

Additional Public Holiday on 24 December

In late October, a draft amendment to the Law on Public Holidays and Certain Other Laws was submitted to the Sejm. According to the proposal of left-wing deputies, 24 December should become another public holiday.

The bill has many supporters, and it is possible that the changes will come into force before this year's Christmas Eve. The bill's explanation indicates that the day off should apply to all employees, including employees of trade establishments, who work that day until 2pm. If the bill actually goes into effect in the coming weeks, employers will have to take the new public holiday into account when planning their schedules for December 2024.

In addition, the draft amendment includes a trade restriction on the Friday preceding Holy Saturday (the first day of Easter) - on that day, the assignment of trade work after 2pm would be prohibited.

Proposed changes related to sick leave

The Ministry of Family, Labor and Social Policy has prepared a draft law amending the Law on the Social Security System and certain other laws, changing the rules for granting sick leave. What changes can we expect?

1. **New definition of paid work** - the Ministry proposes that paid work be defined as any activity of a gainful nature, regardless of the legal relationship that is the basis for its performance, except for incidental activities that are required by significant circumstances. In practice, this could mean, among other things, allowing the signing of company financial documents, invoices, or other relevant documents during sick leave.

2. **The possibility of working for another employer during sick leave** - the disallowance of an employee working for several employers will be able to be excluded for a given employer, if the issuer of sick leave determines that the type of work does not justify the adjudication of incapacity in a given case. Therefore, we could find a situation where an employee who is incapacitated for physical work with one employer will still be able to perform cerebral work with another employer.
3. **Place of residence during sick leave** - the draft allows an employee's place of residence to be indicated in the sick leave also outside Poland, when it is justified by the doctor's recommendations or other relevant circumstances.

Migration Strategy for 2025-2030

We already know the details of the Migration Strategy for Poland for 2025-2030, when employers who hire foreigners must be ready for a thorough reform of immigration law. Take a look at the most important changes from an HR perspective, which we wrote about in detail in our alert [LINK](#).

The main provisions of the Migration Strategy include:

- Changes to the visa system;
- Digitization of residency services;
- Reform of the operation of employment agencies;
- Tightening the system for issuing student visas.

Supreme Court resolution on reinstatement of pregnant employee

The Supreme Court, in a resolution dated 17 October 2024 (ref. III PZP 1/24), ruled that a female employee who was pregnant during the notice period may demand reinstatement, even if she has already made such a demand during a lawsuit after several months have passed.

In the case in hand, the employee, while complying with the statutory deadline, appealed against the termination, indicating unspecific and untrue reasons for the termination. Then, during the proceedings, more than 14 months after the dismissal, she revealed that she was pregnant at the time she received the termination notice. The district court reinstated the woman, but the employer appealed the ruling. The district court had doubts about the legitimacy of such reinstatement and asked the Supreme Court whether the employee actually had the opportunity to change the basis of her claim and expand her lawsuit after the 21-day statutory deadline.

According to the Supreme Court, the disclosure of pregnancy (as a new circumstance) in the course of the proceedings does not constitute an amendment to the claim and is not limited by the deadline. Therefore, the employee may also claim remuneration for the time she remains unemployed counted from the moment she informs the employer of her pregnancy.

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