



Dear Readers,

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

CRACKING DOWN ON ONLINE ANONYMOUS HATERS

A new bill has been submitted to the Polish parliament (Sejm) that aims to protect employers from online attacks on their reputation. This long-awaited legislation would allow employers to sue anonymous internet users who spread defamatory content online. The bill proposes a system of "blind lawsuits" against unknown individuals. If passed, the law would require website operators and telecommunications companies to disclose the user's identity upon a court order. This would give employers more effective tools to pursue claims against those who damage their good name. It also serves as a reminder to employees to be mindful of what they post about their employers on the internet. Link to the bill: [here](#).

REFERRAL BONUSES: TAX- AND SOCIAL SECURITY-FREE

The National Tax and Customs Information Office (KIS) and the Social Security Institution (ZUS) have confirmed that referral bonuses paid to employees for recommending new hires are not considered employment income. This means that these bonuses are not subject to personal income tax (PIT) or social security contributions. Decision of the ZUS in Gdańsk, ref. DI/100000/43/679/2024.

EUROPEAN COMMISSION: EMPLOYMENT CONTRACTS FOR INTERNS AND APPRENTICES

The European Commission is taking steps to improve the working conditions of interns and apprentices across the EU. The directive aims to crack down on 'disguised employees'. However, the proposed changes have raised concerns in Poland, where the definitions of internships and apprenticeships may not align with the EU's approach. The Polish Ministry of Labour and Social Policy believes that the current wording of the regulations would exclude a significant number of interns and apprentices in the country.

NON-COMPETE AGREEMENT VIOLATION: SUSPICION IS NOT ENOUGH

The District Court in Człuchów ruled in a recent case that unless there is concrete proof of wrongdoing, suspicion is not enough to determine a violation of a non-compete clause or a trade secret. The case concerned a mattress manufacturer and seller who terminated an employee's contract, alleging that the employee had violated their non-compete agreement by parking near a mattress store where their spouse worked. However, the court found that this action alone was insufficient to prove a violation, especially since the two employers were not direct competitors. Judgment of the District Court in Człuchów dated 11 June 2024, ref. no. IV P 41/23, (judgement not final).

NEW LABOUR MARKET ACT AMENDMENTS: MORE OPPORTUNITIES FOR YOUTH AND SENIORS

The latest bill amending the Polish Labour Market and Employment Services Act proposes increasing the number of apprentices per instructor to a maximum of three, potentially creating more apprenticeship opportunities for young people. The bill also outlines changes to how employment agencies operate, measures to boost senior citizen participation in the workforce and adjustments to the rules for granting unemployment benefits. Link to the bill: [here](#).

Please do not hesitate to contact us: Karolina Kanclerz, attorney-at-law, partner, **Sławomir Paruch**, attorney-at-law, partner, and **Oskar Kwiatkowski**, trainee attorney-at-law, lawyer.

UPCOMING EVENTS

- **HR Lab Gdańsk: Employer today and tomorrow: Whistleblowers and the conflict of company and employee values** - 10 September 2024, 11:00-14:00, Gdańsk. More: [here](#).
- **Trust but check: Social dialogue based on trust - how to shape relations with trade unions and works councils** - 11 September 2024, 11:00-11:45, online. More: [here](#).
- **No, because of GDPR!: Leaked payroll – what's next? Dealing with incidents** - 12 September 2024, 11:00-11:45, online. More: [here](#).
- **Webinar: Upcoming changes to regulations on employing foreigners – what to prepare for before the end of 2024?** - 13 September 2024, 11:00-11:45, online. More: [here](#).
- **Webinar: Unmask the Haters: Combating Online Hate Speech** - 17 September 2024, 11:00 - 11:45, online. More: [here](#).
- **Working Time Conference 2024** - 25 September 2024, online. Register: [here](#).