



**Dear Readers,**

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

**EVEN A SMALL DIFFERENCE IN SOCIAL FUND BENEFITS IS ENOUGH**

The Act on the Company Social Fund does not specify how big the difference in benefits from the Fund must be to fulfil a social welfare purpose. The difference in the amount of benefits granted based on income thresholds may be as slight as PLN 10. Since the Act sets out neither a particular threshold level nor the benefit value, the decision in this regard is left with the employer, according to the judgement of the Court of Appeal in Poznań dated 6 July 2021 (ref. no. III AUa 924/19).

**GOVERNMENT SPEEDS UP WORK ON WHISTLEBLOWERS ACT**

According to unofficial information, the Ministry of Family and Social Policy has intensified work on the legislation transposing the EU directive. Therefore, it is expected that the final version of the bill will soon be ready for the government's seal of approval and will then be referred for further legislative work.

**ILLEGAL JOB MARKET IS FLOURISHING**

Checks by the National Labour Inspectorates carried out in the first half of 2022 discovered more than 7,700 instances of illegal employment. In 2021, it was 9,900 throughout the whole year. Nearly one in ten inspected companies employed workers without a written contract, and one in three companies either failed to notify Social Security Institution about giving employment or notified it too late.

**HIGH BILLS WILL NOT JUSTIFY A REMOTE WORKING REQUEST**

Neither the existing wording of the Labour Code nor the Covid-19 emergency legislation nor even the proposed new remote working legislation gives an employer the power to unilaterally request an employee to work remotely in an attempt to lower utility bills. Financial issues do not qualify as force majeure. Nor do high prices limit the employer's health and safety obligations, including the duty to ensure the right temperature in the workplace.

**EMPLOYERS NOT CONVINCED BY AMENDMENTS TO THE ASSISTANCE ACT**

The Lewiatan Confederation has raised some objections to the solutions proposed in the bill on assistance to Ukrainian citizens. Their reservations concern, for example, the obligation to obtain a PESEL number within 30 days. Employers are uncertain as to whether they will still be able to employ Ukrainians based on a declaration if they have not yet obtained a PESEL number. Employers also call for an extension of the short 30-day deadline, given the reality of Polish administration offices.

Please do not hesitate to contact us:

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**UPCOMING EVENTS**

- **On unions with unions: Trade union rights re: Company Social Fund - what to look out for?** - 15 November 2022, 11:00-11:45, online. More: [here](#).
- **The "No, because of GDPR!" series: Trade unions as data controllers - what and when must be and what cannot be transferred to trade unions** - 16 November 2022, 11:00-11:45, online. More: [here](#).
- **Debate: Employment law through the in-house's eyes** - 16 November 2022, 17:00, online. More: [here](#).
- **VI Labour Law Congress** - 17-18 November 2022, online. More: [here](#).