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# PRIDE MONTH - HOW TO REALISTICALLY SUPPORT LGBTQIA+ PERSONS?



Zuzanna Rosner-Laskorzyńska  
Attorney-at-Law

LGBTQIA+ persons face discrimination. For example, according to some studies, only slightly more than half of transgender people (who have disclosed their identity at work) feel supported by their bosses and co-workers (source: KPH, The social situation of LGBT persons in Poland. Report for 2019-2020). For several years, Poland has ranked last in Europe in terms of the level of equality for LGBT+ persons (according to the ILGA-Europe ranking).

## Does the systemic lack of support for LGBTQIA+ persons cause negative consequences for employers?

Yes. LGBTQIA+ persons often make the decision to move to a more inclusive workplace, resulting in an exodus of talent from the organization. Likewise, the employer's attitude and social media reviews about the employer can negatively affect the willingness of valuable candidates to apply. This applies not only to people belonging to sexual minorities, but also to those who identify ideologically with their concerns.

What's more, there is also a perceived decline in the efficiency of employees who, as a result of their employers' lack of concern for a safe working environment for them, have to face:

- difficulty in fully concentrating on work tasks
- fatigue caused by constantly hiding their sexual orientation and gender identity from their co-workers
- avoiding specific people and events that integrate the team
- dissatisfaction and depression

(Source: Safe Havens 2022 Report, based on: Degrees of Equality: A National Study Examining Workplace Climate for LGBT Employees. Human Rights Campaign Foundation, 2009)

Pride month is, of course, a good opportunity to show solidarity with groups that face exclusion. However, creating inclusive organizations is more than that.

It should be a planned and consistently implemented process that can involve all those who want to influence the internal workings of the organization as well as its perception from the outside world.

## Can support for LGBTQIA+ persons bring real financial benefits to organizations?

Yes. Companies that support LGBTQIA+ persons gain image-wise, are able to retain valuable employees, and attract the best candidates from the market (especially since supporting this group is very important for the younger generation). They also have a positive impact on the well-being of LGBTQIA+ employees, which translates into their commitment, creativity and loyalty to their employer.

The financial and marketing results of companies that implement anti-discrimination policies and care about the well-being of employees from the LGBT+ community are better than those that ignore the issue.

### **What activities can promote inclusivity:**

**"ERGs"** for employee resource groups (networks), or employee networks. These are grassroots initiatives by employees and supported (e.g. financially and organizationally) by employers. Such groups hold regular meetings, workshops, various events, discuss and support each other.

**"L"** for inclusive language. Employers are increasingly organizing inclusive language workshops or introducing an appropriate dictionary (manual). Through this, employees learn how to speak and write about LGBTQIA+ persons, among others, so as not to exclude them. Such activities raise awareness and help eliminate prejudices.

**"I"** for DEI initiatives. Activities for LGBTQIA+ persons are very diverse. One company (an employee network operating within it) has organized "Fitness with Drag Queen" at its office (with dozens of employees signing up). Another large organization has erected a rainbow Dialogue Bench in its courtyard. Also meetings play a key role, e.g. a meeting with a transgender woman, a parent of a transgender child

**"A"** for allyship. These are activities aimed at educating and promoting the idea of "allyship" among employees, i.e. supporting people belonging to groups at risk of exclusion (e.g. workshops on how to support others; taking photos wearing rainbow T-shirts, participating in the Equality Parade).

To move from declarations to actions, it is already worth reviewing your internal regulations at least from the organizational side whether LGBTQIA+ persons are guaranteed safe exercise of the rights that apply to persons in a joint household (to whom such information goes, whether these persons are adequately prepared for this, how to proceed in case the data of such a person is required, etc.).

# WHISTLEBLOWERS AND THE REVISION OF THE EMPLOYERS' GUIDE: PROTECTING PERSONAL DATA IN THE WORKPLACE



Dominika Dorre-Kolasa  
Ph.D., Attorney-at-Law

As we continue to wait for the President's signature on the whistleblower protection act, when it is already clear that labour law violations will not be covered by the act, it's worth taking a gander at the processing of personal data, violations of which have always been included in this catalogue.

So let's answer the following questions already now:

- When was the last time we had an audit of personal data processing in connection with employment?
- Have the information clauses we use ever been updated?
- Do we consciously choose data processors and sign data processing entrustment agreements, the content of which is not imposed on us by them?
- Do we have a well-organized functioning of communication paths with data subjects?
- Do we know who in the organization is responsible for realizing the rights of data subjects, e.g., the right to information or copies of data?
- Do we do a DPIA before introducing solutions based on artificial intelligence systems?

And novelties:

- Do we have properly organized access to the data reported by the whistleblower?
- Do we have information clauses ready and do we know to whom and how to implement information obligations?
- Are we able to manage the processing of data so that the principles of minimization, purpose limitation and storage limitation are ensured?

These are, of course, only examples of issues.

## Can the revision of the Employers' Guide announced in late May by the President of the Data Protection Authority make a difference in strengthening data protection?

**Yes.** This guide should serve as a kind of roadmap for employers, bringing them answers to key questions that may arise in connection with the application of data protection regulations in employment. Employment understood more broadly - including those employed on a basis other than an employment relationship.

**Is this the case now? No.** The guide was created at the very beginning of the application of the GDPR. It has not been consulted or updated. Many of the issues it raises need to be revisited and proper guidance given. Employers are already looking into it less and less, knowing that it significantly deviates from reality.

### **What can employers do to make the handbook a real support for them?**

They can get involved in the consultation process by providing comments, questions and suggestions for change.

### **How to do it?**

By sending a message to: [poradnik\\_naruszenia@uodo.gov.pl](mailto:poradnik_naruszenia@uodo.gov.pl)

Alternatively, to the following address: [dominika.dorre-kolasa@raczkowski.eu](mailto:dominika.dorre-kolasa@raczkowski.eu)

We are waiting for comments until the end of June.

## MATERNITY LEAVE EXTENDED BY UP TO 15 WEEKS - THERE IS A BILL

On the occasion of this year's Mother's Day, the Ministry of Labour and Social Policy announced a bill extending maternity leave for parents of premature babies and parents of babies born on time but requiring hospitalization.

The purpose of extending maternity leave is to compensate employee-parents for the time spent with their child in the hospital due to the inability to discontinue maternity leave until eight weeks after delivery.

Additional maternity leave will be granted at the rate of one week of additional maternity leave for each week of the child's stay in the hospital - that is, "one week for one week," with a maximum of up to 15 weeks or up to eight weeks, respectively, depending on the conditions outlined in the table.

Conditions regarding the week of pregnancy, birth weight and period of hospitalization	Maximum length of additional leave
children born before the end of the 28th week of pregnancy or with a birth weight of no more than 1,000 g	15 weeks
children born after the end of the 28th week of pregnancy and before the end of the 36th week of pregnancy with a birth weight of more than 1,000 g	8 weeks
children born after the end of the 36th week of pregnancy (i.e. on time), who will require hospitalization from the 5th day from the day of delivery until the end of the 8th week after delivery - provided that the child's stay in the hospital will be at least 2 consecutive days between the 5th and 28th day after delivery	8 weeks

Parents will be able to take the leave on an optional basis. Additional maternity leave will have to start immediately after maternity leave and will have to be taken in one piece.

The bill is planned to be adopted by the Council of Ministers in Q3 2024.



**Edyta Jagiełło**  
Attorney-at-Law



**Monika Terlecka**  
Advocate Trainee

## **MICRO-ENTREPRENEURS WILL BE ABLE TO USE EXEMPTION FROM PAYING SOCIAL SECURITY CONTRIBUTIONS STILL IN 2024**



**Katarzyna Serwińska**  
Tax Advisor

Under the so-called "contribution holidays" law, which was signed by the President on 7 June 2024, entrepreneurs will be exempt from paying their social insurance contributions (pension, disability, accident and sickness insurance, as well as to the Labour Fund and Solidarity Fund) in one selected month per year.

The holidays will be available to entrepreneurs who are engaged in business activities registered in CEIDG, paying insurance contributions for themselves and no more than 9 other people, with revenues of up to EUR 2 million per year.

In order to take the contribution holidays, the entrepreneur will have to file an application with the Social Security Institution. The entrepreneur will be informed by ZUS via ZUS PUE about the successful application. If the application is not accepted (or accepted in part), ZUS will issue a decision accordingly.

For the holiday period, the insurance contributions for the entrepreneur will be paid by the state budget.

During the contribution holidays, the entrepreneur will be able to continue to operate the business, earn revenue and issue invoices - there is no need to suspend the business.

Contributions financed from the state budget will be exempt from PIT.

Health insurance contributions will not be covered by the holidays.

The act goes into effect on 1 November 2024.



## **SELF-EMPLOYMENT AND CIVIL LAW CONTRACTS WILL BE INCLUDED IN SENIORITY**

The Ministry of Labour and Social Policy has announced the assumptions for a draft amendment to the Labour Code regarding the calculation of seniority. Currently, seniority includes mainly employment based on an employment relationship. This causes, for example, unequal treatment of current employees who previously worked with a company on B2B or mandate agreement basis. They have lower severance pay, a shorter notice period or less vacation time than employees who already had an employment contract at the same time. The same may also apply to other entitlements (allowances, bonuses) granted precisely on the basis of seniority.



**Jan Rabczuk**  
**Attorney-at-Law Trainee**

This is now to change, and periods of self-employment and cooperation under civil law contracts (with the exception of work product agreements), among others, will also be counted as part of the period of employment. The new regulations are to apply "retroactively," so to speak - and thus take into account the employee's entire career to date. Confirmation of the aforementioned periods is to be provided by a certificate issued by the Social Security Institution (ZUS). Seniority will also include certain periods when the employee is not subject to social security stipulated by special regulations, such as service agreements entered into by secondary school students or students up to the age of 26.

HR/People & Culture departments should prepare for the planned changes. If we know that there are employees who previously worked with us on the basis of civil-law contracts, it is worth calculating in advance how the cost of employing them (seniority allowances) will increase, and prepare for this from the organizational side. It will be good practice when the new regulations come into effect to inform employees that their seniority has automatically increased and what the practical implications of this are (vacation/termination notice period, etc.).

The changes will also increase the pool of available candidates for senior positions in the public sector. This is because a certain length of service is often the statutory requirement for employment.

The bill is expected to be approved in Q3 2024.

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