



**EPIDEMIC STATE OF EMERGENCY REPEALED ON 1 JULY**  
**- implications for employment law and immigration law**

Employers are asking what the end of the epidemic state of emergency will mean for them in practice. Many employers are, indeed, having sleepless nights worrying about the post-epidemic reality - and rightly so. This is because several regulations concerning employment and immigration law, that need to be taken into account when running a business, are coming back into force.

You can find out how employers need to prepare for 1<sup>st</sup> July in the summary below.

Enjoy reading more!

**EMPLOYMENT LAW**

Topic	Change	Dates and deadlines
<b>Pre-employment, regular and return-to-work medical examinations</b>	The obligation to refer an employee to a pre-employment, regular and return-to-work medical examination is brought back. An employee should be referred to a medical within 180 days.	Deadline for performing the obligations: 28 December 2023
<b>Occupational health and safety training</b>	The obligation to carry out regular occupational health and safety training is brought back; the deadline for carrying out regular occupational health and safety training has been extended until 60 days after the epidemic state of emergency ends.	Deadline for performing the obligations: 30 August 2023
<b>Workers under 18</b>	It will no longer be possible to exempt a young person undergoing vocational training from the obligation to work.	Effective from: 1 July 2023
<b>Unused leave</b>	Employers will no longer be allowed to request an employee to take up to 30 days of unused leave carried over from previous years without the employee's say in the matter and regardless of the leave plan. However, according to the judgments handed down by the Supreme Court, it will still be possible to allow employees to use the carried-over leave.	Effective from: 1 July 2023
<b>Severance pay, compensation</b>	It will no longer be allowed to limit the amount of severance pay, compensations	Effective from: 1 July 2023

<b>and other financial benefits</b>	or other pecuniary benefits provided for in the event of termination of the employment relationship.	
<b>Company Social Fund</b>	Employer obligation concerning setting up and running the Company Social Fund, basic contributions to the Fund and payment of holiday benefits is brought back.	Effective from: 1 July 2023
<b>Non-competition agreement</b>	It will no longer be allowed to terminate a post-employment non-competition agreement with seven days' notice.	Effective from: 1 July 2023
<b>Disability certificates</b>	Disability certificates and disability grading certificates remain valid until 60 days after the epidemic state of emergency ends.	Deadline: 30 August 2023

## **IMMIGRATION LAW**

<b>Topic</b>	<b>Change</b>	<b>Dates and deadlines</b>
<b>Validity of residence and work documents for non-nationals</b>	Documents such as national visas, temporary residence permits, residence cards, and work permits that expired between 14 <sup>th</sup> March 2020 and 30 <sup>th</sup> June 2023 will remain valid until 30 days after the epidemic state of emergency ends.	Documents remain valid to: 31 July 2023
<b>Right to work based on a declaration for giving employment to a non-national</b>	The right to work based on a declaration for giving employment to a non-national issued for periods that ended between 14 <sup>th</sup> March 2020 and 30 <sup>th</sup> June 2023 will be automatically extended until 30 days after the epidemic state of emergency ends.	Right to work extended to: 31 July 2023
<b>Deadline for residence permit applications</b>	The deadline to reapply for residence permits, including temporary, permanent, or long-term EU resident permits, which expired between 14 <sup>th</sup> March 2020 and 30 <sup>th</sup> June 2023, is extended until 30 days after the epidemic state of emergency ends. The stay of a non-national who reapplies within such an extended deadline will be considered legal until the case is concluded.	Application deadline extended to: 31 July 2023

Unfortunately, documents allowing non-nationals to work or stay in Poland that expire on 1<sup>st</sup> July 2023 or later will not be extended.

The end of the epidemic state of emergency on 1<sup>st</sup> July 2023 also means that repealing certain provisions of the COVID-19 emergency legislation providing for easier legalisation of residence

for non-nationals (e.g. automatic extensions of national visas and temporary residence permits) planned for 24<sup>th</sup> August 2023 will have no real impact.

Non-nationals who have relied on the extensions provided by the emergency legislation and do not have valid documents enabling them to stay and work in Poland should, together with their employers, consider the end of the epidemic state of emergency as the last call to straighten out their legal situation after 31<sup>st</sup> July 2023. To avoid any potential risks of illegal employment of non-nationals, it is crucial to immediately take steps to obtain necessary documents.

**Feel free to reach out to us:**



**Marcin Szlasa-Rokicki**  
attorney-at-law, partner  
[Marcin.Szlasa-Rokicki@pcslegal.pl](mailto:Marcin.Szlasa-Rokicki@pcslegal.pl)



**Maciej Zabawa**  
attorney-at-law, senior associate  
[Maciej.Zabawa@pcslegal.pl](mailto:Maciej.Zabawa@pcslegal.pl)



**Michalina Lewandowska-Alama**  
trainee attorney-at-law, associate  
[Michalina.Lewandowska-Alama@pcslegal.pl](mailto:Michalina.Lewandowska-Alama@pcslegal.pl)