



Dear Readers,

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

GUARANTEED EMPLOYMENT FOR A PROTECTED EMPLOYEE DURING COURT PROCEEDINGS TO BE SIGNED BY THE PRESIDENT

At the last session of the Sejm (28.07), MPs rejected Senate's propositions and voted for the amendments to the Code of Civil Procedure. The employers will now be obliged by the court to continue the employment of a dismissed worker during the court proceedings, especially the employment of a protected worker (i.e.: specially protected trade union member, social labour inspector, employee representative, pregnant woman). The court will be able to reject the dismissed employee's claim only if it is obviously unjustified. The court will be bound by the employee's request after the first instance judgement. This regulation will also apply to ongoing proceedings. The amendment will now be passed to the President's signature. The legislative process can be followed [here](#).

COLLECTIVE REDUNDANCIES WITHOUT PRIOR NOTIFICATION TO THE LABOUR OFFICE

The Court of Justice of The European Union in a judgement from 13 July 2023, in a case no C-134/22 G GmbH, held that failures in informing the competent authority (in Poland, the labour office) of an intention to carry out collective redundancy does not raise employees' claims for reinstatement or compensation. The Court held that notifying the authority is only of informational nature and does not determine the validity of the dismissal. However, it should be noted that at a later stage the employer is still obliged to provide the authority with details of the redundancies.

LEAVE DUE TO FORCE MAJEURE EXCLUDES THE SICK PAY

The Ministry of Family and Social Policy in a statement of 4 July 2023 pointed out that an employee who took a day off due to force majeure, and then was given sick leave for that day, e.g. due to a child's illness will not receive a sick pay for that day. That is because the employee retained the right to half pay for that day due to force majeure.

DISCIPLINARY DISMISSAL DUE TO OFFENSIVE ACTIONS AGAINST A COUNTRY

It is lawful to dismiss without notice an employee who publicly insults a foreign country, as it was recently ruled by the District Court in Szczecin (IX P 154/22). In this case, an employee insulted Ukraine and Ukrainian citizens on social media. The information on their profile allowed for identifying their employer. The court explicitly stated that insulting others on the basis of nationality, race, or religion cannot be considered as expressing opinions within the framework of freedom of expression. The judgement is not yet final.

MORE INSPECTIONS ON COMPLIANCE WITH REMOTE WORKING REGULATIONS

The Labour Protection Council (the supervisory body of the National Labour Inspectorate operating in the Polish Sejm) on the meeting on 13 June this year recommended regular inspections of employers' compliance with the regulations on remote working. The meeting also discussed updating legal regulations concerning the organisation of work with screen monitors including i.e. laptops. The report from the meeting can be accessed [here](#) (pages 120 – 121).

STATISTICS POLAND: MORE THAN 15 MILLION PEOPLE WORKING IN THE NATIONAL ECONOMY IN FEBRUARY

There were 15.1 million people working in the national economy in February 2023, including 8 million men and 7.1 million women. The average age was 42.5 years, and the median age was 42 years. There were 577.1 thousand foreigners working, 758.9 thousand pensioners, and 473.2 people with disabilities. Most people worked in small businesses (employing five workers or less).

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UPCOMING EVENTS

- **Let's talk about money: Taxation of the salaries components and benefits that raise the most doubts**
- 10 August 2023, 11:00 – 11:45, online. More: [here](#).