

HR Alert

October 2024 | www.skslegal.pl

The Flood Special Act - what solutions can affected employees benefit from?

On Saturday, October 5, 2024, an amendment to the Law on Special Solutions for Flood Recovery went into effect. Thanks to the amended legislation, affected employees are expected to gain time and resources to rebuild property damaged by the disaster. The special law contains a number of labor law solutions that may surprise some HR departments.

Who can benefit from the solutions of the special law?

Employees who reside in flood-affected areas. Some solutions can also be exercised by employees whose relatives were affected by the flood, and so applies to damage that was caused to the property of a related person, as well as an unrelated person who is in a personal relationship with the employee and lives with and runs the household together.

Which employers are affected by the special law?

To the greatest extent, the special law will be used by workplaces that operate in or close to flooded areas. However, due to the popularity of remote work, employers who do not operate in flooded districts may also encounter a situation in which their employee wants to take advantage of the special law. This will occur if the employees performed their work remotely and their place of residence was affected by the flood, or if their relatives (for example parents) are affected and need help with flood recovery.

What special rights have employees gained?

- **Excused absence from work** - the actual inability to provide work due to the flood is treated as an excused absence of the employee. For the duration of this absence, employees are entitled to receive the corresponding part of the minimum salary, which is paid by the employer, and is limited to a maximum period of 10 days.
- **20 days of exemption from work with pay retention** - this solution may be used by employees whose own property or the property of their immediate relatives has been destroyed. 'Immediate relatives' in this case means related or unrelated persons who are in a personal relationship with the employee, living together. A request for exemption from work may be made no later than the day on which the exemption is used. For the period of absence, the employee will receive a salary calculated as equivalent to annual leave. Employers whose employees use this exemption will be eligible for reimbursement of the salary costs incurred, and the exemption is valid regardless of the period of excused absence mentioned in the paragraph above.
- **8 days of leave on demand** - employees who live in flooded areas can use 8 days of vacation leave in the form of leave on demand, i.e. without having to schedule it in advance. The granting of additional days of leave on demand does not affect the employee's total number of vacation days, which depends on seniority and is 20 or 26 days, as applicable.
- **Limitation on overtime and business travel** - employees who live in flooded areas may refuse to work overtime or not agree to be delegated away from their permanent place of work.
- **Reduction in working hours** - Employees who live in flooded areas may apply for a reduction in working hours, up to a maximum of half a working time. The employer should accept the employee's request, unless the type of work or its organization cannot allow it. The request can be submitted 2 days before the start of work, at the reduced time.
- **Hourly billing of vacation leave** - employees who reside in flooded areas may take vacation leave on an hourly basis, which corresponds to part of their daily working hours. With this arrangement, an employee will be able to take, for example, half a day of leave and use the rest of a working day for flood recovery. In this way, the employee can use 5 days of vacation leave.

- **Suspension of court deadlines** - due to the restriction of access to court, the special law introduced a suspension of court deadlines in termination claims. This means that employees who were prevented by the flood from filing an appeal against their termination will be able to do so at a later date. The day on which the suspended deadlines will start running again will be specified in the flood ordinances.
- **Extension of validity of medical checks** - the obligation to conduct periodic medical checks for employees living in flooded areas has also been suspended. The validity of the medical checks is extended for the period specified in the flood ordinances.
- **Extension of a representative's mandate** - if due to the flood it is not possible to hold elections for trade union bodies, workers' councils, election of a social labor inspector, the term of office of these bodies / representatives will be automatically extended until the date of the elections.

Contact us!



Agnieszka Fedor
Partner, attorney-at-law
☎ +48 505 782 677
✉ agnieszka.fedor@skslegal.pl



Magdalena Krupska-Kacprzyk
Associate
☎ +48 882 784 717
✉ magdalena.krupska-kacprzyk@skslegal.pl



Warsaw

Jasna 26, 00-054 Warsaw
T +48 22 608 70 00
F +48 22 608 70 70
E office@skslegal.pl

Katowice

Korfantego 138a, 40-156 Katowice
T +48 32 731 59 86
F +48 32 731 59 90
E office.katowice@skslegal.pl

Poznan

Mickiewicza 35, 60-837 Poznan
T +48 61 856 04 20
F +48 61 856 05 67
E office.poznan@skslegal.pl