



Dear Readers,

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

CJEU COMPLICATES FIXED-TERM CONTRACTS

In response to a request for a preliminary ruling, CJEU found that the previous form of Polish legislation, where a reason for terminating fixed-term contract was not required, was incompatible with the EU law. The Court held that withholding reason for termination from employee, limits their right to trial, as the employee cannot assess whether bringing a claim against the employer would be in their best interest. The CJEU judgement may affect pending proceedings and raise the possibility to reopen closed cases. CJEU Grand Chamber judgement of 20 February 2024, case ref. no. C-715/20.

EMPLOYER CAN KEEP CANDIDATE'S CV

The Supreme Administrative Court ruled that the employer does not have to delete the data of candidates who did not pass the recruitment process. In a recent case, the Court confirmed that retention of a candidate's CV was justified by the concern of a possible discrimination claim. The ruling is in opposition to the previous Personal Data Protection Office's (UODO) position, that the employer should delete applicants' data after signing contract with a selected candidate. Decision of the Supreme Administrative Court of 5 December 2023, case ref. no. III OSK 2700/22.

ZUS RECORDS MORE SICK LEAVES DUE TO MENTAL AND BEHAVIOURAL ISSUES

The number of sick leaves issued due to mental and behavioural disorders is rising compared to 2022. In 2023 the Social Insurance Institution (ZUS) received 8.7% more of these leaves. The disorders include depression, schizophrenia, neurosis, neurotic disorders, personality disorders, and reactions to severe stress, ZUS reports.

PIP SAYS PROVIDING ADDITIONAL EQUIPMENT IS THE EMPLOYER'S RESPONSIBILITY

The recent changes to health and safety regulations for workplaces with screen monitors raised some doubts, mainly how they should be applied to remote workers. In particular, the obligation to provide a monitor, keyboard and mouse caused some concerns. According to the National Labour Inspectorate (PIP), if the employee uses their own laptop, the additional equipment does not have to be provided by the employer. If the employee is provided with a company laptop, the additional equipment should also be provided by the company. PIP based this opinion on employer's obligation to provide ergonomic devices. Nevertheless, there are also criticisms. These mainly concern the supposed indispensability of an additional monitor for remote working and doubts as to whether the using laptops could actually be considered non-ergonomic.

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UPCOMING EVENTS

- **Webinar: Beyond non-compete clauses: Protecting your business after employee departures** - 28 February 2024, 11:00, online. More: [here](#).
- **Employer and employee in court: HR in court - how to speak and write to make the court understand us?** - 29 February 2024, 11:00-11:45, online. More: [here](#).