

EMPLOYEE SOBRIETY TESTING

NEW LEGISLATION FROM 21 FEBRUARY 2023

On 6 February 2023, new provisions were officially published and added to the Labour Code. They apply to testing employees' sobriety.

These new regulations will enter into force on 21 February 2023.

The purpose of the new regulations is to allow employers to test employees for alcohol or intoxicants, including preventive testing.



When will testing be legal?

The new legislation enables employers to carry out sobriety checks on employees where this is necessary to ensure the protection of life and health of employees or other persons or the protection of property.

The test can be carried out by the employer, without needing to involve the police. However, the police may be involved at the request of the employer or the inspected employee.

Who can be inspected?

Employers can carry out sobriety checks not only on employees, but also on other persons who perform work on their premises, including contractors and self-employed persons.

How should you implement sobriety controls?

Introducing sobriety controls within a company requires detailed rules to be adopted in a collective bargaining agreement, work regulations or an employer's notice.

Such detailed rules must contain the group of employees to be monitored, the methods of control, the type of equipment to be used during testing, and the time and frequency of testing.

Additionally, employers must inform employees about the introduction of sobriety checks at least two weeks before testing commences.

What about personal data obtained during tests?

The new legislation provides a legal basis for employers to process an employee's personal data. It also stipulates a retention period for data collected during such tests.

When does the legislation enter into force?

The new rules enter into force on 21 February 2023.



How can we help?

- We will prepare the necessary documentation: provisions of a collective bargaining agreement, regulations or notices implementing sobriety controls at work, inspection protocols, etc.
- We will prepare or update the necessary documentation on personal data protection, including a personal data retention policy, a personal data processing notice and a personal data processing register.
- We will train the persons who carry out the testing on the principles and procedures for properly conducting employee sobriety tests.

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