

**Dear Readers,**

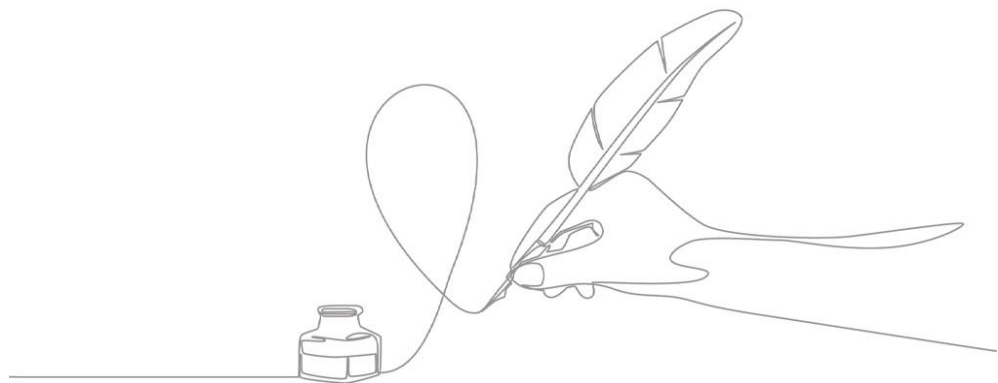
Welcome to the latest edition of HR Perspectives! In our October issue, we look into the following topics:

- **Collective disputes** - are demands for pay increases always justified, and does the employer always have to engage in wage rise negotiations with trade unions? What other factors should be considered in collective dispute processes?
- **Flood-related employer entitlements and responsibilities** - the latest developments for employers and employees.
- **Employees with depression** – how can employers help?

Additionally, you will find a list of upcoming events organized by PCS | Littler. We encourage you to participate!

**Enjoy your reading!**

**Robert Stępień**  
**Miłosz Awedyk**



## Collective disputes - are pay rise demands always justified and is the employer obligated to hear them out?

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Author: **Kinga Ciosk**, trainee attorney-at-law, lawyer, [kinga.ciosk@pcslegal.pl](mailto:kinga.ciosk@pcslegal.pl)

As the year draws to a close, trade unions often come forward with pay rise demands, sometimes reaching as high as 15-20% of the remuneration budget. They may threaten industrial action if these demands are not met. How should employers respond?

First, they should verify whether the demands are eligible for the collective dispute. Certain demands, like individual employee claims or changes to existing collective agreements and other agreements with trade unions (which were not terminated), cannot be the subject of such dispute. In such cases, the Collective Disputes Resolution Act does not apply. This includes various wage agreements concerning pay rise negotiation rules and schedules.

If the demands are eligible for a collective dispute, employers should evaluate whether there is a potential for abuse of rights. This involves assessing if the pay rise demands are reasonable and proportionate to the employer's financial standings. Exorbitant, unfeasible demands that seek to escalate conflict may be considered abusive. The law is designed to resolve disputes, not to escalate them and impose undue pressure on employers.

If a collective dispute arises, employers should be aware of the strict legal regulations governing its conduct. For example, collective action can only be taken after negotiations are concluded. This includes online actions. If a trade union escalates the matter online before formally initiating a dispute and engaging in discussions with the employer, this might be considered an abuse of law. Moreover, warning strikes require referenda, which cannot be prolonged indefinitely.

PCS | Littler has extensive experience in supporting employers through collective disputes and carrying out effective negotiations with trade unions. We are ready to assist you.

## Flood-related employer responsibilities and entitlements – new bill

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A proposed amendment to the Act on special flood relief measures is currently under development. This amendment will introduce new provisions for employers and employees in areas designated by the Council of Ministers, which will be effective for the specified period.

Key provisions include:

1. Flood leave: employees affected by floods will be entitled to 20 days of paid leave to address the consequences of the disaster.
2. Employer reimbursement: employers can apply to the Provincial Governor (Marszałek Województwa) for reimbursement of wages and social security contributions paid during employee flood leave.
3. Annual leave on demand: employers must grant up to 8 days of annual leave at the employee's demand for the period selected by the employee.
4. Hourly leave: employers can now offer hourly leave for employees affected by the flood. This leave is capped at 5 days.
5. Reduced hours: employees can request to work part-time (but no less than half their regular hours). Employers must agree unless it is not feasible due to work organisation, or the nature of work performed by the employee.
6. No obligatory overtime/business travels: employers cannot force employees to work overtime or at different locations without their consent.

7. Extended paid leave: employers can extend paid leave for flood-related absences in certain cases.
8. Paused medicals: periodical employee health check-ups are paused but will be required once the emergency measures end. Initial occupational health and safety training can be done online.
9. Employment protection: if an employer terminates an employment contract during this emergency, the time limit for appeal will not start to run. Any existing appeals will be suspended as long as the emergency legislation is effective.

### Employees with depression: how employers can help

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Author: **Zuzanna Janelli**, trainee advocate, lawyer, [zuzanna.janelli@pcslegal.pl](mailto:zuzanna.janelli@pcslegal.pl)

With Mental Health Day fresh in our minds, let us delve into a topic that has become a pressing concern of our time: depression. In recent years, it has grown so prevalent that it has been labelled a civilization disease. We are also seeing a rise in such workplace issues as burnout and "quiet quitting," which can be manifestations or precursors of depression. Is the law keeping pace with these trends?

Employment laws are not explicit about how employers should handle employees with diagnosed depression. While employers have a duty of care for health and safety at work, including employee well-being, and must foster a positive workplace culture, there are no clear guidelines for dealing with depressed employees.

Recently, the Central Institute for Labour Protection - National Research Institute (CIOP-PIB) offered some guidance to employers.

The CIOP-PIB outlines recommended working conditions for individuals with depression across various areas:

- Quantitative workload: employees should not be overburdened, with work planned to allow for task completion and accountability. Avoid excessive work speed and backlogs.
- Recognition and communication: depressed employees' work should be particularly appreciated and acknowledged by management. Open communication between employees and supervisors about task accuracy is essential.
- Development and learning: create opportunities for growth, innovation, and skill development. Consider offering additional training, workshops, or mindfulness programs as part of effective rehabilitation, both personal and professional.

These are just a few examples from a broader set of guidelines (full list available [here](#)). Implementing these recommendations can be challenging for HR departments due to the complexity of the issue and the potential for employee abuse.

Implementing these guidelines can be quite a challenge for HR departments. The topic is complex, making it difficult to distinguish between genuine employee issues and potential abuse. We encourage you to consider developing an internal mental health policy that outlines how you can support your employees, fulfil your employer responsibilities, and leverage available solutions. We are happy to share our experiences.

Here is a list of the events that we are hosting in the near future.

Here is a timetable for the events that we are hosting in the near future.



### Modern Employer: B2B contracts in the spotlight - how to effectively manage cooperation with contractors and avoid the reclassification risk

We are pleased to invite you to our Modern Employer webinar series.

Date: 29<sup>th</sup> October, 11:00-11:45 a.m., online.  
Speakers: Michał Włodarczyk, and Mateusz Krajewski.  
Registration form: [here](#).

### Top 10 rules for contract termination due to restructuring

Join us for yet another webinar in the Top 10 rules series!

Date: 5<sup>th</sup> November, 11:00-11:45 a.m., online.  
Speakers: Krzysztof Gąsior, and Oskar Kwiatkowski.  
Registration form: [here](#).

### HR Lab Kraków: HR Challenges for 2025

We are pleased to invite you to our on-site meetings HR Lab.

Date: 10<sup>th</sup> December, 11:00 a.m.-2:00 p.m., on-site, Kraków.  
Speakers: Robert Stępień, Michał Bodziony, and Kinga Ciosk.  
Event partner: ASPIRE. Registration form: [here](#).



We invite you to read the latest issue of our joint publication with Dziennik Gazeta Prawna, “**Employee and Employer in Court.**”

This edition covers:

- Employer in court - who is a party to the proceedings?
- Bullying and discrimination cases.
- Work-life balance disputes.
- Employee drug and alcohol testing and legal implications.
- Whistleblower cases.
- Union disputes.
- Recent court rulings in employment law.

Authors: Sławomir Paruch, Robert Stępień, Karolina Kanclerz, Marcin Szlaska-Rokicki, Bartosz Wszchorowski, Michał Bodziony, Jakub Grabowski, Julita Kołodziejska.

The publication is available on Dziennik Gazeta Prawna website.