

HRadar | Newsletter

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Draft law on remote working and sobriety checks

The amendments on remote working and employee sobriety checks are fast approaching. Following amendments by the Senate, the bill has returned to the Sejm again and is awaiting further debate which is expected to take place in mid-January.

The Senate has proposed the following amendments:

1. an extension of occasional remote working to 30 days per calendar year;
2. employees raising a child under the age of 10 will be able to request remote working and, as a general rule, the employer will not be able to refuse;
3. employees with a disability certificate or a severe disability certificate will also be able to successfully submit a request to work remotely, and;
4. the extension of the vacatio legis of the provisions on remote working from 2 to 3 months.

We encourage you to review the draft law which we discussed in detail in our previous alert: [LINK](#)

Regulation on tests for the presence of alcohol or substances having similar effects to alcohol in an employee's body

A draft regulation has been published on the website of the Government Legislation Centre which will supplement the proposed provisions of the law on sobriety checks.

The main assumptions of the draft:

- determine the conditions and methods of testing for the presence of alcohol or substances acting similarly to alcohol in an employee's body,
- determine how to document the tests, and
- create a list of substances that act similarly to alcohol.

The State Labour Inspectorate's plan of action for 2023

According to the information published by PIP (the State Labour Inspectorate), in 2023, there will be a total of 60,000 inspections planned, of which, 35,000 employers will be inspected as part of accident prevention and labour protection promotion activities.

The scope of PIP inspections will mainly include:

- safety at work,
- the legality of the employment of Polish citizens and foreigners,
- inspections of the payment of remuneration,
- the abuse of civil law contracts, and
- compliance with Sunday trading restrictions.

In addition, PIP has announced that, with the entry into force of the proposed regulations on remote working, employers will be inspected regarding their compliance.

The EU Directive on remuneration transparency

At the end of December, the European Commission announced that an EU consensus had been reached on the Remuneration Transparency Directive. The Directive aims, among other things, to target the gender pay gap. The Directive will enter into force 20 days after publication and EU Member States will have to implement the Directive within three years.

The main provisions are:

1. employers will be obliged to include a salary range or minimum proposed salary for a position at the stage of the publication of a job offer,
2. the salary information will have to be given to the candidate before the first recruitment interview;
3. an employer with at least 100 employees will be required to report the gender pay gap;
4. employees who have suffered gender discrimination will be able to claim compensation, and;
5. violations of equal pay principles by employers will result in fines.

Extension of the state of epidemic risk

In accordance with the regulation issued on 16 December 2022, the state of epidemic risk has been extended until 31 March 2023. Once again, we are highlighting to employers the consequences of lifting the epidemic risk which we discussed in our November newsletter: [LINK](#)



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