

LABOUR LAW NEWSLETTER

THE MOST SIGNIFICANT CHANGES IN
LABOUR LAW IN 2023



Introduction of remote work to the Labour Code

As of April 2023, regulations regarding remote work added to the Labour Code have been in force. The said regulations replace regulations regarding telework.

Regulations on sobriety checks in the Labour Code

In February 2023, regulations were introduced to the Labour Code that enable employers to check sobriety of employees. Employers may also check whether the employees are under the influence of other intoxicating substances. Preventive and random checks in this respect have been allowed.

The need to justify the termination of an employment contract for a definite period

Changes to the Labour Code implementing the so-called work-life balance directive and the one concerning transparent employment conditions imposed on employers an obligation to justify the termination of an employment contract for a definite period and to hold consultations with trade unions.

Changes in contracts for a trial period

The permissible term of a contract for a trial period depends on the period of planned further cooperation with the employee.

Introduction of new leaves and special rights for parents to the Labour Code

The following employee rights have been introduced to the Labour Code:

- unpaid care leave for 5 working days per year;
- leave from work due to force majeure in urgent family matters caused by illness or accident for 2 days or 16 hours per year (while retaining the right to half remuneration);
- extension of parental leave up to 41 weeks (one child) or 43 weeks (more than one child), whereby one parent may use 32/34 weeks of leave at the maximum;
- additional breaks at work;
- the right of an employee raising a child up to 8 years of age to apply for flexible work organization;
- the right of an employee employed for at least 6 months to apply for changing of the type of work or for employment on a full-time basis.

Introduction of a ban on prohibiting an employee from additional employment

The Employer may not prohibit an employee from taking up additional employment during the term of employment relationship. However, employers may prohibit employees from taking up activity competitive towards them during the term of employment relationship.

New security for employee's claim

The possibility of applying additional security has been introduced The Code of Civil Procedure. Pursuant to the new security, the court orders the employer to continue employing the dismissed employee for the duration of the trial. The court may refuse to apply this security only if the dismissed employee's claim is clearly groundless.

Exemption of employees from court fees

In accordance with the amendment of the Act on Court Fees in Civil Cases, employees have been entirely exempted from fees on lawsuits submitted to labour courts, even if the value of their claims exceeds PLN 50,000. The change in question does not pertain to appeals if the value of the claim exceeds PLN 50,000.



**Dorota
Dąbrowska-Kobus**
attorney-at-law
ddk@pnplaw.pl