



Ius Laboris Poland Global HR Lawyers

Rackowski

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# PRO HR

## TOPICS

6 steps of an employer in case an employee is infected with COVID-19

Employers have a duty of protecting their employees' mental health

Digitalization of the Employee Capital Scheme (PPK) documentation

Brexit – two months until the zero hour

Insights / Webinars

TOPIC 1

## **6 steps of an employer in case an employee is infected with COVID-19**



Katarzyna Wilczyk  
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If an employee's infection is confirmed, his or her employer is obligated to take a number of actions. The most important ones are as follows:

### **#1**

Instruct the infected employee (if he or she is at work) to vacate the work establishment immediately and go home (or to hospital).

### **#2**

Obligate the infected employee to draw up a list of the persons with whom he or she has had direct contact and the rooms in which he or she has been present during the 48 hours prior to obtaining the test result.

### **#3**

Advise employees of the fact that an infection in one of the other employees has been confirmed – without stating that person's data.

### **#4**

Refer the employees who have had direct contact with the infected person to work remotely if that is plausible. The foregoing action should also be taken even if Sanepid does not place those persons in quarantine.

If it is not possible to work during quarantine, then consideration should be given to releasing those persons from the duty of working while upholding their right to pay and taking into account the intensity of contacts between these persons and the infected person and the level of the risk of infection.

## **6 steps of an employer in case an employee is infected with COVID-19**

### **ATTENTION!**

An employee may do work during quarantine (unless he or she does not have the conditions needed to work or if that is not possible on account of the type of work done). However, an employee who is in isolation, i.e. who has a confirmed sickness cannot do any work.

### **#5**

Order the disinfection of all the rooms in which the infected employee has been present during the last 48 hours prior to receiving the test results.

### **#6**

Discharge the duties Sanepid imposes on an employer (e.g. convey the list of infected persons or persons suspected of being infected, sick persons or suspected of having an infectious disease, persons who have had contact with an infected person, order the disinfection of rooms, ban against entering rooms and in extreme instances close the work establishment).

### **ATTENTION!**

People who have been instructed to quarantine themselves or who are subject to isolation at home and who apply for the payment of sick pay (allowance) do not have to deliver Sanepid's decision to the ZUS Social Insurance Institution or their employer. ZUS will obtain that data automatically.

ZUS will make this information available to the employer free of charge on the contribution payer's information profile. If ZUS does not convey this information to the employer within 3 days of the end of the period of quarantine and isolation, then the person subject to the same will be obligated to submit a declaration to his or her employer to confirm adherence to the period of quarantine / isolation.

## TOPIC 2

# Employers have a duty of protecting their employees' mental health

The Labour Code does not contain any regulations directly referring to the protection of mental health in the workplace. This does not mean, however, that employers do not have any duties in this area.

There are many mental and social threats to health in the workplace such as shift work, night work and long or atypical working hours or bad relations with supervisors and stress.

A poor state of mental health can diminish work quality and productivity. In turn, depression and burnout may even be the cause of an inability to work or an accident.

How should an employer support employees' mental health?

The following may be included among an employer's most important duties in this field:

- Preventing burdensome work,
- Preventing discrimination and mobbing,
- Showing concern for creating a good atmosphere at work.



Edyta Jagiello  
Attorney-at-law



TOPIC 3

## **Digitalization of the Employee Capital Scheme (PPK) documentation**



Łukasz Kuczkowski  
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The epidemic has undoubtedly accelerated the process of employers digitalizing their HR processes. This may also pertain to the documentation created within the framework of employee capital schemes whose implementation is now at the final stages in companies belonging to groups II and III.

The digitalization of Employee Capital Scheme documents is particularly justified considering the number of various types of declarations and information submitted under the Employee Capital Scheme. There are approximately 20 documents, which when multiplied by the number of employees and the recurrence of some of these documents signifies a major challenge involving the management of the hardcopy versions of these documents.

There are no legal or technological obstacles impeding the submission of most, if not all of these documents in softcopy or electronic versions. It is true that the regulations require written form when it comes to declarations on not saving, objections to transfer payments and applications to enrol in the Employee Capital Scheme, but this form has not been stipulated under pain of being null and void. Therefore, these documents may also be submitted and accepted in softcopy or electronic (documentary) form. These declarations will still be valid.

When creating electronic versions of documents, it is worth remembering that their method of submission must make it possible to identify the person submitting them. This may be done by using an official e-mail address, personal login data in the employer's Intranet or by using a smartphone app. It is worthwhile to regulate these issues in the internal procedures defining the rules for conducting an Employee Capital Scheme in an organization.

## TOPIC 4

# Brexit – two months until the zero hour

In connection with the end of the transition period, or at the end of 2020, EU citizens who would like to work in the United Kingdom will not be able to take advantage of current EU freedoms.

Their status will be equivalent to the status of third country nationals. However, to simplify the employment of foreigners the authorities of the United Kingdom are modifying the regulations governing this issue.

The changes to the employment of foreigners have been laid out in the document entitled “Statement of changes to the Immigration Rules” dated 22 October 2020 in which the obligation of conducting a labour market test to hire a foreigner and apply visa issuance limits for highly qualified employees has been abandoned and the minimum wage has been reduced to 25,600 pounds per annum (with some exceptions).

The bulk of the new regulations will be applicable to visa applications submitted after 9:00 a.m. on 1 December 2020.

### **The terms and conditions for employing workers posted to the United Kingdom**

An additional outcome of Brexit will be that the United Kingdom will not apply Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (Official Journal of the EU, 1997, no. 18, p. 1 as amended).

The situation of a posted worker will not, however, change in respect of the terms and conditions of employment. For the obligation of applying local law to a posted worker ensues from the United Kingdom’s internal regulations. The law gives consideration to the terms and conditions of employment that are guaranteed to workers posted under the EU directive.

### **EU citizens’ retention of the right to stay and work**

EU citizens who resided in the territory of the United Kingdom prior to 1 January 2020 shall retain their right to stay and work according to hitherto conditions provided that they apply for settled status (applicable to people who have been in the country for at least 5 years) or pre-settled status (if their stay is shorter than 5 years). Applications to confer this status will be accepted until 30 June 2021.



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Marta Dudczak  
Immigration  
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# INSIGHTS

## WEBINARS / ONLINE MEETINGS

### „Paperless tools. Case study – Autenti”

17.11.2020 / 10-11 am

We invite you to the next meeting of the Paperless in HR programme. There are many technological solutions for the electronic document circulation. At the next webinar we will present one of them: the Autenti platform.

The event will be held Polish language.

Details and registration: [LINK](#)

### Personal data protection in employment

11.12.2020 / 9 am - 3 pm

Dominika Dörre-Kolasa, PhD, attorney-at-law, partner will present the topic "Disclosing personal data to trade unions" on 11 December 2020.

The event, organized by Centrum Promocji Informatyki, deals with the issue of personal data protection in employment which applies to every employer, regardless of the number of employees or activity.

Details and registration: [LINK](#)

### Bartłomiej Raczkowski new member of the American Employment Law Council – the America’s leading labour and employment law organization

AELC is dedicated to the development and commitment to highest standards and responsibility in the legal practice, to the principle of equality in the workplace and to the competitive success of employers served by its members in the American and international markets.

Read more: [LINK](#)

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