



**Dear Readers,**

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

**ANOTHER AMENDMENT TO THE LABOUR CODE PASSED**

The law introducing work-life balance and clear employment conditions directives has finally been passed. On 9 March the Parliament rejected most of the 45 Senate amendments. The act will now be submitted for the President's signature. The provisions will come into force 21 days after their date of publication in the Journal of Laws. The changes will include:

- fixed-term employment contract (stating reasons for termination + trade union consultation);
- probationary period employment contract (duration of the probationary period will depend on the duration of planned further employment + possibility of extension);
- broader information on employment conditions (Article 29(3) of the Labour Code);
- prohibition of additional employment only through a non-compete agreement;
- greater flexibility of employment and working hours;
- new holidays and leaves (primarily for parents).

**CJEU: DAILY REST IS NOT INCLUDED IN WEEKLY REST**

In the case of the Hungarian train driver, CJEU considered that daily and weekly rest should be granted independently, as they fulfil different objectives. This would mean that the total rest after a working week in Poland should not be 35 hours as before, but 46 hours. Until now, in the Labour Code daily rest is included in weekly rest, which differentiates Polish legislations from the Hungarian law, on which the judgement was based. CJEU ruling of 02.03.2023, ref. no C 477/21.

**AMENDMENT TO THE CODE OF CIVIL PROCEDURE SUBMITTED FOR PRESIDENT'S SIGNATURE**

The Parliament also considered Senate amendments to the Code of Civil Procedure. The act will be now submitted for the President's signature. It aims to: improve the 2019 amendments; make contact with court easier for the parties and attorneys, clarify the rules of the bailiff notifications, and introduce new solutions for the courts to schedule hearings and make necessary instructions. Most of the changes will enter into force 3 months after their date of publication. However, for a considerable part only a 2 week vacatio legis is provided.

**CRITICAL ASSESSMENT OF THE DRAFT COLLECTIVE DISPUTES ACT**

Employers' demands have not been taken into account in the new draft. The idea to introduce a main employer was not received well, and it draws attention to investment risks associated with the new project and the short timeframes for the next steps. There is a glaring lack of requirement for a referendum before a warning strike and the overly broad concept of a collective dispute.

**SUPREME COURT: EMPLOYER CANNOT DEDUCT ACCOMMODATION AND LOGISTICS COSTS**

The catalogue of permissible deductions from an employee's salary contained in the Labour Code is closed. It does not provide for accommodation or logistics costs. Judgment of the Supreme Court of 8 March 2023. Ref. no I PSKP 32/22.

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**UPCOMING EVENTS**

- **Trade unions negotiating patterns and practices** - 14 March 2023, 11:00-11:45, online. More: *here*.
- **Restructuring – how to effectively implement changes and streamline business** - 15 March 2023, 11:00-11:45, online. More: *here*.
- **No because GDPR!: Background screening as part of compliance?** - 16 March 2023, 11:00-11:45, online. More: *here*.