

A summary of 2024 from an HR legal perspective

January is a good time to review the previous year's changes in employment law. While 2024 was not exactly a year of revolutionary changes in employment law, it still brought many significant challenges for HR departments. We present our summary of the most important changes and key rulings of the past year.

Implementation of internal reporting procedures

The first part of the year went under the headline 'whistleblowers' for many HR departments. Employers with at least 50 employees as of 1 January or 1 July were required to implement a whistleblowing procedure. Although breaches of employment law do not fall into the category of areas covered by whistleblower reporting, many companies have included 'internal procedures' in this category. Whistleblowers also became another group of employees who are subject to employment protection without the employer being able to retaliate against them.

Verification of employees

Employers who carry out activities involving employee contact with minors must verify that the (adult) persons with whom they work are not on the Sexual Offender Register. Both employees and contractors must be verified. This obligation applies mainly to entrepreneurs who carry out activities related to upbringing, education, leisure, treatment or the provision of psychological counselling to minors. The new legislation empowers the State Labour Inspectorate to check whether an employer has verified an employee before entering into an employment relationship with him/her. The State Labour Inspectorate is obliged to notify the police or the public prosecutor's office if it finds any kind of breach of this obligation by the employer.

Supplementary leave for parents of premature newborns

The legislator has also introduced an important change to the length of maternity leave, which may affect the date on which an employee taking maternity leave returns to work. Parents of children born prematurely or hospitalised shortly after birth may benefit from complementary leave. The purpose of this leave is to compensate parents for the time during which they were unable to directly care for their child due to compulsory hospitalisation. The duration of the complementary maternity leave will be up to 8 or 15 weeks, respectively.

Confirmation of employment protection during pregnancy

In 2024, the Supreme Court adopted a resolution (Ref: III PZP 1/24), which concerned special employment protection for pregnant employees. According to the facts at hand, the dismissed employee informed of her pregnancy during the court proceedings, even though she knew about it at the time of termination of her employment contract. The court held that the information about the pregnancy could be communicated to the employer with a long delay (even during the trial) and the woman would still be protected. The late communication of the pregnancy to the employer only affects the period for which unemployment pay will be awarded. It will be calculated from the moment the employer received the information about the pregnancy and not from the moment the employee was unemployed.

Retention of job candidates' CVs

The Supreme Administrative Court, in a judgment of 20 February 2024 (III OSK 2700/22), held that employers may store documents of job candidates (e.g. their CVs) even for a period of several years. The reason justifying the storage of such documents is the possibility of a lawsuit being brought by job candidates. The court confirmed that companies can keep recruitment documents at least until the lapse of the limitation period for claims for breaches of the equal treatment principle, i.e. three years after the end of recruitment.

Benefits for pensioners from the Social Benefits Fund (ZUS)

Another interesting resolution of the Supreme Court (III UZP 8/23) concerned the possibility for retired employees to benefit from the Social Benefits Fund (ZUS). The Supreme Court ruled that pensioners who have previously retired and taken up employment with another employer and receive remuneration in an amount that does not result in the suspension of benefit payments, are 'pensioners - former employees', within the meaning of Article 2(5) of the Acts on the Company Social Benefits Fund. Thus, they can benefit from the Company Social Benefits Fund at their previous company.

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