

NEWSLETTER

What to expect in 2025

15 January 2025



Dear All,

As we enter 2025, we've put together a summary of pivotal HR areas that are either emerging or need prioritisation. These elements are vital for the seamless operation of organisations and demand your focused attention. What areas need to be addressed, and how can you prepare effectively?



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Implementation of changes resulting from the increase in the minimum remuneration 2025. New rules for minimum remuneration, aligned with the directive, are projected to be developed by November 2025, with implementation anticipated in 2026

The monthly minimum remuneration for employees this year is PLN 4,666 gross, while the hourly rate for certain mandate or service agreements is PLN 30.50 gross. It should be noted that when determining the minimum remuneration, the following are not taken into account: jubilee awards, retirement severance pays or disability pensions, overtime allowance, night work allowances, length-of-service allowances, and allowances for special working conditions.

Based on the minimum remuneration amount, the following have also increased: night work allowance, amount of severance pays for group or individual redundancies for reasons not related to the employee, minimum compensation for discrimination or bullying, downtime pay, minimum basis for calculating maternity and other benefits, as well as the amount exempted from deductions.

However, the rules concerning the minimum remuneration may significantly change in the future. The government is currently working on a draft law implementing the Directive of the European Parliament of 19 October 2022 on adequate minimum wages in the European Union (with the implementation deadline having passed on 15 November 2024). These developments are worth monitoring, as significant changes can be expected, potentially taking effect as early as 2026, although the government plans to introduce them gradually until 2028, allowing businesses time to adjust.

Among the current proposals, the minimum remuneration would constitute basic remuneration, with the phased elimination of additional components. The reference value for determining the minimum remuneration amount is to be 55% of the projected average national wage. It remains unclear how the requirements of the Directive, which emphasises a system of collective bargaining between employers and employee representatives, will be implemented.

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What's important

It is necessary to adjust employee remuneration if they are based on the minimum remuneration. Amending employment contracts and mandate contracts is only necessary if they directly reference last year's rates. Increases in the night work allowance must also be considered. Redundancy severance pays should be issued up to this year's limit, even if the notice was given or an agreement to terminate the contract was made in 2024, and the employment relationship ended in 2025. It is also essential to analyse proposed solutions regarding the new definition of the minimum remuneration, as they may bring potential additional burdens and consequences for employers.

New type of leave: supplementary maternity leave from 19 March

Under the current Labour Code regulations, a female employee who gives birth to a child requiring hospital care must take 8 weeks of maternity leave, after which she has the option to utilise the remaining portion of her leave. Starting from 19 March this year, a new type of leave will become available: supplementary maternity leave for employee-parents of prematurely born children and those

with children born on time but requiring extended hospitalisation after birth.

This supplementary leave can be granted once, based on an application submitted by the eligible employee, either in paper or electronic form, as appropriate. The duration of the leave can range from up to 8 to 15 weeks. The application must include a certificate from the hospital where the child was hospitalised. Employers are required to accommodate these requests and cannot deny the leave. The employee must take the supplementary leave immediately following their entitled maternity leave.

What's important

It is advisable to verify whether, on the day the new regulations take effect, there are employees in the company who may benefit from the new entitlements. It is also recommended to review and update company policies regarding employee rights related to parenthood, additional benefits for parents, and information provided to employees.

Proposed change to the definition of workplace bullying (mobbing): It is worth implementing or changing company procedures now

The Ministry of Family, Labour and Social Policy has

announced the development of a draft law aimed at revising the definition of workplace bullying (mobbing), so that it is "*clearer, more precise, and does not allow incidents that should not be tolerated or take place at all to be swept under the carpet.*"

The proposed definition is simplified and assumes that the determination of workplace bullying is independent of the perpetrator's intent or the occurrence of a specific outcome and excludes incidental and one-off behaviours. To date, the draft has not been published in the government's legislative centre, but according to announcements, work is expected to proceed quickly.

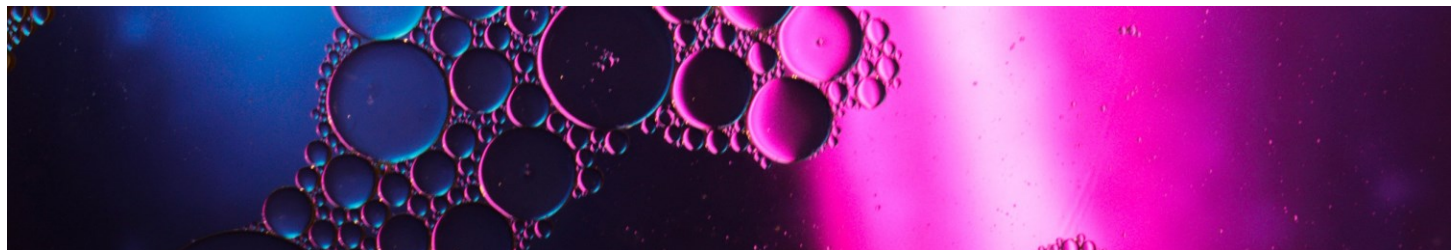
What's important

We assess that the proposed regulations will expand and flexible the definition, making it easier for employees to pursue claims, which may be associated with new legal and reputational risks for employers.

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To mitigate risks now, it is worthwhile to implement or review existing anti-workplace bullying procedures to cover a wide spectrum of possible reports of undesirable behaviour, enabling employers to engage in appropriate prevention and response, thus reducing the risk of potential claims. It is also important to establish multi-faceted prevention including appropriate guidelines, formulating expectations for managers, providing information to employees, and tailored training for various employee groups.

In fulfilling the employer's obligations under the Labour Code concerning the prevention of workplace bullying and to protect against employee claims, it is necessary to:

- > implement comprehensive anti-workplace bullying procedures: including general principles for reporting and conducting investigations; procedures should be established for the rapid detection and elimination of workplace bullying cases;
- > provide employees with relevant information and expectations regarding prohibited behaviours, complaint filing procedures, and investigation processes;
- > set clear expectations for managers regarding responsibilities and duties in terms of management practices;

- > conduct periodic training for both managers and employees;
- > introduce other measures tailored to the organisation of the employer and the work environment.

Additionally, employers should carefully select and define the competencies of the management team, prioritising the principle of anti-workplace bullying. This includes, among other things, instructing employees and new hires on adhering to social coexistence principles to prevent undesirable interpersonal interactions and potential negative consequences of such behaviours.

Pay transparency: last call for audits, preparations, and implementation of gradual changes

The year 2025 is crucial for properly preparing organisations for the challenge of implementing the Directive of the European Parliament and Council 2023/970 of 10 May 2023 on strengthening the application of the principle of equal pay for men and women for the same work or work of equal value through pay transparency mechanisms and enforcement mechanisms. Although the deadline for the directive to be implemented in member states is mid-2026, that deadline is closer than it might seem. It is brought into focus by the latest draft amendment to the Labour Code under the "transparent

remuneration" theme, which provides that remunerations during employment and before its establishment must be transparent. Referring directly to the directive's guidelines, it states that an employee may request information regarding their individual remuneration level and average remuneration levels by gender for categories of employees performing the same work or work of equal value. It also requires that remuneration ranges be included in job advertisements, gives candidates the right to request additional information, and prohibits forbidding the disclosure of remuneration. There is really little time to change company remuneration systems to transparently present them to employees and conduct discussions while limiting the risk of claims.

What's important

5 things every employer should do now: (i) conduct a remuneration audit, create a checklist and schedule for implementing changes, (ii) prepare a new recruitment policy, (iii) review the remuneration policy, (iv) develop changes in remuneration and benefits documentation and existing practices, (v) pay gap: identify, resolve, or gather arguments justifying its existence.

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Whistleblowers: early January is the last moment to implement procedures according to the interpretation of Ministry of Labour, Family and Social Policy

According to the interpretation by the Ministry of Labour, Family and Social Policy, as of 1 January 2025, the obligation to verify number of employed and undertake actions to implement internal reporting procedures and follow-up actions is updated. Legal entities for which at least 50 people work or provide services as of 1 January or 1 July of a given year must implement these procedures. This limit includes not only employees but also certain other individuals. Specifically defined entities are required to implement the procedure regardless of the level of employment. However, regulations concerning the protection of whistleblowers apply to all employing entities.

What's important

We have frequently written about the obligations related to whistleblowers in HRintheKnow. It's important to verify whether the necessary actions have been taken. According to declarations by the National Labour Inspectorate, one of the tasks for 2025 is to support whistleblowers.

New approach to sick leave: liberalisation - work allowed during sick leave

It is worth reviewing company practices regarding sick leave. The new solutions under consideration, which are to be adopted this year, include, among others: the introduction of new inspection rules by the Social Insurance Institution (ZUS), the requirement for employees to provide their current location during sick leave (including abroad), permissible incidental earning activities, or the possibility for an employee to work during sick leave (including for another employer), subject to the doctor's consent. The easing of the ban on leaving home for purposes such as shopping, rehabilitation, or health-related walks may be beneficial for employees but also a source of abuse and problems for employers if employees misuse these justifications for sick leave or if supervisors abuse the allowance for incidental work during sick leave.

What's important

The rules for conducting inspections by both ZUS and employers are to be changed and expanded. It may be advisable to introduce internal rules concerning notification by employees about special notes on their

sick leave, particularly regarding the doctor's permission for additional work.

Platform work directive: implications for certain companies using online platforms, but also uncertainty for all regarding the implementation of the presumption of employment relationship

On 1 December 2024, the Directive of the European Parliament and Council (EU) 2024/2831 on improving working conditions through platforms came into effect, with the implementation deadline being 2 December 2026. It introduces for platform workers, among others: the presumption of an employment relationship, transparency regarding algorithms that determine working conditions, and limited collection of personal data.

What's important

Organisations covered by the platform work directive should begin modelling employment considering the imposed restrictions and new regulations. Other employers should monitor whether our legislature adopts a broader scope of the presumption of an employment relationship beyond just platform employment.

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Redefined rules for employing foreign nationals: new concepts

The government's intentions regarding changes to the rules for employing foreign nationals should soon become clear, and changes are certainly expected – two draft acts are being processed in this area. The aim is to restrict the employment of foreign nationals under civil law contracts. Currently, the requirement to enter into an employment contract is envisaged only in the case of legalising employment through obtaining a work permit. According to current information, a universal requirement for employing foreign nationals under an employment contract would take effect from 1 January 2026. In addition to these controversial provisions, various facilitation and simplification measures in immigration procedures are also anticipated.

What's important

The rules for employing foreign nationals are likely to change, and the government's intention to limit the use of civil law contracts and guarantee foreign nationals minimum employment conditions is certain. We suggest assessing whether the intended changes will align with company policies and budgets and monitoring the final shape of the new regulations.

Revolution in service recognition rules: beyond just employment relationships

One of the key changes proposed by the Ministry of Family, Labour and Social Policy is the plan to include periods of work based on mandate contracts or B2B in the calculation of service length from 2026 onwards. This change will impact the entire labour market.

What's important

If the proposed solutions are adopted, they would require more favourable solutions for employees regarding notice periods, severance pay, jubilee awards, or other specific company benefits. This would affect cost levels, necessitate additional HR actions and processes, and require the maintenance of new documentation in personnel files.

AI in HR

From 1 August 2024, the Artificial Intelligence Act has been in force – the first comprehensive legal regulation concerning AI systems and models in the European Union. According to government declarations, the key elements of the AI Act are to be introduced gradually. The Act also covers the use of AI systems in HR departments and imposes the obligation to provide information on how these

systems are used by employers, particularly concerning so-called high-risk AI systems. Such systems may include commonly used tools that facilitate evaluation or affect the working conditions of individual employees. Specific information obligations are granted to employees and their representatives, and individual employees have additional rights.

What's important

It's worth identifying and cataloguing the solutions being used to ensure they do not imply additional obligations and rights for employees. Furthermore, there is a draft amendment to the Trade Unions Act in Parliament, which aims to enable unions to obtain information from employers about “the parameters, rules and instructions on which algorithms or artificial intelligence systems influencing decision-making are based.” Some existing company solutions, including those concerning HR matters, may evade regulations – it is worth verifying their legality and framework.

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HR in ESG reporting

The adopted act amending the Accounting Act, the Act on Statutory Auditors, Auditing Firms and Public Supervision, and certain other acts introduces the obligation for a specified group of enterprises to prepare ESG reporting and to have it certified by statutory auditors, implementing the so-called CSRD Directive. It includes an expanded scope of ESG information, incorporating, among others, social issues.

What's important

We recommend determining whether and when the company will be subject to the expanded reporting obligation, its scope, and whether its contractors will demand specified data earlier as part of supply chain reporting and the implementation of social solutions identical to those applied in companies already subject to ESG reporting. It's worth checking today whether the reporting will cast the company in a favourable light and which areas and data should be disclosed.

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About Linklaters Warsaw Employment Practice

Our Linklaters Warsaw employment team combines in-depth knowledge, innovative thinking and commercial acumen to support your business, whatever your legal issue – and wherever in the world you do business. What it really comes down to is helping you manage your most important asset: employees and workers. We handle everything from day-to-day matters to unique situations that require innovative solutions or strategic decisions. We work with our clients on their most complex and sensitive employee relations issues, including hiring managers, termination of employment, all types of investigations, restructurings and labour disputes, risk management, all aspects of remote work. With our expertise on your side, you can be sure that your legal needs are in the best possible hands.

What we can currently do to help you:



We advise on whistleblowing regulations and develop internal procedures for reporting breaches of law.



We carry out internal training on anti-mobbing and anti-discrimination.



We advise on the preparation for new labour law regulations aimed at implementing the Pay Transparency Directive, the Platform Work Directive, the CSRD Directive and the Directive on Transparent and Predictable Working Conditions, including updating labour law documents and HR procedures.



We offer individual training for clients on ESG issues focusing on the "S" element, particularly in matters related to HR, implementation of regulations on pay transparency, and whistleblowing.