



# Newsletter HR

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## New draft law on the employment of foreigners

The draft of the new law on the employment of foreigners has been published on the website of the Chancellery of the Prime Minister. As announced, the deadline for the Council of Ministers to adopt the draft is planned for the third quarter of 2022.

### Main assumptions:

- the introduction of provisions allowing for the correction or removal from legal circulation of mistakenly registered or redundant declarations on the entrustment of work to a foreigner,
- the elimination of the obligation to carry out the "labour market test", and
- the project aims to comprehensively regulate the principles of the electronic handling of processes related to employing foreigners.

## Changes in the notifications on the entrustment of work to Ukrainian citizens

As announced, an amendment was passed concerning the special law on assistance to Ukrainian citizens. Starting from 15 July 2022, changes in the notifications on entrusting work to foreigners will take effect. Under the new regulations, the notification must indicate:

- the monthly or hourly rate of remuneration; and
- the working hours or the number of working hours per week or per month.

In addition, the employer will have to provide information on the number of all persons employed under employment agreements and other civil law contracts as at 23 February 2022, and as at the date of submitting the notification. Employers who have employed Ukrainian nationals and have not yet notified the Labour Office of this fact have until 15 July 2022 to do so.

## The draft law on sobriety control and remote working is being debated in Parliament

Changes to the Labour Code are fast approaching. The draft law on sobriety control and remote working has reached Parliament, where further work is underway. It should be noted that, according to the draft, the provisions are expected to enter into force 14 days after their promulgation. We remind you of the most important changes below:

### Sobriety control:

- the amendment introduces the possibility for employers to carry out sobriety checks themselves in situations where this is necessary to ensure the protection of life and health,
- the employer will be able to perform preventive checks among employees,
- regulations on employee checks will have to be included in the employer's internal regulations (work regulations, collective bargaining agreements, etc.),
- the control is to concern both alcohol and substances having similar effects to alcohol, and
- if a test for alcohol or other substances having similar effects to alcohol is positive, the employer will not allow the employee to work.

## Remote working:

- remote working will be possible based on an agreement between the employer and the employee when concluding an employment contract or during employment,
- the principles of remote working may be regulated by agreement with the company trade union organisation or in the regulations of remote working after consulting with the employees' representative. In the absence of an agreement or regulations, remote work may be performed based on an agreement concluded with the employee,
- remote work may also be performed at the employer's request only during: a state of emergency, a state of epidemic danger, a state of epidemic, as well as in a situation where, due to force majeure, it is not possible to ensure safe and hygienic working conditions,
- occasional remote work may be performed at the employee's request for up to 24 days per calendar year, and
- an employee performing remote work will be entitled to a cash allowance or a lump sum to cover the costs incurred.



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