **Webinar: Remote working redefined** - 21 February 2023, 14:00-15:00, online. More: *here*.
- **Conference: Challenges and difficulties in employer-trade union relations** - 22 February 2023, 9:30-15:35, online. More: *here*.
- **SOS PCS | Littler - Employer in Crisis: Economic crisis - How to effectively reduce labour costs?** - 22 February 2023, 11:00-11:45, online. More: *here*.
- **PCS MeetUp: Lump sum or equivalent - how and how much do employers pay for remote work?** - 23 February 2023, 11:00-11:30, online. More: *here*.