

**Dear Readers,**

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

**NEW HEALTH AND SAFETY RULES FOR WORKING WITH SCREENS PUBLISHED**

On 2 November, long-discussed amendments to the ordinance of health and safety rules for working with screens were published. The new rules include i.e. the obligation to equip workstations with a stationary screen monitor or a stand and additional keyboard and mouse in cases where the employees use a portable computer for at least half of their daily working time. Employers have six months to adjust to the new regulations. Link to the ordinance: [here](#).

**DELIVERY DATE OF THE DISCIPLINARY DISMISSAL MAY BE DETERMINED BY THE ADVICE NOTE, NOT BY THE DATE OF RECEIPT OF THE LETTER**

In a recent ruling, the Supreme Court held that, despite the fact that the employee did not actually become aware of the termination of their employment contract until they picked up the letter at the post office, it is possible to establish earlier date when the employer's statement reached the addressee. Correspondence may be deemed delivered on the day the employee became aware of the advice note if they had the opportunity to receive the letter without undue delay (judgement of the Supreme Court of 8 August 2023, ref. no. I PSKP 21/22). Link to the ruling contents: [here](#).

**A CONTRACT OF MANDATE WITHIN THE FRAMEWORK OF SELF-EMPLOYMENT DOES NOT REQUIRE PAYMENT OF ADDITIONAL CONTRIBUTIONS**

The Supreme Court ruled that a contract of mandate (contract for the provision of services) concluded by a self-employed person does not constitute a separate obligation to pay social contributions from a contract of mandate, if the subject of the contract is the same as the subject of the conducted activity. Such a person is therefore subject only to social insurance on account of their self-employment (judgement of the Supreme Court of 24 August 2023, ref. no. III USK 340/22). Link to the judgement contents: [here](#).

**EMPLOYEE CANNOT ALWAYS BE DISMISSED FOR EAVESDROPPING ON COLLEAGUES**

The Łomża District Court looked into the case of a hospital dispatcher who was dismissed due to recording conversations of colleagues in conflict with the dispatcher. According to the hospital, the employee committed a crime. The employee received the dismissal as revenge for exposing irregularities allegedly taking place at the hospital. The criminal proceedings were dropped, so the stated reason for dismissal was not appropriate. The court did not reinstate the dispatcher, but awarded damages. The employee's malice and sabotaging actions prevented further cooperation in the team and caused loss of trust in the dispatcher. Judgement of the District Court in Łomża of 12 October 2023, ref. no. III Pa 51/23

**BUSINESS RELATIONS CANNOT BE BUILT BY DISCLOSING EMPLOYEE DATA**

The Data Protection Office (UODO) took a closer look at employer's ability to share employee's health information with clients. The employer informed the client that a subordinate was on sick leave, and the reasons for the situation. According to the UODO, maintaining good relations with clients does not fit into any of the grounds for legalizing the processing of special category data under Article 9(2) of the data protection act and does not justify sharing them with third parties. Decision of the Data Protection Office of 25 November 2022 ref. no. DS.523.2704.2022

**SICK LEAVE DOES NOT AUTOMATICALLY MEAN INABILITY TO WORK**

The Social Insurance Institution did not grant the right to sickness benefits because the employee did not have a medical certificate that could confirm their inability to work. However, the court ruled that a medical certificate does not prejudice the inability to work, but only confirms it. Inability to work can therefore be proven by other means of evidence. Judgement of the District Court in Toruń of 21 August 2023, ref. no. IV U 129/23.

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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](#).
- **Conference: ESG - Reporting in Practice - 5th edition. Preparing the company for sustainability reporting: Employee area - case analysis** - 9 November 2023, 9:30-15:05, online. More: [here](#).