

# Newsletter HR

February 2022 | [www.skslegal.pl](http://www.skslegal.pl)

## Inspection plan of the National Labour Inspectorate (*Państwowa Inspekcja Pracy, PIP*) for 2022

The Chief Labour Inspector presented the PIP's action plan for 2022. According to the announcements, the National Labour Inspectorate plans to carry out 52 thousand inspections this year, and various forms of preventive activities will cover at least 30 thousand entities.

During the inspection PIP will check, among other things:

- application of provisions aiming to reduce exposure to SARS-CoV-2 virus infection in workplaces;
- implementation of obligation to provide employees with information on the risks to health and life and on the health and safety measures taken;
- legality of the use of funds allocated on the basis of the Anti-Crisis Shields (conclusion of agreements with employees' representatives, maintenance of employment of subsidized employees);
- correctness of employment under civil law agreements and compliance by employers with the obligation to pay the minimum hourly rate;
- correctness of keeping records of working time and payment of remunerations;
- legality of employment of workers to prevent the undeclared work;
- legality of employment of foreigners.

## Employment of foreigners - what changes have come into force?

As of the end of January, provisions changing the procedure for legalizing employment and stay of foreigners have entered into force. The changes are intended to streamline the granting of temporary residence and work permits to foreigners.

Summary of key changes:

1. A foreigner is no longer required to have an assured place of residence and a source of stable and regular income.
2. The former requirements have been replaced by a rule according to which a foreigner must be paid at least the minimum wage, regardless of the working time and type of employment.
3. The period of employment of foreigners on the basis of registered declarations of the intention to entrust work has been extended to **24 months**.
4. The new provisions allow for registration of another declaration of the intention to entrust work immediately after the expiry of the current permit.
5. The deadlines for consideration of applications have been changed; these are:
  - **60 days** in the case of a temporary residence permit and
  - **90 days** if the case is considered by the appellate authority.



## Mobility Package, that is changes in the rules for drivers' remuneration

As of the beginning of February, the provisions implementing the EU Mobility Package came into force. The changes in the provisions will affect the working time and remuneration rules for drivers. As of 2 February 2022, drivers performing business tasks in international road transport will not be on a business trip within the meaning of the labour law.

What does this change mean in practice? Drivers are no longer entitled to per diems and lump-sum allowances for overnight stays on foreign business trips, which until now were untaxed and uncontributed to. The change in the rules of remuneration will increase employee costs and affect the competitiveness of Polish transport companies. As a result, new rules for calculation of the basis for retirement and disability insurance premiums and income tax on drivers' remuneration have been established. According to the new rules, part of the drivers' remuneration will be exempt from contributions and will benefit from a tax relief.

For domestic transport, the existing rules for reimbursement of business travel expenses remain unchanged.

## Big changes to the Labour Code await us in 2022

August 2022 will be the deadline for the implementation of the so-called work-life balance directive, which aims to introduce a balance between professional and private life of employees. The Chancellery of the Prime Minister has already published the principles of legislative changes in this respect.

In order to implement the directive, the following amendments to the Labour Code are planned:

1. Introduction of the right to parental leave of up to 41 weeks for both parents;
2. Acquisition of the right to parental leave regardless of the child's mother's employment on the date of delivery;
3. Setting the amount of maternity allowance for the entire period of parental leave at 70% of the basis of assessment;
4. Introduction of unpaid care leave of up to 5 days per calendar year to provide care or support for children, parents, spouse or a person living in the same household as the employee;
5. Introduction of an exemption from work of 2 days or 16 hours per calendar year due to force majeure, i.e. in urgent family matters in which the immediate presence of the employee is necessary;
6. Making the organisation of work of parents taking care of a child aged up to 8 years more flexible by enabling the organisation of work of a given employee to be adjusted to his/her individual needs;
7. Shortening the period during which fathers will be able to take advantage of paternity leave - from 24 to 12 months from the date of childbirth;
8. Prohibition on taking any actions aiming to dismiss an employee during pregnancy and maternity leave.

The deadline for implementing the directive is 2 August 2022. The draft act has not yet been published.

Contact us



**Agnieszka Fedor**  
Partner, attorney-at-law  
☎ +48 505 782 677  
✉ [agnieszka.fedor@skslegal.pl](mailto:agnieszka.fedor@skslegal.pl)



**Magdalena Krupska-Kacprzyk**  
Junior Associate  
☎ +48 882 784 717  
✉ [magdalena.krupska-kacprzyk@skslegal.pl](mailto:magdalena.krupska-kacprzyk@skslegal.pl)