

HRadar | Newsletter

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Remote working and sobriety checks

We would like to remind you that the new sobriety checks regulations are already in force as of 21 February 2023. The remote working regulations will be effective from 7 April 2023.

Sobriety checks

We would like to remind you of the most important changes concerning sobriety checks:

1. Sobriety checking employees may take the form of a preventive check or a check if there is a reasonable suspicion that an employee is in a state of drunkenness after the use of alcohol or other substances.
2. The employer is obliged to regulate the rules of the preventive checks in the work regulations, collective agreement, or notice, and to notify employees of the introduction of these rules 2 weeks in advance. The rules to be introduced will have to be agreed in advance with the trade unions.
3. Sobriety checks may be used by the employer to protect the life and health of employees and other persons or to protect property. For the checks, the device used must have a valid document confirming its calibration.
4. At the employer's request, sobriety checks will be carried out by a body established to protect public order (e.g. the police).
5. A state of intoxication means a content of more than 0.2 ‰ of alcohol concentration in blood or more than 0.1 mg of alcohol concentration in the employee's exhaled air.
6. Controls are also possible with respect to persons cooperating with the employer based on civil law contracts, e.g. a contract of mandate, contract of specific work, or B2B.

We would also like to remind you that, due to the amendment of the Labour Code regarding sobriety checks, employers will be burdened with new obligations related to the proper documentation of employee sobriety, in a new part of the employee's personal file - "E".

Remote working

We wrote about the upcoming changes concerning remote working in our alert: [LINK](#)

In response to numerous questions and concerns from employers in this area, the Ministry of Labour published answers with official guidelines. Please find below a summary of the most important issues:

1. The location of remote work must always be agreed with the employer - this means that the employees cannot freely decide where they work out of at any given time. In addition, the definition of remote working does not exclude the possibility for an employee to work remotely from different locations, as long as these are agreed with the employer each time.
2. A request for occasional remote work is not binding on the employer and the 24 days granted are not reduced proportionally to the employee's working hours.
3. The reimbursement for remote work does not include the cost of water consumption, coffee purchase, furniture or use of space in the home, unless this is stated in the remote work regulations.
4. In the case of remote work performed on the basis of an order, the employer may revoke the order to perform remote work at any time with at least two days' notice.

Auto-subscription to the Employee Capital Plans

Employees who have submitted a resignation to their employer regarding making PPK contributions by 28 February 2023 and still do not wish to make contributions must resubmit their resignation between 1 March and 31 March 2023. If the employer does not receive a new resignation, the employer will automatically make contributions for the employee to the financial institution from 1 April.

New draft law on collective disputes

A new draft law on collective disputes was published on the website of the Government Legislation Centre in February.

The main features of the draft are as follows:

1. Extending the definition of the subject matter of a collective dispute to all collective matters in which trade unions represent persons in remunerated employment.
2. The collective dispute will be allowed to last for a maximum of 9 months with the possibility of an additional 3 months. Until now, there has been no time limit.
3. The introduction of so-called “preventive mediation” during bargaining to prevent conflict escalation at this stage.
4. Extend the minimum time limit for the employer to comply with the demands of the trade union organisation to 7 days.



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