1) In the face of the expected economic slowdown, the government began work on the so-called “anti-crisis shield”. It will be composed of a series of solutions aimed at ensuring financial liquidity of enterprises and minimum level of income for employees.

2) Before presenting the first proposals, consultations in the form of video conferences were held with the participation of representative organizations of social partners.

3) After the first phase of consultations, the government presented the assumptions of the “shield”. Key solutions include:

- Possibility of granting a lump sum loan of 5,000 PLN to cover the costs of running a micro-enterprise for a period not longer than 12 months with a six-month grace period, with the possibility of redemption in the event of not reducing employment.

- A 90% rent reduction for the period when the lessee of the premises did not conduct business in a commercial facility with a sales area over 2000 m² during an emergency or epidemic, unless the lease contract provides for a more favorable solution.

- Changes in the Public Procurement Law covering the obligation to inform about the impact of the circumstances related to the occurrence of COVID-19 on the proper performance of the contract, the possibility of amending the contract, non-pursuance of dues, including contractual penalties, and exemption from fines imposed on the basis of the Act on Violation of public finance discipline, waiver of recovery.

- Extension of the deadline for submission of applications for residence permits, extension of visa and extension of stay as part of non-visa traffic, if they were to fall during the state of epidemic emergency or state of epidemic, extension by virtue of law of validity periods of temporary residence permits and national visas (up to 30 days from the date of cancellation of this state).

- Extension of the validity period of judgments concerning:

  a. partial inability to work, total inability to work, total inability to work and inability to live independently, inability to live independently, the circumstances justifying the determination of entitlement to a rehabilitation benefit, issued by certifying doctors and medical committees of the Social Insurance Institution for a definite period constituting the basis for granting the benefit,

  b. disability or disability level certificates, parking cards,

  c. medical certificates on the absence of health contraindications, including for the service of officers of particular services and organs, up to 60 days from the date of cancellation of the state of epidemic emergency or state of epidemic.

- For employers introducing demurrage or reducing working time in the event of a decrease in economic turnover following COVID-19, subsidies of up to 50% of the minimum wage for a full-time employment contract (in cases when working time is
reduced but no more than by 20% and to no less than 0.5 full-time employment, subsidies will amount to half of the minimum wage, but not more than 40% of the average salary)

- Co-financing of a part of the employee remuneration costs and social security contributions due in the event of a decline in economic turnover following the occurrence of COVID-19 during any of 2 consecutive months after January 1, 2020:

- Demurrage benefit, with no tax and social contributions deducted from it:
  
  a. for contractors (on civil law contracts) and self-employed people – in the amount of 80% of the minimum wage if the income has fallen by at least 15% compared to the previous month, provided that the income in the previous month was lower than 300% of the average remuneration,

  b. for persons with simplified tax settlement (tax card or registered income lump sum tax) exempted from VAT payments, in the amount of 50% of the minimum wage.

- Expanding the number of people entitled to additional care allowance with:
  
  a. the insured exempted from work due to the necessity to personally take care of a person holding a severe disability certificate up to the age of 18 or a disability certificate of any level in the event of the institution closing,

  b. persons caring for a sick, adult, disabled family member in the event of suspension of day care facilities.

- Increasing the base amount of monthly co-financing of the remuneration for disabled employees (from 1,800 to 1,950 PLN in the case of a severely disabled person, from 1,125 to 1,200 PLN for moderate levels of disability, addition to the base amount: from 600 to 1,200, and 900 PLN respectively).

- Allowing employers to use more flexible rules for determining employees’ working time and modifying employment conditions in order to preserve jobs (limiting uninterrupted daily and weekly rest, introducing an equivalent working time system without having to meet the requirements from the Labor Code).

- Extending the duration of lease agreements under current conditions (for residential premises as well as premises let for other purposes) until 30 June 2020 on the basis of the tenant’s declaration of intent.

In addition, the National Bank of Poland launched monetary policy instruments to improve financial sector’s liquidity. The banks offered the possibility to defer payment of credit installments.

4) After presenting the assumptions of the “shield”, the government prepared a draft, which was forwarded to social partner organizations for urgent consultation. Today, NSZZ “Solidarność” presented its opinion on the project. Key remarks concern:
1. Increase in the unemployment benefit, in particular for those who have lost their jobs as a result of the impact of COVID-19 and have paid social security contributions, because the demurrage benefit for self-employed persons and persons on civil law contracts will be higher than the unemployment benefit for persons on regular employment contracts.

2. The project lacks proposals on how to facilitate the use of sickness benefit during the period of epidemic emergency and epidemic state, e.g. in connection with quarantine.

3. Childcare allowance should be extended and granted to parents with children under the age of 15.

4. Support for domestic workers should also be provided for.

5. The amount of subsidies during the period of economic downtime and the amount for co-financing remuneration during the period of reduced working time for a period of 3 months will cover a maximum total of approximately 141,400 workers. The amount allocated seems inadequate, number of employees covered by these solutions is too low.

6. The adoption in the Act of a two-day period for the conclusion of an arrangement or agreement and the decisive position of the employer in the event of failure to conclude the relevant agreements within that period leads to the conclusion of only virtual role of trade unions in shaping the conditions and mode of work performance during periods of economic downtime or reduced working time. The proposed two-day period is outrageously short, not adequate to the weight of the provisions to be regulated. The optimal solution would be to introduce a seven-day deadline.

7. We would like to stress our explicitly negative opinion on the proposal to reduce the daily rest from 11 to 8 hours and weekly rest from 35 to 32 hours as well as the way this change is being introduced. Referring to the method of introducing the reduction of daily uninterrupted rest, our strong opposition results from the fact of total freedom of employers to introduce the proposed solution. Referring to the possibility of concluding an agreement on the use of less favorable employment conditions for employees than resulting from employment contracts concluded with these employees, it should be indicated that the provision does not specify the maximum period for which such agreements may be concluded.

8. As for the demurrage benefit for persons conducting non-agricultural business activity and persons on civil law contracts, we have doubts concerning the use of the condition of not being subject to social insurance for other reasons. It seems that the right to a demurrage benefit should be associated with the premise of the absence of other sources of income for the self-employed or the contractor at a level not exceeding a certain threshold.

9. In the 60-day period proposed by the legislator, and in other situations 3 months after the cancellation of the state of epidemic, judicial teams may fail to carry out all proceedings because of a significant increase in the number of concerned persons due to limited activity of judicial teams.
10. Co-financing of remunerations should be extended also to large enterprises. The decrease in the production level will also affect these companies, so it is difficult to justify their omission in the program.

11. There are no solutions in the program regarding exemption from income tax of the aid received by workers from trade union or company social benefits funds or increases in tax-free amounts in this respect.

The next stage of the preparation of the “shield” will be the work in the Parliament, which is to start in the coming days.