

Dear Readers,

Welcome to the July edition of HR Perspectives! This month we bring you the following topics:

- **Sunday trading ban** - potential changes to Sunday trading restrictions.
- **COVID-19 emergency legislation (“the Anti-Crisis Shield”)** - claims of Labour Offices (WUP’s) for return of granted support are often unjustified.
- **Parental benefits** - newly introduced longer leave for parents of premature babies.

In addition, do not miss our upcoming events timetable. We look forward to your participation!

Enjoy your reading!

**Robert Stępień
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Poland may ease Sunday trading rules

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The Polish parliament is currently considering a bill aimed at easing the country's strict Sunday trading laws. This potential change has been driven by demands from numerous businesses expressed during the initial discussions on the original Sunday trading restrictions. The proposed legislation would introduce two designated shopping Sundays per month: the first and third Sundays of each calendar month. Existing exceptions for the Sundays leading up to Christmas and Easter would remain unchanged.

If this bill passes, employers will need to adjust work schedules accordingly. The proposed changes include:

- Premium pay - employees working on Sundays must receive additional compensation.
- Compensatory time off - workers should receive an additional day off within six days of working a Sunday.

Every employee would be entitled to two Sundays off per month.

The proposed changes have already sparked debates regarding the calculation of additional compensation for Sunday work.

At PCS | Littler, we have been effectively advising businesses that have been legally operating on Sundays despite the ever-tightening regulations. We are well-versed in navigating these complexities and are happy to share our expertise with you.

Businesses win COVID-19 subsidy battle

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In the second half of 2023, Polish businesses were inundated with payment requests and lawsuits demanding the return of financial aid received under the COVID-19 emergency law (the "Anti-crisis shield"). These claims by Provincial Employment Offices ("WUPs") are often based on grounds that lack direct legal support.

A common accusation, applicable to many firms due to its broad nature, involves the utilization of subsidies for employee salaries (during periods of downtime or reduced work hours) and exemptions from social security contributions. Notably, WUPs are also seeking reimbursement from companies that utilized these exemptions for periods non-overlapping with wage subsidies.

This practice is particularly concerning given the rapid pace at which these regulations were introduced, often with overnight changes. Many of us have already forgotten the whirlwind of regulatory changes during the pandemic. New rules, including those for business support, were constantly introduced, often with little notice and the Journal of Laws became a daily companion during this period.

A wave of favourable court decisions is emerging, challenging the validity of WUPs' claims for repayment of subsidies. The Self-Government Appeal Boards ("SKOs") and courts explicitly confirm that WUPs lack justification in seeking reimbursement when businesses have utilized different forms of support during non-overlapping periods.

The rulings issued thus far, including those by SKO branches in various regions, demonstrate consistency, indicating the formation of a unified practice regardless of whether the case is handled administratively (e.g., concerning subsidies under Article 15gg) or through civil proceedings (e.g., concerning subsidies under Article 15g). The conditions for the relevant subsidies largely overlapped, making any deviation in practice unjustifiable. These favourable developments offer hope for many businesses that were facing the prospect of losing their granted subsidies. If you are one of those businesses facing such claims, we encourage you to reach out for legal guidance.

Longer leave for parents of premature babies

Author: **Kinga Rozbicka**, trainee attorney-at-law, lawyer, kinga.rozbicka@pcslegal.pl

A draft amendment to the Polish Labor Code has been released recently, introducing additional leave for working parents whose child was born:

- Before the 28th week of pregnancy or with a birth weight of no more than 1000 g;
- Between the 28th and 36th week of pregnancy and with a birth weight of more than 1000 g;
- After the 36th week of pregnancy if the child was hospitalized for at least 2 consecutive days between the 5th and 28th day after birth.

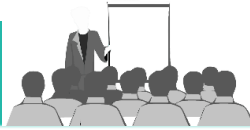
The additional parental leave is to be granted for one week for each week of the child's hospital stay:

- Up to 15 weeks after childbirth - for a child born before the 28th week of pregnancy.
- Up to 8 weeks after childbirth - in the other two cases.

Notably, the bill for the accumulation of hospitalization periods. This means that non-consecutive hospital stays can be combined to determine the length of additional leave. For calculation purposes, any incomplete week is rounded up to a full week.

Employees taking this additional leave will receive their full pay. Importantly, they will also maintain the same employment protections enjoyed by those on other forms of parental leave.

Here is a timetable for the upcoming events that we are hosting soon.



Webinar: Whistleblowers in corporate groups: addressing employer concerns

Date: 31st July 2024, 11:00 a.m. - 12:00 p.m., online.

Speakers: Karolina Kanclerz, Bartosz Tomanek.

Organised by: Wałbrzyska Specjalna Strefa Ekonomiczna "INVEST-PARK".

Registration form: [click here](#).

Let's talk about money: Company cars for personal use and personal cars for company use – a road map

Please join our next Let's Talk About Money meeting.

Date: 1st August 2024, 11:00 - 11:45 a.m., online.

Speakers: Sandra Szybak-Bizacka, Patryk Kozieł.

Registration form: [click here](#).

Webinar: How to manage employee internet activity?

Date: 22nd August 2024, 11:00 a.m. - 12:00 p.m., online.

Speakers: Michał Włodarczyk, Bartosz Wszeborowski.

Organised by: British Polish Chamber of Commerce.

Registration form: [click here](#).

HR Lab Gdańsk: Employer today and tomorrow: Whistleblowers and the conflict of company and employee values

Please join our next HR Lab meeting.

Date: 10th September 2024, 11:00 a.m. - 2:00 p.m., Gdańsk.

Speakers: Bartosz Tomanek, Robert Stępień, Marcin Sanetra.

Registration form: [click here](#).

HR Lab Kraków: Managing employee underperformance and AI in employment

Please join our next HR Lab meeting.

Date: 27th September 2024, 11:00 a.m. - 2:00 p.m., Kraków.

Speakers: Robert Stępień, Michał Bodziony, Kinga Ciosk, Kamil Bogusz.

Registration form: [click here](#).



We would like to invite you to explore our latest publication by the Global Mobility & Immigration Team in partnership with Dziennik Gazeta Prawna: "**Employment of non-nationals**".

Key topics covered include:

- What formalities are involved in employing non-nationals?
- Who is entitled to work without a work permit?
- What is the procedure for obtaining work permits?
- Rules for employing non-EU nationals.
- A single temporary residence and work permit.
- Special rules for employing Ukrainian nationals.

Authors: Karolina Schiffter, Tomasz Rogala,
Kinga Polewka-Włoch, Ewa Wysocka, Aleksander Dżuryło,
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Publication is available on the Dziennik Gazeta Prawna website.