

# HRadar | Newsletter

April 2023 | [www.skslegal.pl](http://www.skslegal.pl)

## Another amendment to the Labour Code - implementation of the work-life balance directive and the directive on transparent and predictable terms and conditions of employment

Yesterday, 4 April 2023, the regulations amending the Labour Code were published in the Official Journal. The Law is expected to enter into force on **26 April 2023**. Please find below a reminder of the most important changes that the Law will bring.

### Work-life balance directive:

1. Individual right to parental leave - both parents will have 9 weeks of non-transferable parental leave;
2. An allowance of 70% for the whole period of parental leave for both parents;
3. If the female employee applies (no later than 21 days after the birth) for payment of maternity allowance for the period corresponding to maternity and parental leave in full, the monthly maternity allowance for the period of maternity and parental leave will be 81.5%;
4. Unpaid care leave of 5 days per calendar year;
5. Force majeure leave of 2 days or 16 hours per calendar year with 50% of remuneration;
6. Additional breaks included in working time for employees whose daily working time exceeds respectively: 9 hours - two breaks of 15 minutes each, and 16 hours - three breaks of 15 minutes each.

### Directive on transparent and predictable terms and conditions of employment:

1. The obligation to indicate a reason when terminating a fixed-term employment contract will be introduced;
2. Changes to the trial period employment contracts, inter alia: it will only be possible to renew such a

contract if the employee is employed to do a different kind of work;

3. An employee who has been in employment for at least 6 months will acquire the right to request the employer to change the form of employment to one that is more predictable or with safer working conditions;
4. Extension of information on the terms and conditions of employment to include, inter alia, rest breaks, overtime rules and the termination procedure.

## New rules on the employment certificate

As a result of the implementation of the so-called work-life balance directive and the directive on transparent and predictable working conditions, the employer will be obliged to include new information in the employment certificate about:

- force majeure leave days used in a calendar year, and
- care leave days used in a given calendar year.

The Ministry of Family and Social Policy has prepared a draft regulation which introduces changes to the template of the employment certificate. The regulation is expected to come into force later in April.

## Extension of the state of epidemic risk

According to the Council of Ministers' regulation, the state of epidemic risk has been extended until **30 April 2023**.

Please note that, with the entry into force of the new provisions on remote working, despite the extension of the state of epidemic risk, from 7 April the provisions allowing instruction to carry out remote work under Article 3 Section 1 of the Covid law of 2 March 2020 **will no longer apply**.

## Temporary residence permits for Ukrainian citizens

From 1 April 2023, Ukrainian citizens have the opportunity to apply for temporary residence permits. The applications can be submitted by foreigners with a UKR PESEL, whose purpose of stay in Poland is to work, run a business or work in a highly qualified profession.

According to official information on the website of the Mazovian Voivodeship Office, Ukrainian citizens who have arrived in Poland since 24 February 2022 and do not take advantage of this solution will be able to continue to stay in Poland legally on the basis of temporary protection, which will very likely be extended at least until 4 March 2024.



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