



Dear Readers,

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

AT LEAST 50% OR 500 PLN FOR GLASSES AND LENSES

The Ministry of Family, Labour and Social Policy received an interpellation from Lewica's MPs regarding minimum reimbursement for purchasing corrective lenses, and changes to the rules on replacing prescription glasses. Currently, employers can internally set the amount of reimbursement. It typically ranges from 250 PLN to 450 PLN. The MPs argue that the reimbursement should cover at least 50% of the glasses price or be no lower than 500 PLN. Link: [here](#).

KIS: JUSTIFIED SHIFTS FROM EMPLOYMENT TO B2B

The Director of the National Tax Information (KIS) has confirmed that it's acceptable for an IT specialist to switch from an employment contract to self-employment, even if their former employer is initially their only client. The crucial factor is that all criteria for classifying the activity as a business under the personal income tax act are met. This means the individual must take full responsibility for the outcomes of their work, assume economic risk, and operate without direction from the client company. Each change in employment status should be carefully examined on a case-by-case basis. Letter of 22 August 2024, of the Director of the National Tax Information 0112-KDIL2-2.4011.472.2024.1.WS.

VIRTUAL EMPLOYMENT AGENCIES UNDER SCRUTINY

The Ministry of Family, Labour and Social Policy aims to reform the labour market and employment services. One of the changes proposed by the Ministry affects the rules governing temporary employment agencies. The new regulations would limit operations of virtual agencies and require firms from non-EU countries conducting business in Poland as a company to register with the employment agency registry. Additionally, in case refusing to undergo a labour inspection twice, the agency would be removed from the registry. Link to the legislative process: [here](#).

SUPREME ADMINISTRATIVE COURT: EQUAL CARE ALLOWANCE FOR THE ELDERLY AND CHILDREN'S CARERS

The Supreme Administrative Court (NSA) has ruled that care allowances should be equally awarded to carers of a 3-year-old child and an 82-year-old elderly person. The case involved local governments interviewing elderly individuals to create lists of tasks that they could perform independently, effectively overstepping the role of medical professionals. Based on these assessments, the offices denied care allowances. In some cases, interviews suggested that a carer could return to work, leading to a refusal of the allowance, despite medical certificates indicating the opposite. The NSA's ruling blocks local governments from continuing these practices. Judgement of the Supreme Administrative Court of 27 May 2024, case no. I OSK 1059/23.

MORE NON-NATIONAL WORKERS IN POLAND

The number of non-nationals employed in Poland is steadily increasing. The country is attracting people not only from Europe, but also a growing number of workers from South America, particularly from Colombia. Compared to 2021, there has been an eightfold increase in employees from this region. Lawmakers are continuously working on regulations to stabilize the labour market, one being the reinstatement of visa requirements for Colombian citizens.

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 Wrocław: Dismissal of an employee in 2025 and transformation of contracts by the National Labour Inspectorate** - 15 October 2024, 10:00-13:00, Wrocław. More: [here](#).
- **HR Master Conference, 5th Edition: A legal perspective on AI - Opportunities and threats for HR** - 16 October 2024, 9:00-15:00, hybrid formula. More: [here](#).
- **On unions with unions: Raise or strike - how to counteract abuse in industrial disputes?** - 16 October 2024, 11:00-11:45, online. More: [here](#).
- **2nd Conference: Employee termination** - 16 October 2024, 9:00-13:00, online. More: [here](#).
- **Employer and employee in court: Controversial evidence** - 17 October 2024, 11:00-11:45, online. More: [here](#).
- **HR MeetUp Wrocław: Whistleblower protection - key insights ahead of the new regulations** - 17 October 2024, 18:00, on-site, Wrocław. More: [here](#).
- **HR Compliance Summit 2024** - 23 October 2024, 9:00-15:00, online. More: [here](#).