

**Dear Readers,**

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

CJEU: PART-TIMERS SHOULD HAVE THEIR BONUS TARGETS ADJUSTED PROPORTIONALLY

According to the ruling by the Court of Justice of the European Union in case C-660/20 Lufthansa CityLine, bonus targets for part-time employees should be adjusted proportionately to their working time. The Court examined the question of whether working time must be taken into account when deciding about an employee's remuneration. Based on the ruling, part-time employees should have their remuneration and bonus thresholds adjusted proportionally because otherwise, they are put in a less favourable position for no reason. The conditions for and difficulty of obtaining additional remuneration and bonuses should be equal for all employees. CJEU judgment of 19 October 2023 in case C 660/20.

DATA PROTECTION OFFICE SCRUTINISES CHATGPT

The Polish Personal Data Protection Office has recently received a complaint from one of the ChatGPT users concerning the failure to rectify the information that ChatGPT generated about the user and processed by Open AI. Furthermore, the Open AI's response to the allegation was evasive, resulting in a breach of the clear and transparent communication principle. The office requested Open AI to respond to the complaint and provide an explanation and evidence. Notably, this is not the first time such a case has come up, as the Italian data authorities have already voiced their concerns about the compliance of Open AI's actions with data protection legislation.

THEFT JUSTIFIES EXPULSION FROM SERVICE

The Provincial Administrative Court in Gliwice ruled that a police officer who stole bags of coal was dismissed legitimately. The Court took the position that such action resulted in a loss of reputation and violated the basic duties of a profession based on public trust. The above made it impossible for the police officer to remain in service. Judgment of the Provincial Administrative Court in Gliwice dated 17 October 2023, ref. no. III SA/GI 419/23.

COURT: THE REASON FOR TERMINATION SHOULD BE CLEARLY STATED, EVEN IF THE EMPLOYEE CAN GUESS IT

The Regional Court in Sieradz dismissed the appeal of an employer (ref. no.: IV Pa 32/23) who did not want to pay employee compensation for the termination of an employment contract without providing a reason. According to the Court's ruling, informing employees about the company's difficult financial situation cannot be accepted as a sufficient reason for unilateral termination of the employment relationship. The Court pointed out that such information "does not constitute an individualised, specifically addressed to the claimant, certain and verifiable reason for terminating the employee." Judgment of the Regional Court in Sieradz dated 25 September 2023, ref. no. IV Pa 32/23.

NEW EU DIRECTIVE FOR SUSTAINABLE DEVELOPMENT

The European Union is putting the finishing touches to a directive that makes corporate sustainability due diligence mandatory. Previous guidelines from the OECD and the UN did not take off - hence the decision to introduce new regulations. The Corporate Sustainability Due Diligence Directive is intended to prevent and address human rights abuses and ensure compliance with environmental regulations not only by employers but also by their suppliers. Link: [here](#).

CJEU: TAX OFFICE MUST RETURN OVERPAID VAT

In a recent judgement, the CJEU has tackled the issue of an overpaid VAT. The considered case concerned an entrepreneur who erroneously taxed a tax-exempt service. The CJEU stated that in such a case, the tax office should return the overpaid tax. The CJEU pointed out that the tax office is obliged to return the overpaid VAT when there is no risk of losing tax revenue, namely when the sale is made to consumers who are not entitled to deduct VAT. The CJEU judgment dated 5 October 2023 (ref. no. C-355/22).

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UPCOMING EVENTS

- **EU Directives on Work-Life Balance and on Transparent and Predictable Working Conditions - what will change?** - 7 November 2023, 9:30 - 13:20. More: [here](#).
- **Webinar: Employee termination - a practitioner's perspective** - 7 November 2023, 14:00 - 15:00. More: [here](#).
- **Workshop: Whistleblower protection as part of ESG** - 8-9 November 2023. More: [here](#).