



## NATIONAL LABOR INSPECTORATE - INSPECTION PLAN FOR 2020

The National Labor Inspectorate has announced the inspection plan for 2020. **As announced, the NLI is expected to conduct 72,000 inspections this year**, most of them to be carried out by the District Labor Inspectorate in Katowice (9.436 inspections), in Warsaw (7.682 inspections) and in Wrocław (6.775 inspections).

The NLI's inspection priority in 2020 is to:

- limit violations of working time regulations;
- reduce the scale of fraud in the area of concluding civil law contracts in conditions specific for the employment relationship;
- control the payment of remuneration in the amount resulting from the minimum hourly rate to persons employed under the mandate contract;
- ensure compliance with the provisions regarding the conclusion of contracts for a definite period of time.

In 2020, NLI announced **increased inspections in the construction sector**, in particular as regards employers' compliance with health and safety regulations during works performed with the use of tower cranes and fast-erecting cranes.

In addition, the areas included by the NLI in the inspection plan are compliance with the provisions on employee capital plans, payment of remuneration to persons who have maintenance obligations and legality of employing foreigners (in particular in the hotel, catering and construction industries).

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## DRAFT AMENDMENT TO THE ACT ON THE POSTING OF EMPLOYEES AS PART OF THE PROVISION OF SERVICES

Legislative work is underway on a bill on the posting of workers aimed at implementing Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services. The directive regulates the conditions for posting of employees to another EU Member State to perform work as part of the services provided by the employer. Member States are required to harmonize their legal systems in this area by 30 July 2020.

The most important assumptions of the bill are:

- extending the scope of the definition of "employer posting an employee" to include temporary work agencies or employment agencies directing employees to a hiring employer who temporarily posts such employees to work in the territory of the Republic of Poland or another Member State;
- introduction of the obligation to pay all components of remuneration (and not only the minimum remuneration) resulting from the provisions of Polish labor law;
- obligation to pay amounts due to cover the costs of business travel to the place of posting or to another place of performance of employee duties within the territory of the Republic of Poland or abroad;



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- introduction of a 12-month warranty period for the application of the minimum employment conditions. If the 12-month posting period is exceeded, the employer will have to ensure not only the minimum employment conditions arising from the Labor Code, but also from other provisions governing employees' rights and obligations;
- introduction of the principle of aggregation of posting periods of employees performing the same task in the same place. If a posted worker is replaced by another posted worker who performs the same task in the same place, the posting period is the total duration of the periods of posting of individual employees;
- extension of the NLI's powers with additional inspection rights and the right to receive substantiated notifications regarding the prolongation of the posting period by 6 months and maintaining minimum employment standards;
- introduction of an electronic form of documentation related to the posting of employees in Poland (a declaration on posting and notification of a change in the information contained in the declaration will be submitted only in electronic form).

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