

Legal Alert

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How can you qualify the absence of employees who are citizens of Ukraine?

In the face of the prevailing war, many Ukrainian citizens have decided to return, or help their families come to Poland. As a consequence, some Ukrainians who work in Poland on a daily basis may be absent from work.

How should employers treat employees' absences?

The law does not regulate situations in which foreigners decide to return to their home country due to being called up for military service. According to Ukrainian legislation, general mobilisation applies to men between the age of 18 and 60. This means that once they cross the Polish-Ukrainian border, they will not be able to return to Poland and continue their employment.

An employee's absence at work is treated as an unexcused absence for which no remuneration is paid. However, many employers want to help Ukrainian employees and account for their absence in a different way.

The following options are available:

Release the employee from the obligation to perform work - the release is unilateral and does not require the employee's consent - the employee retains the right to remuneration during this time;

Granting leave on demand - leave is granted at an employee's written request and is limited to 4 days in a given calendar year - the employee retains the right to remuneration;

Granting holiday leave - leave is granted at an employee's request and is limited to 20 or 26 days in a given calendar year - the employee retains the right to remuneration during such leave; or

Granting unpaid leave - leave is granted at an employee's written request - the employee is not entitled to remuneration for the time of unpaid leave.

The President of Ukraine has announced the establishment of a foreign legion. This means that citizens of other countries may also leave voluntarily and defend Ukraine. Therefore, Poles and other foreigners may also be affected.



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