



Employment Law Newsletter

September 2016

Communication of changed notice period required

On 22 February 2016, new regulations came into force extending notice period for a fixed-term employment contract. After the lapse of six months i.e. from 22 August 2016, the period of notice for such agreements **which were already in force on the effective date of the new provisions was extended from two weeks to one month.**

The employer is required to provide to the employee written information regarding the terms and conditions of employment (Art. 29 § 3 of the Polish Labor Code) which also includes the length of notice period. If the information provided to employees indicated a 2-week period of notice, **then the deadline to inform the employees pursuant to Art. 29 § 3(2) of the Polish Labor Code about the changed notice periods expired on 22 September.**

Severance taxation

On 23 June 2016, the Minister of Finance issued a general tax interpretation regarding provisions of the Personal Income Tax Act. According to the interpretation, benefits stemming from voluntary redundancy programs are not exempted from personal income tax referred to in Article 21 section 1 item 3 of the Act. Until now, Polish tax authorities stated that those benefits were exempted from personal income tax.

Draft amendments to the Act on the employment of temporary workers

The draft bill, drawn up by the Minister of Family, Labor and Social Policy, amending the Act on the employment of temporary workers is currently on the consultation (evaluation) stage. In its current wording, the bill provides for a limitation on posting a temporary worker to one employer for a total period of 18 months in the period of 36 consecutive months, **regardless of how many temporary work agencies will post the temporary employee to that employer.** The aim is to prevent situations in which a temporary worker – posted by various temporary work agencies – performs work for the same employer bypassing the time limits provided for in the Act.

Amendments to the Civil Code and the Code of Civil Procedure

On 8 September 2016, important amendments to the Civil Code and the Code of Civil Procedure came into force. They include, *inter alia*, introduction of a new form of legal acts – the “document form”. To comply with the document form of a legal act, it is sufficient to make a declaration of will in the form of a document, in a manner allowing the identification of the person making such declaration. A document constitutes any carrier of information enabling a review of its contents. According to the explanatory memorandum to the amendment, the content of the document may be freely disclosed (e.g. graphic symbols, sound, image etc.), recorded on any carrier (e.g. paper or

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computer file) and by any means (e.g. pen, computer, mobile phone etc.).

The new rules upgrade the legal status of content recorded and transmitted electronically. This will be of major importance for conducting legal disputes between parties to an employment relationship. Therefore, **employers should be careful regarding information transmitted to employees e.g. by email, as such messages may be used in court as evidence of granting the employee a specific benefit (e.g. bonus) or changing the conditions of employment.**



Roch Pałubicki

Partner

Tel. +48 61 856 04 14

Fax +48 61 856 05 67

E-mail: roch.palubicki@skslegal.pl



Magda Dudziec

Associate

Tel. +48 22 608 7309

Fax

E-mail: Magda.Dudziec@skslegal.pl