



Dear Readers,

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

A LEGAL ENTITY MAY RECEIVE A COMPENSATION FOR REPUTATION DAMAGE

The Supreme Court concluded that a legal entity may claim financial compensation for infringement of personal rights from a natural person. The case concerned the removal of a disputed, negative opinion posted on the Internet about the quality of the company's products, publishing a clarifying statement and an order for damages. The court handling the case referred to the Supreme Court as to whether the company could claim financial compensation from such a person for a violation of personal rights. The Supreme Court held that the company was entitled to the claim as Article 448(1) of the Civil Code applies accordingly to legal entities. Resolution of the Civil Chamber of the Supreme Court of 03.10.2023, ref. no. III CZP 22/23.

THE POLICE WILL ISSUE A SUMMARY REPORT FROM ALCOHOL AND DRUG TESTS FOR THE EMPLOYER

Employers who have not introduced alcohol and drug testing policy in their internal regulations continue to rely on the police. After carrying out the test, the police are obliged to immediately provide the employer with a summary report containing the most important information – this is the position of the National Police Headquarters.

BACK TO OFFICE BENEFITS SUBJECT TO TAXATION

The Director of the National Tax Information Office is of the opinion that the employer is obliged to include awards and vouchers granted in exchange for coming back to the office in the employee's taxable income from the employment relationship. The purpose of these benefits is to encourage employees to come to the office in order to build organisational culture. Granting the benefits is not dependent on the employees' performance. Link to the interpretation: *here*.

TRANSFER OF THE WORKPLACE WITHIN A GROUP OF COMPANIES DOES NOT AUTOMATICALLY REQUIRE A NEW GDPR TRAINING

The employer is not obliged to automatically train the transferred employees on data protection. Employees who were taken over by a new employer from the same group of companies have to be trained again when the specifics of the new employer's operations and data processing processes are different from the existing ones. Only when the differences between the specific jobs and data processing processes that occur in connection with the duties performed, as well as the differences in the operation of the entities that are parties to the transfer of the workplace are analysed, that the need for and extent of new data processing training can be assessed. Opinion of the Data Protection Authority in the September newsletter (no 9/09/2023).

BUSINESSES OVERPAID HEALTH CONTRIBUTIONS FOR 2022. BY MORE THAN A BILLION

According to the latest data from ZUS, the amount of health insurance contributions for entrepreneurs amounted to almost 20 billion PLN. Entrepreneurs paid more than a billion than they should have.

BORDER GUARD CONTROLS THE LEGALITY OF EMPLOYMENT AMONG FOREIGNERS

Officers from the Gdańsk Border Guard post controlled work permits among 730 foreigners employed mainly in the manufacturing industry. 183 persons (25%) were working on the basis of improper permits or without a work permit at all.

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

- **Expert meeting: The specifics of remote working and health and safety regulations - challenges and practical solutions following the new legislation** - 10 October 2023, 10:00-16:00. More: *here*.
- **Webinar: An end of unequal pay for men and women on the horizon** - 10 October 2023, 10:10-12:00, online. More: *here*.
- **Webinar: New insight into disputes with employees** - 11 October 2023, 11:00-11:45, online. More: *here*.
- **Webinar: No, because GDPR! From recruitment to dismissal – what data can be used when making key decisions** - 12 October 2023, 11:00-11:45, online. More: *here*.
- **Conference: HR Compliance Summit 2023** - 24 October 2023, 9:00-15:00, online. More: *here*.