



Dear Readers,

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

COURT: EMPLOYEE WAS NOT SHAM BUT VICTIM OF CIRCUMSTANCE

An employee had entered into an employment contract just before pandemic mitigation measures were introduced. Because of that, the shopping centre where the employee was to carry out work temporarily closed down. Moreover, schools were also closed, which meant that the worker had to personally look after her child. However, the Social Insurance Institution (ZUS) claimed that her employment contract was a sham because there was no evidence that she actually provided any work. But the court opposed the ZUS's position and held that the employee was prevented from taking up employment by force of pandemic circumstances. Judgment of the Warsaw-Praga District Court dated 31st March 2023, case ref. VII U 1384/20.

HIGHER PAY FOR NEW HIRES MAY BE DISCRIMINATORY

According to the judgement of the regional court in Katowice dated 26th January 2023, offering a higher salary to newly hired employees may constitute discrimination against those previously employed in the same position. In the considered case, the employer claimed the higher salary was justified by the need to provide qualified staff. However, the court held that the principle of equal treatment in employment was breached and awarded damages to the out-earned factory worker. Case ref. XI Pa 207/22.

LABOUR INSPECTORATE CHECKS REMOTE WORKING

The National Labour Inspectorate (PIP) has embarked on a remote working inspection campaign, including both the pre-planned checks and those carried out in response to received complaints. PIP inspectors will look into such issues as the basis for the implementation of remote working, types of remote work in companies, the number of employees from eligible groups working remotely, occupational risk assessment, occupational health and safety rules, and the working from home allowance. However, the inspectors will not check whether or not an employer was right in refusing a remote working request by an eligible person for organizational reasons. Also, there are no plans for home inspections.

TENURE-BASED PENSION ISSUE RETURNS JUST BEFORE THE ELECTIONS

Immediately before the long weekend, the government signed an agreement with Solidarity concerning the pension reform project previously put on the shelf. According to the project, women would be eligible for retirement after working 35 years and men - after 40 years. In practice, it means lowering the retirement age, which flies in the face of current global trends. Interestingly, Poland has pledged to increase the retirement age under the National Recovery Plan.

CIVIL LAW CONTRACTS ARE NOT ABUSED IN POLAND

The Ministry of Family and Social Policy says that according to the latest ZUS data, contracts based on the Civil Code are not replacing employment contracts. There are nearly 12 million employees and less than 1.3 million non-employees. The Ministry confirms that the Civil Code-based contracts give employers much sought-after flexibility and are not a threat to the Polish labour market.

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UPCOMING EVENTS

- **Webinar: Work-life balance – first lessons from the new rules in practice** – 13 June 2023, 14:00 – 15:00, online. More: [here](#).
- **Conference: HR and Payroll in 2023: Challenges and trends** - 13 June 2023, online. More: [here](#).
- **Relationships with Trade Unions: Trade Union online activity – how to set boundaries** – 14 June 2023, 11:00 – 11:45, online. More: [here](#).
- **Conference: Remote working in private companies - needs and challenges** - 14 June 2023, 11:00 – 13:00, online. More: [here](#).
- **Let's talk about money: Bonus or commission? Remunerating sales and production employees** - 15 June 2023, 11:00 – 11:45, online. More: [here](#).
- **Workshop: Social issues in ESG reporting. What to show and how to show it?** - 14-15 June 2023, 9:30-15:30, online. More: [here](#).