

Dear Readers,

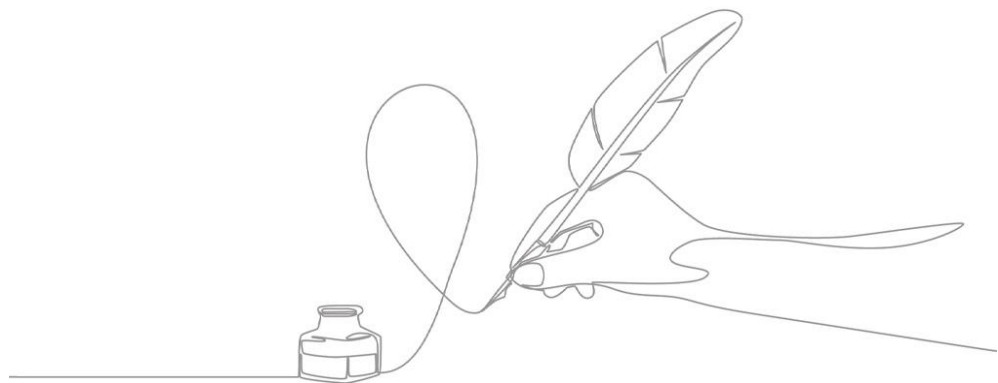
in this September issue of *HR Perspectives* we write about:

- **amendments to the Labour Code** in connection with the implementation of the **work-life balance directive** and the **transparent working conditions directive**;
- managing **inflation-linked pay rises**;
- making **pay deductions** in the current climate of **remote working**;
- **digital nomads and remote working abroad**.

We also provide a list of upcoming events which we hope you will be able to attend.

Enjoy reading!

Agnieszka Nicińska-Chudy
Robert Stępień



Work-life balance and transparent working conditions - amendments to the Labour Code

Author:

Bartosz Wszeborowski, advocate, senior associate, bartosz.wszeborowski@pcslegal.pl

The deadlines for implementing the work-life balance and transparent working conditions directives expired on 1st and 2nd August 2022, respectively. The Polish legislator failed to implement these provisions on time. According to some press reports, their entry into force could be delayed until 1 January 2023.

The directives introduce many changes to the Labour Code, the most significant are:

- the obligation to give the reason for terminating a fixed-term employment contract and to consult a trade union before termination;
- linking the statutory term for a probationary contract with the period of planned employment;
- widening the scope of information provided to newly recruited employees;
- allowing employees to request more predictable and safer working conditions or flexible working time arrangements;
- increased protection against dismissal for employees who are parents
- new leave entitlements.

A thorough summary of all the most significant changes to the Labour Code and guidance on how to prepare for these changes can be found [here](#).

We will keep you updated with further reports on this topic.

Making pay deductions in the current climate of remote working

Author: Michał Bodziony, lawyer, michal.bodziony@pcslegal.pl

The use of multi-sport passes, private medical care or life insurance as benefits for employees is often offered on a partially paid basis. This means that an employee who wants to take advantage of additional benefits offered by the employer must contribute to their cost. The easiest and most effective way of dealing with such contributions is to make monthly deductions from the employee's salary.

According to the regulations, employees must consent to any deductions from their pay "in writing". Although this provision has been in the Labour Code for several years, it is still unclear whether the phrase "in writing" means the document must be a hard copy or will an electronic version be enough (e.g. an email or deduction acceptance made in a dedicated application)?

We believe that collecting employee consent for pay deductions in other than written form is possible. The essence of such consent is that it should be given in a way that, if necessary, will allow determining without any doubt that the employee has actually agreed to pay deductions in a specified amount. This is especially relevant for regular deductions of the same or similar amounts. Employee consent in a document form can involve multi-level verification, for example, two-step verification which consists of giving consent first through the electronic system and then confirming it through SMS verification. Another solution is to collect a written

declaration of consent to deductions up to a certain amount, which subsequently will be confirmed electronically for each deduction. However controversial this solution may seem, with proper process organisation and repeated deductions, it holds water.

Inflation-linked pay rises - how to manage them and what do trade unions have to say about it?

Authors:

Bartosz Wszeborowski, advocate, senior lawyer, bartosz.wszeborowski@pcslegal.pl

Kinga Ciosk, lawyer, kinga.ciosk@pcslegal.pl

A growing number of employers are facing pay rise requests caused by rampant inflation and decreasing purchasing power. Trade unions are coming forward with similar demands. What to do about it?

Before making any decision about it, employers should check whether company rules and regulations (e.g. remuneration regulations) include provisions on annual inflation-linked pay rises.

If such regulations have been introduced, it will be necessary to comply with them until they are terminated. But the regulations will not always set out an obligation to grant pay increases. Sometimes it will only be an obligation to tackle this issue with trade unions or to carry out a salary review.

Given the expected further increases in the inflation rate, employers may decide to discard such provisions. To do so, they should amend the wording of the remuneration regulations. It may also be necessary to conclude agreements with employees or terminate their terms and conditions of employment and pay.

Instead of making changes to the regulations, employers may also consider a temporary suspension of those regulation clauses that guarantee inflation-linked pay rises.

When employees' pay rise requests are not backed by company regulations, the employer is not obliged to grant them. The decision is then up to the employer. It should be remembered that an employer can always give employees higher salaries than provided for in the internal regulations, even if trade unions oppose it. Therefore, a lack of agreement with trade unions over pay rises cannot prevent an employer from granting them.

Digital nomads - a new dimension of work-life balance

Author: Oskar Kwiatkowski, trainee attorney-at-law, lawyer, oskar.kwiatkowski@pcslegal.pl

The idea of work-life balance has gained in popularity in recent years. The pandemic made us realise that fixed-hours, on-site work is not always necessary. New technologies development and digital transformation translate to a rapidly growing number of new remote job offers, especially in the IT sector. Some people have turned remote working into a lifestyle, becoming digital nomads.

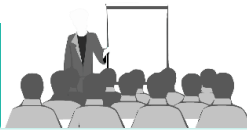
Digital nomads combine work and travel. They work whenever they want, provided there is an internet connection, and move around places now and then.

When the digital nomad is a freelancer, the risk of working from anywhere on Earth is of no significance to an employer. However, a problem may arise when the digital nomad is an employee. Then, such issues need to be considered:

- introducing internal company regulations for remote working abroad;
- the need to obtain a visa and/or work permit;
- tax and insurance issues;
- health and safety conditions and liability for accidents at work;
- the impact of the time zone on working hours and the possible disruption of the employee's role in the organisation.

PCS | Littler has carried out dozens of remote working projects involving more than 60 jurisdictions around the world. We can manage these processes in a time- and cost-efficient manner.

You will find information about the upcoming PCS | Littler events and interesting publications by our lawyers below.



Webinar: Remote and cross-border working - the practical aspect of employing staff in different locations in view of the expected changes to the Labour Code

Please join our meeting organised with the British-Polish Chamber of Commerce.

Date: 20 September 2022, 10:00, online.

Speakers: Kinga Polewka-Włoch and Michał Bodziony.

More: [here](#).

Wrocław HR Meetup #1: New ways of remote working - how to get ready for the new regulations

Date: 21 September 2022, 18:00.

Speaker: Karolina Kanclerz.

Read more: [here](#).

HR in the Cloud: Court proceedings in the remote age

We invite you to participate in the next *HR in the Cloud* meeting.

Date: 22 September 2022, 11:00-11:45, online.

Speakers: Sławomir Paruch, Robert Stępień, Marcin Szlaska-Rokicki.

More: [here](#). | Registration form: [here](#).

VI Labour Law Congress:

- **Employment of Ukrainian citizens – legal and labour aspects.**
- **How to enable employees to transition from employment contract to B2B agreement – legal and compliance perspective**

Date: 22-23 September 2022.

Speakers: Karolina Schiffter, Bartosz Tomanek.

More: [here](#).

Happiness at Work Conference: Digital nomads - a new dimension of hybrid work

Date: 22-23 September 2022.

Speakers: Robert Stępień, Michał Bodziony.

More: [here](#).

Webinar: The Emergency Ukraine Act further amended - what to pay attention to when employing workers from Ukraine?

Date: 27 September 2022, 14:00-15:00, online.

Speaker: Karolina Schiffter.

More: [here](#).

Employer and Employee in Court: Work-life balance - new regulations bring new risks in the employment tribunal!

We invite you to participate in the next *Employer and Employee in Court* meeting.

Date: 28 September 2022, 11:00-11:45, online.

Speakers: Marcin Szlasa-Rokicki, Sławomir Paruch.

More: [here](#). | Registration form: [here](#).

HR Law Poland – Executive Summary: What’s new in HR law in Poland

We would like to invite you to the *HR Law Poland – Executive Summary* webinar series.

Date: 30 September 2022, 12:00-12:30 CEST, online.

Speakers: Sławomir Paruch, Marcin Sanetra.

Registration form: [here](#). | The event will be held in English.



Littler - "Best of the Best"

in the first BTI Consulting Associate Satisfaction A-Listers 2022: BTI Survey of Law Firms Where Associates are Happiest.



Littler employees are the happiest

Littler has been named 'Best of the Best' according to the BTI Associate Satisfaction A-Listers 2022 - BTI survey of law firms where associates are happiest!

Congratulations! We are proud to be part of Littler Global. Read more: [here](#).

Littler ranked #1 in Gender Equity and Representation

in the 2022 Law360 Glass Ceiling Report!



Littler ranked 1st for gender equality and female representation according to the Law360 Glass Ceiling 2022 report!

Congratulations on your success - the contribution of women at every level is crucial.

At PCS | Littler, we are committed to creating a supportive environment for women where everyone can reach their full potential. Read more: [here](#).



Sławomir Paruch and **Łukasz Chruściel** recommended as Global Leaders in Who's Who Legal: Labour & Employment 2022.

Read more: [here](#).



e-book: Office under a palm tree. Holidays and work – how to make it work? developed in cooperation with Akademia Mistrzostwa Kadrowo-Płacowego i Zarządzania Zasobami Ludzkimi.

- Is working from a holiday location possible?
- How do 'workation' and digital nomads fit in with the Polish employment law?
- What are the consequences of working on holiday for employee rights and obligations?

Author: Katarzyna Witkowska-Pertkiewicz.

Read more: [here](#).