

# Newsletter HR

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## What will be the minimum remuneration starting from 1 January 2022?

At the end of July, a draft regulation of the Council of Ministers was published, specifying the amount of the minimum remuneration for 2022. According to the draft regulation, next year the minimum salary is to amount to PLN 3,000, while the minimum hourly rate will increase to PLN 19.60. The minimum salary remuneration and minimum hourly rate will increase, as compared to 2021, by PLN 200 PLN 1.30, respectively. The regulation is currently under evaluation.

## May the employer require employees to get vaccinated? – the latest view adopted by the NLI

Due to the ongoing public debate on vaccination against COVID-19, the National Labor Inspectorate has decided to issue an official position thereon. This topic is serious to the extent that a growing number of employers are wondering whether or not they may require their employees to get vaccinated. Currently vaccination against COVID-19 is not compulsory.

The National Labor Inspectorate invariably considers it advisable and reasonable for employees to get vaccinated against COVID-19 to the largest extent possible, while pointing out that under the current law, the vaccination is voluntary. The NLI emphasizes in its position that, in accordance with the Labor Code, it is the employer's duty to assess and document the occupational risk related to the work performed and to provide the necessary preventive measures to reduce the risk. In the case of employing workers in conditions of exposure to harmful biological agents, the employer is obliged to use all available measures to eliminate exposure, and if impossible - to limit the degree of exposure with appropriate use of science and technology achievements.

The NLI's position confirms that vaccinations are voluntary, which means that at present employers can only encourage their employees to get vaccinated. The problem of vaccinations in workplaces will certainly intensify, which the government seems to notice. The head of the Prime Minister's Office announced that the government is working on amendments regarding workforce vaccinations. According to the announcement, the employer will be allowed to obtain information whether the employee has been vaccinated. However, it is currently unclear how the employer will be able to use such information and whether it will really affect the rights of unvaccinated employees. So far the government is just announcing it in media statements, but no bills have been submitted in this regard.

## Are any further amendments to the Labor Code ahead of us?

In July, the government presented the Draft Demographic Strategy 2040, which is to provide a solution to the problem of an aging society and low birth rate in Poland. The draft is at the stage of public consultations.

The draft is primarily based on supporting housing needs, childcare and finally labor market.

The purpose of amendments in the area of labor law is to increase flexibility and stability of work by way of:

- limiting the possibility of concluding fixed-term employment contracts with persons under 40 years old - the limitation means the possibility of concluding a maximum of 2 employment contracts, for a total period not exceeding 15 months;
- ensuring protection against dismissal for both parents;
- protecting mothers for up to a year after returning to work from maternity or parental leave - irrespective of the working time;
- introducing protection for fathers during the first year of a child's life - in the case of married couples, the protection would apply from the moment of getting pregnant;
- a guarantee of flexible work for pregnant women and parents of children aged under 4 - including remote work, hybrid work or flexible working hours. Such a choice would depend on the nature of the work and would be made under an agreement between the employer and the employee.

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