

СОЦІАЛЬНА РОБОТА ТА СОЦІАЛЬНА ПОЛІТИКА

POLISH ANTI-CRISIS SHIELD FOR THE TIME OF THE COVID-19 THREAT
FROM THE POINT OF VIEW OF EMPLOYEES.

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During the current pandemic, the Polish government has prepared a package to protect the Polish state and citizens from the coronavirus crisis. It is based on five pillars such as protection of workplaces and safety of employees, financing of entrepreneurs, healthcare, strengthening the financial system and public investments [4]. The author of this text will present a selection of the most important changes, which were introduced by the Act of 31 March 2020 amending the Act on special solutions related to the prevention, counteraction and combating of COVID-19, other infectious diseases and crisis situations caused by them and certain other acts [3], from the point of view of employees.

The most important issue is to expand the circle of eligible persons to receive an additional carer's allowance to which the entitled persons are empowered for a period not longer than 14 days. This benefit is eligible:

1) in the case of closure of nursery, children's club, kindergarten, school or other institution attended by the child or inability to take care by a nanny or day carer due to COVID-19, an insured person dismissed from work because of the need to take care of a child in person up to the age of 8, or a child with a severe or moderate degree of disability up to the age of 18 or a child with a certificate of disability a disability or a certificate of need for special education.

2) in case of closure of a school, remedial centre, support centre, occupational therapy workshop or other day-care centre of similar nature due to COVID-19 attended by an adult disabled person, an insured person dismissed from work due to the necessity to take care of the disabled adult in person. It should be noted that prior to the situation, the Act on Combating COVID-19 provided for the granting of an additional care allowance only in the case of the need to take care of a child aged up to 8 years in person [1.p.12].

Another very important step is the suspension of the obligation for employees to perform certain examinations and the possibility for a doctor, other than the authorised one, to perform preliminary and follow-up examinations in connection with the declaration of an emergency or epidemic condition. From the date of announcement of any of the above mentioned states, the obligation to perform periodical medical examinations of employees, medical examinations and psychological drivers performing road transport and periodic medical and psychological examinations of the drivers. The suspension of duties is temporary in nature, as employees will be obliged to take up the suspended duties immediately and perform them within a period not longer than 60 days from the date of cancellation of a given state [1. p.3].

In addition, Article 12a(3) states that in case of lack of access to the doctor authorised to carry out the initial or follow-up examination, the examination may be

carried out and the relevant medical certificate issued by another doctor. A medical certificate issued by another doctor shall expire after 30 days from the date of cancellation of an emergency or epidemic.

Thereafter, extending the validity of preliminary, periodic medical check-ups, which expired after 7 March 2020, up to 60 days from the date of cancellation of an emergency or epidemic. Principle this shall also apply to medical certificates required under other legislation and psychological certificates. In addition, the principle has been introduced that a medical or psychological certificate required by law in order to perform certain activities or the acquisition of certain professional qualifications should be issued without delay, not later than on the 60th day after the date of cancellation of an epidemic emergency or state of epidemics.

The act also regulates issues related to employees under quarantine, namely submitting to quarantine resulting from the provisions on the prevention and control of human infectious diseases and infections have been considered equal to incapacity for work due to illness. It should be remembered that this regulation applies to people who are only under quarantine obligation after 14 March 2020. In this case, the employee and other insured persons entitled to sickness benefit are entitled to sick pay and sickness benefit. This amendment, in accordance with the explanatory memorandum to the bill, is intended to ensure that inability to work due to mandatory quarantine, without a decision of the health inspection authority, is treated on an equal footing with inability to work due to illness [2.p.5].

The Act also addresses issues related to the exemption from the obligation to perform work of a juvenile employee undergoing vocational training, namely the employer exempts a juvenile employee undergoing vocational training from the obligation to perform work during the period of temporary restriction or suspension of the functioning of the educational system units [2.p.5].

In addition, protection has been introduced concerning the remuneration of the employee, i.e. under article 15g(1), (8) and (9) of the Act, an entrepreneur who has suffered a drop in economic turnover as a result of COVID-19 may reduce the working hours of his subordinate employees. The reduction of the employees' working time may not be lower than ½ job position. On the other hand, employees remuneration, even as a result of changes caused by the coronavirus, may under no circumstances be lower than the minimum wage for work. Importantly, the employer does not conclude an annex to the employee's contract of employment or otherwise change individual contracts. The employer together with the representatives of the employees, elected in accordance with the employer's procedure or custom, conclude an agreement specifying the occupational groups of employees covered by the reduction in remuneration or working hours.

These activities are intended to support both employees and employers to enable them to function with dignity today. It should also be borne in mind that in the event of a deepening crisis, these provisions should be amended in the light of the developing situation and the restrictions applied to prevent normal activities.

REFERENCES

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2. Meissner & Partnerzy radcowie prawni, Tarcza antykryzysowa pakiet rozwiązań dla biznesu, Copyright by Meissner i partnerzy radcowie prawni sp.p., Opole 2020 r.
3. Ustawa z dnia 31 marca 2020 r. o zmianie ustawy o szczególnych rozwiązaniach związanych z zapobieganiem, przeciwdziałaniem i zwalczaniem COVID-19, innych chorób zakaźnych oraz wywołanych nimi sytuacji kryzysowych oraz niektórych innych ustaw. (Dz.U. 2020 poz. 568)
4. <https://www.gov.pl/web/tarczaantykryzysowa>