



## Legal Alert

New start for employers  
and employees.  
Economy release in progress.

18 May 2020

**The following amendments allow an ever-wider group of employers to resume their businesses. Returns to workplaces mean significant changes in the organization of work. Process of work performance should be in line with instructions provided by the sanitary authorities and the National Labour Authority. Employers are obliged to take applicable measures as to minimize the epidemic risk.**

### New sanitary performance measures

The regulation<sup>1</sup> issued to address the restrictions related to COVID-19 provides a basis for certain category employers to restart their activities. Work conditions will change significantly, especially in scope of OHS standards. Anti-crisis law provisions<sup>2</sup> authorize the sanitary authorities to issue decisions, orders and guidelines. These last are developed on an ongoing basis and indicate to employers what measures are appropriate as to minimize exposure to SARS-CoV-2 in the workplace. The employer should, in particular:

- provide disposable gloves, hand disinfectants and in some cases other personal protective equipment
- guarantee the distance between workstations
- establish communication rules as to increase the distance between employees
- modify the schedule in order to reduce the number of people in a given place at the same time (e.g. by arranging meal breaks and start time)
- ensure disinfection of premises between work shifts and supervise compliance with workplace and personal hygiene rules
- carry out training and educational activities and strengthen good sanitary habits.

Along with their return employees should be thoroughly instructed in the advised practices, as well as in any risks that may arise in the workplace before starting work.

The employer's responsibility covers more implementing strict sanitary rules and the changes in organization. The employer should regularly review the degree of compliance and enforce appropriate conduct in the workplace. Equally, it is important to monitor whether preventive procedures and the handling of suspected infections are followed. In any case, the employee

### We can help

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### Supporting in a time of crisis

If you need legal advice on the impact of the coronavirus threat on your business, our multidisciplinary team is ready to work with you. Contact us at:  
**coronavirus@eversheds-sutherland.pl**

### Our articles on legal issues related to the pandemic >

<sup>1</sup> The Regulation of the Council of Ministers of 16 May 2020 on establishing certain restrictions, orders and prohibitions in connection with the occurrence of a state of epidemic (Journal of Laws 2020, item 878).

<sup>2</sup> Act of 2 March 2020 on Special Solutions for Preventing, Counteracting and Combating COVID-19, Other Infectious Diseases and Crisis Situations Caused by Them, and Other Acts (Journal of Laws 2020, item 374 as amended).

should be aware of the steps to be taken as to minimize the spread of the virus.

During an epidemic it is particularly important to ensure as best as possible communication with employees. The employee should report any disturbing symptoms of the disease to the doctor and, based on his indications, stay on quarantine.

Working conditions in the new sanitary regime should be in line with the recommendations of sanitary authorities. It is also important that the new rules are understandable do not introduce too far-reaching measures other than necessary and justified by an epidemic.

Please find a [resume of guidelines and recommendations envisioned for specific areas of activity](#) and the recently announced opening dates for stage III of economy release.

- [hairdressing salons](#) (from 18 May)
- [beauty salons](#) (from 18 May)
- [gastronomy](#) (from 18 May)
- [shopping malls](#)
- [camp sites](#)
- [hotels and other accommodations facilities](#)
- [libraries](#)
- [physiotherapists' practices](#)
- [furniture and construction stores](#)
- [markets](#)
- [employing of foreigners as seasonal workers](#)
- [logistics and transport](#)
- general recommendations for [workplaces](#)

Further restore of respective sectors depends on the epidemic situation. In case of an increase in the number of infections, a return to restrictions is expected.

### **Labour Inspection Authority recommendation**

[Instructions](#) of 6 May 2020 pointed out the employers should particularly focus on occupational health and safety area. Applicable rules should be rigorously exercised. Its proper implementation will prevent sick absences, as well as speed up restoring production and operational capacity of the company.

It is recommended to elaborate suited action plan that will be adjusted to work specific in a given organization. It should indicate safety and control measures which will enable employees to perform their duties efficiently and at the same time prevent the spread of the virus. During an epidemic, cooperation with employee representation in discussing safety rules is particularly important, especially in scope of risk assessment.

Returns to work should take place in phases. A properly developed strategy, including hazard identification and risk assessment, will be essential for safe return.

## **How can we assist?**

- We can explain the new rules and official guidelines.
- We will help to prepare return to work strategies and prevention measures.
- We will prepare educational materials and organize trainings for employees.
- We will advise on the changes should be implemented to work organization as to guarantee health and safety work conditions.
- We can participate in negotiations with trade unions and employee representatives.
- We can help in implementing new solutions and preparing documents after the crisis.