

**Dear Readers,**

Here is the September edition of HR Perspectives, where we focus in particular on:

- **the upcoming legislative changes concerning court costs and fees**, which could make million-dollar lawsuits brought by employees a reality;
- the undesirable trend toward **quiet quitting**, where employees put in the minimum effort to keep their jobs and are no longer willing to go the extra mile. Therefore, in an attempt to curb this, employers must implement appropriate measures and legal safeguards;
- **a return to the 'fiction of service' concept**, temporarily suspended during the coronavirus outbreak.

Please also find a timetable of upcoming events organised by PCS | Littler below. We hope you will be able to attend.

**Enjoy your reading!**

**Robert Stępień**  
**Agnieszka Nicińska-Chudy**



## Million-dollar lawsuits by employees will become a reality

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Before the recent legislative changes, there was an entry fee for employee claims exceeding PLN 50,000. Now, the fee will still depend on the claim value; however, it will be limited to 5% of the amount over PLN 50,000 but will be no more than PLN 200,000 and charged only for the appeal cases.

Abolishing the large part of fees will enable employees to pursue exorbitant claims, even unjustified ones. It can also be expected, that the legislative changes will contribute to an increase in the number of lawsuits filed against employers, including harassment and discrimination claims.

Employees can use multi-million dollar lawsuits as a way to exert undue pressure on the employer. Of course, the courts will not take excessive claims into account in their entirety, so the risk of losing the case is relatively low. However, this is not where the crux of the problem lies. Such lawsuits against the employer may trigger reporting obligations in company groups and to auditors. Moreover, companies will have to set aside millions of dollars in additional funds to cover potential settlements and there will be other consequences, too. It will all have an impact on the company's financial situation. Some employees may believe that all these burdens and reporting obligations will make employers more eager to settle. Sometimes, any settlement payment would still be a satisfactory outcome for the employee, even if the settlement amount is significantly lower than the claim value.

## Quiet quitting – what to do about it?

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Quiet quitting is a shift in employees' attitude towards work, where they do the bare minimum, without going above and beyond their job description set out in their employment contract. Quiet quitting, contrary to its name, does not involve actual quitting but is only a reaction to employees' current problems. Here, we discuss what employers should pay attention to when it comes to quiet quitting, and what to do to prevent and protect against it.

There is no doubt that an employee is obliged to carry out work tasks and duties that fall within their job description. However, it should be borne in mind that employee duties are not limited to those explicitly provided for in their employment contract. Some of them derive directly from the provisions of the Labour Code, while others result from internal rules and regulations. It might be, for example, the duty to act in the best interest of the employer or the duty to conform to social norms, which apply to every employee and may be a source of additional tasks for employees. Therefore, to combat quiet quitting and prevent its impact on the company, it may be necessary to review job descriptions and work regulations in the company. Ensuring the proper wording of these documents can directly impact employer interests and protect against difficult situations in the future.

Another issue is the introduction of effective employee incentive systems in the company. This is not only about a well-structured remuneration system including bonuses and awards or performance-related pay increases but also about non-wage benefits. Employers have

a variety of tools which can effectively encourage greater employee engagement if only used wisely and in line with company requirements.

### **A return to the 'fiction of service' does not guarantee that the second missed-delivery card will work**

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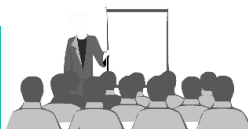
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During the state of epidemics or epidemic emergency and within 14 days of their revocation, the so-called 'fiction of service' did not apply to employers and employees. Therefore, it could not be assumed that a letter was effectively served after leaving two missed-delivery cards, even though the letter had not, in fact, been received. The absence of the 'fiction of service' rule during the COVID-19 pandemic made it difficult for employers to terminate employees working remotely or absent for a long time because of illness.

After lifting the state of pandemic emergency, the 'fiction of service' rule became effective again on 15 July 2023. Nonetheless, employers cannot be sure that mail service under this rule will be considered effective and will result in, for example, effective termination of the employment contract. It is because an employee may claim and prove that they were unable to collect the letter, even though two missed-delivery cards were left. If the employee manages to prove this in court, the case may fall through. Therefore, the best way to effectively serve a notice of termination (or any other correspondence) to the employee is to do it in person. If an employee does not work on-site, it is still possible to pay them a visit at their place of residence.

**Here is a list of upcoming events which we hope you will be able to attend.**



#### **Webinar: The visa scandal - what it means for Polish businesses employing non-nationals**

Date: 3rd October 2023, 2:00 - 3:00 p.m., online.

Organised by: Polskie Stowarzyszenie Zarządzania Kadrami.

Speakers: Tomasz Rogala, Ewa Wysocka.

Registration and detailed agenda: [here](#).

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#### **Employee and employer in court: Free employee lawsuits have become a reality!**

Date: 4th October 2023, 11:00 - 11:45 a.m., online.

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

Registration form: [here](#).

### **Conference: HR Master 2023**

Date: 4th October 2023, 9:00 a.m. - 2:15 p.m., online.

Organised by: Akademia Wiedza i Praktyka.

Speaker: Łukasz Chruściel.

Registration and detailed agenda: [here](#).

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### **Conference: 8th Labour Law Congress**

Date: 4-5th October 2023, 9:30 a.m. - 3:15 p.m., online.

Organised by: Must Read Media.

Speakers: Michał Bodziony, Kinga Ciosk.

Registration and detailed agenda: [here](#).

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### **Webinar: Pay Transparency Directive - how to prepare for upcoming changes?**

Date: 5th October 2023, godz. 1:00 - 1:45 p.m., online.

Speakers: Robert Stępień, Michał Bodziony, Kinga Ciosk.

Registration form: [here](#).

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### **Springboard to ESG: Why ESG needs HR?**

Date: 16th October 2023, godz. 11:00 - 11:45 a.m., online.

Speakers: Bartosz Tomanek, Mateusz Krajewski.

Registration form: [here](#).

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### **Conference: Kadry i Płace 2023/2024**

Date: 17-18th October 2023, 9:30 a.m. - 4:30 p.m., hybrid.

Speakers: Marcin Szlasa-Rokicki, Piotr Kozłowski.

Organised by: Centrum Wiedzy Prawno-Podatkowej.

Registration and detailed agenda: [here](#).

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### **Conference: HR Compliance Summit 2023**

Date: 24th October 2023, 9:00 a.m. - 3:00 p.m., online.

Speakers: Sławek Paruch, Łukasz Chruściel, Karolina Schiffter, Robert Stępień, Karolina Kanclerz, Miłosz Awedyk, Tomasz Rogala, Paweł Sych, Sandra Szybak-Bizacka, Marcin Szlasa-Rokicki, Bartosz Tomanek, Krzysztof Gąsior, Marcin Sanetra, Lavanga Wijekoon, Dr. Luisa Rödemer, Agnieszka Nicińska-Chudy, Patryk Kozieł.

Registration form: [here](#).



## Publication: Employment of non-nationals after recent legislative changes

We would like to encourage you to read our latest publication *Employment of non-nationals after recent legislative changes* published jointly with *Dziennik Gazeta Prawna*.

The publication discusses the rules concerning the employment of non-nationals straightforwardly and practically.

Rules and administrative procedures for legalising work and residence of non-nationals are very complex; therefore, we covered the key issues for you:

- Formalities of non-national employment;
- Non-nationals entitled to work without a work permit;
- Work permits;
- Declarations of giving work to non-nationals;
- Seasonal work permits;
- Uniform temporary residence and work permits;
- Special rules on the employment of Ukrainian citizens in connection with Russia's aggression against Ukraine.

The publication is available on the *Dziennik Gazeta Prawna* website.