

Dear readers,

we open this June edition of *HR Perspectives* with **Pride Month** - a symbolic month in which we aim to support diversity. It is also a great opportunity to check internal D&I policies. We have set out a few suggestions on what to pay attention to in particular.

We also discuss **employee documentation digitization**, which can be started at any time without the need to digitise the entire archive.

We also look at **on-call duties**, especially common in the IT industry. We advise on how to effectively implement them and reduce any related risks.

Enjoy your reading!

Agnieszka Nicińska
Robert Stępień



Pride Month - time to review D&I policies

Pride Month, a symbolic, globally celebrated month with focus on respect for differences and diversity, is a good opportunity to take a look at your equality procedures and policies, revise the existing ones and possibly implement additional regulations if missing.

Diversity policy - many employers, especially those with global reach, introduce internal policies to declare their values, such as respect for diversity or equal treatment of all employees.

It is worth considering a few issues related to such policies: whether employees can be required to adhere to those values and, if so, should it apply only during work or at all times? Can there be consequences for employees who fail to comply with such policies? The answer to all these questions is generally yes, although sometimes it will depend on the nature of business activity carried out by the employer, the job position of a given employee or the level of responsibility in that position. These aspects need to be properly addressed in employer's policies. There is also the question of how to effectively introduce such a policy. Usually, it is not enough to just publish the global group policy on the intranet.

The hate speech policy - the increasing popularity of social media means that the online activity of employees which is inconsistent with the values of a given company, can have a real impact on its image and effectively discourage customers or potential employees from using it. Hate speech on the Internet can also contribute to the aggravation of negative behaviour in the workplace. To prevent such situations, it is recommended to introduce an internal policy in which the employer should specify what kind of social media activity will not be tolerated. Nowadays, it is one of the basic documents that every employer should introduce.

We are happy to share our experience with you and help you implement appropriate documents and good practices in the field of D&I.

Digitisation of employee documentation - you can do it at any time

An increasing number of employers decide to digitize employee documentation. This can be done efficiently and effectively but some employers refrain from taking this step because of the false belief that that the entire employee documentation, including the historical one, must be digitized, which is not true. An employer can decide to digitize only current/future documentation or introduce a combined paper/electronic form approach.

It is important to select an appropriate service provider that will digitise documents in compliance with applicable regulations, and a system that will ensure that documentation is properly kept and stored. When starting the process itself, it is also worth verifying whether all the stored documents are really necessary. Our experience shows that it often turns out that the documentation can be "slimmed down". The final step is training employees responsible for document flow and appropriate communication to employees.

Our team can assist you at every stage of this process. We can help you to not only shorten the time necessary for digitisation but also to eliminate errors that may occur in the process.

On-call duties and working time

Employers, especially from the IT sector, are sometimes required to introduce duty hours outside of work, in order to maintain the workflow. The employee remains in contact with the employer outside of their normal working hours (e.g., in the evenings and at night or during the weekends). Duty hours may be performed from home, or from a different place. It is essential, though, that the employees are accessible in case of system failure or an emergency and can work immediately.

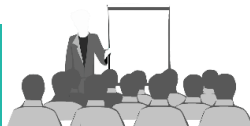
Keeping in mind employer's duties of monitoring working time, it generates many difficulties on their part.

Firstly, duty hours cannot interfere with the employees right to rest, which means at least 35 hours of uninterrupted rest time weekly and at least 11 hours of rest daily.

Secondly, if an employee was working during the weekend, they should be granted another day off work (regardless of how long they worked on Saturday or Sunday e.g., even if they worked only for 30 minutes on one of those days, they are still entitled to another full day off). The problem is that some employers are not always able to grant those days, and sometimes, it is the employees who directly claim that they prefer the additional pay.

In case of working on Sunday, if the employer has no means to grant additional day off until the end of the pay period, they are obliged to pay the salary along with additional bonus. This is a widely accepted practice. Working on Saturday is regulated differently – the law does not allow for any other possibility of compensation than a day off. Theoretically, it is impossible to pay the additional bonus for this work. Many employers do it anyway, without granting the additional day off. The Labor Inspectorate will be able to question this practice, and usually they do. In our opinion, it is possible to pay, but the employer has to be able to prove that they were unable to grant additional days off and that the bonus payment is preferred by the employee, therefore it is beneficial to him.

There are solutions that help to avoid at least some of the problems described above. One of them is introducing task-based working time system, which helps to limit the scope of working time records. It is worth to consider compensating possible overtime by paying a lump sum. It is worth to keep in mind, that on-call duty does not necessarily meet the criteria of duty hours and does not always have to be treated as such.



PCS | HR Forum Gdańsk

When: 27 June 2022, 11:00-13:45, online.

Speakers: Bartosz Tomanek, Sławomir Paruch, Robert Stępień, Paweł Sych, Marcin Sanetra and Michalina Lewandowska.

Sign up form: [here](#). | More: [here](#).

HR Compliance Expert Course: B2B Employment – how to avoid traps of employment based on B2B contracts

We invite you to participate in the next meeting in our *HR Compliance Expert* courses series

When: 28 June 2022, 11:00 – 12:00, online.

Speakers: Karolina Kanclerz and Bartosz Tomanek.

There is a participation fee.

Sign up: perspektywyhr@pcslegal.pl | More: [here](#).

10 essential rules of remote and hybrid work

We invite you to participate in the next meeting in our *10 Essential Rules* series.

When: 29 June 2022, 11:00 – 12:00, online.

Speakers: Katarzyna Witkowska-Pertkiewicz, Sławomir Paruch.

Sign up form: [here](#). | More: [here](#).

Webinar: Employer facing emergency and crisis situations – how to prepare for the unexpected?

When: 30 June 2022, 11:00 – 11:45, online.

Speakers: Łukasz Chruściel and Kinga Polewka-Włoch.

Sign up form: [here](#).

Relationships with Trade Unions: Business benefits of verifying the number of Trade Union members.

We invite you to participate in the next meeting in our *Relationships with Trade Unions* series.

When: 12 July 2022, 11:00-11:45, online

Speakers: Sławomir Paruch, Robert Stępień, attorneys-at-law.

Sign up form: [here](#). | More: [here](#).

10 essential rules of communicating with employees outside their working time

We invite you to participate in the next meeting in our *10 Essential Rules* series.

When: 13 July 2022, 11:00-12:00, online

Speakers: Katarzyna Witkowska-Pertkiewicz, Sławomir Paruch, attorneys-at-law.

Sign up form: [here](#). | More: [here](#).

HR Compliance Expert Course: New version of remote work – protecting employer's interests when the employee works from home.

We invite you to participate in the next meeting in our HR Compliance Expert courses series

When: 19 July 2022, 11:00 – 12:00, online.

Speakers: Karolina Kanclerz and Bartosz Tomanek.

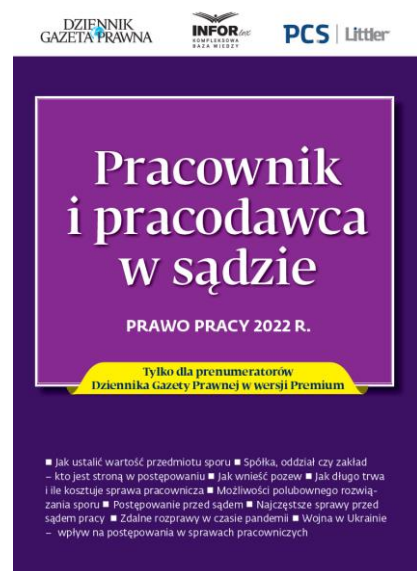
There is a participation fee.

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We invite you to read our new issue of Employer and Employee in court 2022, published together with *Dziennik Gazeta Prawna*.

The publication discusses the following issues:



- How to determine the value of a claim;
- Company, branch or establishment – who is the party in a dispute;
- How to file a lawsuit;
- How long a labor case takes and how much it costs;
- Options of amicable dispute resolution;
- Court proceedings;
- Most common cases in labor court;
- Remote hearings during the pandemic.

Authors: Sławomir Paruch, Robert Stępień, Karolina Kanclerz, Marcin Szlaska-Rokicki, Bartosz Wszedorowski, Jakub Grabowski, Michał Bodziony, Julita Kołodziejka | More: [here](#).