



Dear Readers,

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

#### **BOARD MEMBER EMPLOYMENT CONTRACTS: LEGITIMATE NEED ESSENTIAL**

A recent Supreme Court decision highlighted the importance of due diligence when companies hire board members under employment contracts. The court emphasizes the need for genuine justification when entering into such contracts. This means clearly defining the tasks performed by the individual both as a managing body member and as an employee. Failure to do so could render the contract invalid, labeling it a mere sham. Supreme Court ruling of 10 July 2023 II USK 52/23.

#### **WHISTLEBLOWER LAW ON THE HORIZON**

The Ministry of Labour and Social Policy has confirmed significant progress on the Whistleblower Protection Act. However, a ministerial representative acknowledged the unprecedented volume of public feedback received on the draft, which may slightly extend the internal review process before the bill is submitted to the Sejm.

#### **LABOUR MINISTER OPPOSES "NO-SICK-LEAVE" BONUSES**

The Minister of Labour has voiced strong opposition to the practice of offering bonuses to employees who don't take sick leave. This comes despite the Supreme Court upholding the legality of such bonuses. The debate centers on the interpretation of bonus rules and their potential impact on workplace equality. Currently, a draft amendment to these rules is being discussed with social partners.

#### **MINISTRY OF LABOUR UNVEILS SWEEPING LABOUR MARKET REFORMS**

The Ministry of Labour and Social Policy has unveiled plans for a comprehensive overhaul of the Polish labour market. Among the key changes announced are streamlined regulations for foreign worker access and implementation of EU minimum wage directives. Moreover, the Ministry plans to introduce new methods for calculating periods of employment from civil law contracts for seniority purposes and increased support programs for families and the elderly.

#### **ZUS OPENS COMPETITION FOR WORKPLACE SAFETY GRANTS**

The Social Security Institution (ZUS) is once again offering grants to help businesses improve health and safety conditions at work. Eligible employers can apply for up to PLN 300,000 in co-financing, with the caveat that previous recipients must wait three years before reapplying. The application window opens on 26th February and closes on 27th March 2024.

#### **WORKPLACE INSPECTIONS OFTEN TRIGGERED BY EMPLOYEE COMPLAINTS**

A 2022 report by the Polish Labour Inspectorate (PIP) reveals that nearly 40% of their inspections resulted from employee complaints. Notably, over a third of these complaints were deemed justified by the PIP. These statistics, unfavorable for employers, highlight concerns regarding workplace safety and communication between employers and employees. To avoid potential consequences, employers should carefully review the established reporting channels for employees.

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#### **UPCOMING EVENTS**

- **On unions with unions: Exploring the scope of union representation in individual employee disputes - when does a union step in?** - 20 February 2024, 11:00-11:45, online. More: [here](#).
- **Webinar: Workplace drug and alcohol testing one year later - expectations vs reality** - 21 February 2024, 11:00-12:00, online. More: [here](#).
- **No, because of GDPR!: Data transfer and use by trade unions - rules, rights and obligations** - 22 February 2024, 11:00-11:45, online. More: [here](#).
- **Webinar: HR has a voice! - sharing our knowledge** - 22 February 2024, 12:00-13:00, online. More: [here](#).