



Significant changes to the Labour Code – monitoring

As of 25 May 2018, the new provisions of the Labour Code entered into force which allow monitoring in the workplace. Video surveillance may be used if it is necessary to ensure the safety of employees, protect property, control production or keep information confidential, the disclosure of which could damage the employer. The surveillance of emails and other types of surveillance may be applied if it is necessary to ensure the organisation of work which enables the full use of working time and the proper use of work tools entrusted to the employee. The surveillance of emails and other types of surveillance cannot violate the privacy of correspondence and an employee's personal rights. The purpose, scope and manner of surveillance should be established in a collective bargaining agreement, work regulations or in a relevant notice.

The provisions also specify the retention period for recordings; in principle, 3 months. After this time, the employer is required to destroy recordings containing personal data. The new regulation calls for employers to promptly revise and update the work regulations currently in place regarding monitoring.

Flexible employment forms for parents of disabled children

As of 6 June 2018, changes to the Polish Labour Code were introduced enabling, among others, the use of flexible forms of organizing the working time of parents of disabled children or those requiring special education. The amended provisions require the employer to accept the abovementioned employees' requests to perform work in a non-consecutive working-time system, flexible working hours or individual working time schedule. Moreover, such an employee may perform work in the form of telework even if there is no agreement on the terms and conditions of telework applied by the employer or the conditions were not included in the work regulations. The employer is under the obligation to grant the request of such employee, unless it is impossible due to the organisation of work or type of work the employee performs.

Changes in sick leave notification procedure

Doctors may still issue paper documentation allowing sick leave (ZUS ZLA) until 30 November 2018. However, starting from 1 December 2018, doctors are required to notify of sick leave via an electronic form (e-ZLA).

This information was prepared to advise the Firm's Clients of selected important changes in Polish law and does not represent a legal advice on a specific situation of any Client and should not be treated by Clients as such. Should you have any questions concerning the legal matters outlined above as they may apply to your business in Poland, please contact Mr. Roch Pałubicki (roch.palubicki@skslegal.pl) or the partner in charge of your account.





Supreme Court judgment – differentiation of employees' remuneration due to seniority

In its judgment of 7 February 2018 (II PK 22/17), the Supreme Court ruled that seniority may not always constitute a justified reason for pay differentiation between employees. The length of work or professional experience does not affect the quality of work in every professional group. In certain professions the impact may be different, e.g. in the case of advanced mental work, or work requiring knowledge of the construction and operation of various types of machines, gained experience has a significant impact on the quality of work. However, in other professions, differentiation of the quality between employees' work based on their seniority does not occur. Consequently, employers should be cautious when differentiating employees' remuneration due to seniority as such a criterion cannot be justified in every profession (even though the law explicitly allows such a criterion for differentiating employee situation).



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