



Dear Readers,

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

PROJECT OF THE WHISTLEBLOWER PROTECTION ACT REACHED THE PARLIAMENT

The government's project of the Whistleblower Protection Act from 2 April has already reached the parliament. We are waiting for the official printing number from the parliament. Everything indicates that finally, the new rules for protecting whistleblowers will come into force. These are one of the most closely monitored recently proposed regulations. Link to the project directed to the parliament: [here](#).

THE SUPREME COURT WILL DECIDE ON THE STATUTE OF LIMITATIONS IN EMPLOYMENT CASES

The District Court in Bielsko-Biała raised doubts on the correct interpretation of the statute of limitations in employment cases. The court submitted a legal question to the Supreme Court. This case is significant as no position has been taken on the effect of the cassation judgement for the Supreme Court issued as a result considering an extraordinary complaint on restarting the statute of limitations period. The District Court in Bielsko-Biała, case ref. no. VI Pa 45/23.

AVAILABILITY AS A CRITERIA FOR DISMISSAL

According to the Supreme Court, selecting for dismissal an employee who is on long-term unpaid leave and is using another source of income during that time is an objective and rational criterion for terminating the employment contract and does not indicate discriminatory nature of the dismissal. In line with the principles of social coexistence, it is possible for employer to consider availability, understood as the possibility to rely on the employee's presence at work, when selecting employees for dismissal. Supreme Court ruling of 12 December 2023 (III PSK 86/22).

SICK LEAVES UNTIL THE END OF THE DAY

In the new guidelines issued on 12 April, the General Labour Inspector stated that sick leaves should be calculated according to calendar days, not working days. This is an important remark, especially for employees working night shifts. In their case, the sick leave will be valid only until midnight. For a shift spanning two calendar days, a doctor's note for two days is required.

MANDATORY REFERRAL TO MEDIATION IN EMPLOYMENT DISPUTES

The Ministry of Economic Development and Technology is revisiting the previous government's idea. The draft law proposes a mandatory referral to mediation for parties who have not included in the lawsuit information on attempts to resolve the dispute out of court or an explanation why such attempts were not taken. The proposed solution was met with disapproval from both employees' and employers' representatives. They point, among others, to the risk of prolonging court proceedings and incurring mediation fees by parties. Link to the draft law: [here](#).

ONGOING WORKS ON CHANGES TO PENALTIES FOR ILLEGAL EMPLOYMENT OF FOREIGNERS

The Ministry of Economic Development and Technology is working on a law aimed at introducing simplifications in conducting business activities in Poland. One of the proposed changes includes limiting the employer's liability for illegally delegating work to a foreigner solely to intentional fault. The current wording of the provision allows for this offense to be committed both intentionally and unintentionally. This change may have a significant impact on hiring foreigners, especially in the context of inspections conducted by the State Labour Inspectorate or other authorities.

ISSUES WITH THE AMENDMENT TO THE LAW ON SHARING BUSINESS INFORMATION

The Ministry of Economic Development and Technology is planning an amendment to the law on access to business information, requiring economic information bureaus (BIG) to include data on representatives and their principals, to make the identification of individuals who have checked information about companies easier. However, opinions submitted by the Confederation Lewiatan and the Association of Financial Companies point to the difficulties associated with the implementation of these changes, mainly due to the necessity of adapting information systems by both BIG and their clients.

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UPCOMING EVENTS

- **HR Signal: Ideal reporting procedure: How to prepare for its implementation?** - 23 April 2024, 11:00-11:30, online. More: [here](#).
- **12th HR Congress of Stock Companies (SEG)** - 23-24 April 2024, Warsaw. More: [here](#).
- **Conference: Company social fund 2024** - 25 April 2024, 11:00-14:00, online. More: [here](#).
- **Conference: Salaries A to Z** - 25 April 2024, 9:30-14:30, online. More: [here](#).
- **Trust and control: Remote work monitoring – Practices after a year of regulations** - 26 April 2024, 11:00-11:45, online. More: [here](#).
- **HR Lab Kraków: DE&I and pay transparency in the workplace** - 6 June 2024, 11:00-14:00, Cracow. More: [here](#).
- **HR Lab Poznań: Employees in social media and the future of HR law and technology** - 17 June 2024, 11:00-14:00, Poznań. More: [here](#).