



Newsletter HR

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Lifting the state of epidemic: What effects will it have on employers?

The state of epidemic has been in force in Poland since March 2020 and, according to the Minister of Health's announcements, it is to end from 16 May 2022. The state of "epidemic" will be replaced with the state of "epidemic risk". It should be borne in mind that most restrictions were introduced for the duration of a state of epidemic risk or epidemic, so the lifting of the state of epidemic will not mean the lifting of all rules introduced during that time.

How will the end of the state of epidemic affect employers and employees in practice?

- Employers will still be able to instruct employees to carry out remote work under Article 3 section 1 of the Covid law of 2 March 2020.
- The validity of all preventive medical examinations of an employee that expired after 7 March 2020 continue to be subject to extension for a period of up to 180 days from the date the state of epidemic risk ends.
- The employer may still grant up to 30 days of annual leave not used in previous years to an employee on a date designated by the employer and without regard to the plan for leave.
- Foreigners residing in Poland, whose temporary residence permits, national visas, or short-term residence titles expired during the pandemic still have their legal residence extended up to 30 days after the state of epidemic risk is lifted.
- The validity period of work permits of foreigners whose residence permits expired during the pandemic is still extended to 30 days after the end of state of epidemic risk.

New draft law on the protection of whistleblowers

On 12 April 2022, a new draft law on whistleblowers was published on the website of the Government Legislation Centre. The new draft responds to concerns raised following the version published at the end of 2021. The most important changes are:

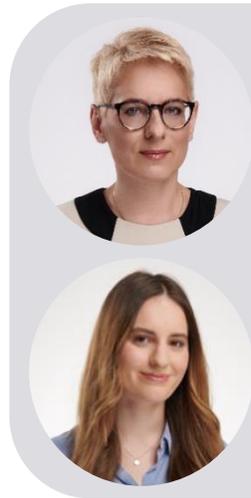
1. The obligation to introduce a whistleblowing procedure is to apply to **legal entities** for which at least 50 people work. The first draft of the bill referred to employers.
2. Failing to establish an internal procedure or to introduce an infringement procedure will only be punishable **by a fine**.
3. The whistleblower **may not be subjected to attempts or threats of retaliatory measures**, e.g. mobbing or discrimination.
4. The amount of minimum compensation for damage suffered by a whistleblower because of reporting has been raised to **at least the average salary**.
5. The deadline for consultations with company trade unions or representatives of persons performing work has also been clarified; this is to last **from 7 to 14 days** from the date the draft internal procedure is presented.

Implementing the obligation for private entities with 50 to 249 employees to establish an internal procedure must occur by **17 December 2023**. The Act is expected to enter into force 2 months after it is published.

Amendment of the special law on assistance to the citizens of Ukraine

The special law on assistance to Ukrainian citizens has been amended. The new provisions apply retroactively from 24 February 2022. The most important changes are:

1. The time to apply for a PESEL number for Ukrainian citizens who do not have a stamp on their passport confirming their entry into Poland has been extended. Ukrainian citizens now have 90 days to apply from their date of entry into Poland.
2. Ukrainian citizens who are running a sole proprietorship until 31 December 2022 do not need to demonstrate the required conditions under Article 142, paragraph 1, item. 3 of the Act on Foreigners when submitting a residence application.
3. Ukrainian citizens may apply for a national visa in Poland. This solution is to enable Ukrainian citizens to obtain a national visa faster, also allowing them to travel within the Schengen area. Details concerning the issuance of visas are to be specified in a separate regulation.



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