

# HRadar | Newsletter

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## An increase in the minimum wage

In accordance with the Ordinance of the Council of Ministers of 13 September 2022 as of 1 July 2023, the amount of the minimum wage is PLN **3,600** (previously PLN 3,490), while the minimum hourly rate is PLN **23.50** (previously PLN 22.80).

We should remember that along with the increase in the minimum wage there will be an increase in other benefits calculated thereon. This applies, among others, to

- **remuneration for work stoppage**, not to be less than the minimum wage;
- **remuneration for the month, when the employee does not perform work due to the schedule of working time in the assumed settlement period** (also this amount may not be less than the minimum wage);
- **a bonus for night work**, amounting to 20% of the hourly rate resulting from the minimum wage;
- **severance allowance** under the Act on special rules for termination of employment relationships for reasons not attributable to employees (in 2022 the maximum statutory amount of severance allowance will be PLN 45,150);
- **the minimum amount of compensation** to which an employee is eligible when the principle of equal treatment in employment was violated (Article 18(3d) of the Labor Code);

## New rules for workplaces with screen monitors

According to the draft ordinance of the Ministry of Labour and Social Policy amending the ordinance on health and safety at work in workplaces equipped with screen monitors, the requirements concerning the organisation of such workplaces will change. According to the draft, employees who use laptops for work should have their workstation supplemented with:

1. a desktop monitor or a stand ensuring that the screen is positioned so that its upper edge is at eye level, and
2. an additional keyboard and computer mouse.

Employers will have three months from the date of entry into force of the regulation to adapt workstations to the new requirements.

## Favourable interpretations for employers of the National Fiscal Information on the lump sum for remote work

The Director of the National Fiscal Information has published two interpretations favourable to employers on the rules for calculating a lump sum for remote work. According to the National Fiscal Information interpretations:

1. The calculation of a lump sum in an average amount for all employees is permissible, regardless of the exact number of days worked remotely.
2. When the employer sets the lump sum as a daily amount, it is not required to keep adequate records of the actual days worked remotely by employees. The employee's request for payment of the relevant amount together with the supervisor's approval is sufficient basis for payment of the lump sum.

## Lifting of the state of epidemic risk

As of 1 July 2023, the state of epidemic risk in Poland was officially lifted. We encourage you to read about the consequences for employers, which we wrote about in our alert: [LINK](#).

We would like to point out that under the current wording of the Anti-Crisis Shield, the deadline for outstanding periodic health and safety training is **60 days** from the cancellation of the epidemic risk. Under the proposed amendment, this deadline will be **extended to 180 days** from the cancellation of the epidemic risk.

## Determining trade unions headcount

By **10 July 2023**, company trade union organisations must submit information to employers on the number of their members as at 30 June 2023. Should the employer doubt the number of trade union members, the employer may raise an objection in writing within **30 days** from the date the information is submitted.

If the above obligation is not fulfilled, the trade union will lose its power to represent employees in terms of both collective and individual interests. This means that if the employer does not obtain the information on the number of members by 10 July, it will be able to take actions on its own – actions which normally require cooperation with the trade union.

## The parliamentary draft law amending the law on bridging pensions and certain other laws

The bill introduces significant changes to the Code of Civil Procedure and the Minimum Wage Act for employers. The most important changes:

1. In the case of proceedings for declaring the termination of an employment contract as ineffective or for an award of reinstatement of an employee, the court will grant security by imposing an obligation on the employer to continue to employ a protected employee **until the proceedings have become final**. The basis for granting such security will be the plausibility existence of the claim.
2. Currently, when declaring termination of an employment contract to be ineffective or reinstating an employee in work, the court, at the employee's request impose an obligation on the employer to continue to employ the employee until the proceedings have become final. Under the draft, this will become the court's obligation.
3. Allowances to which employees are entitled on account of working in conditions that are particularly arduous or harmful to health, involving great physical or mental effort or that are particularly dangerous, will not be taken into account in the calculation of the minimum wage.



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