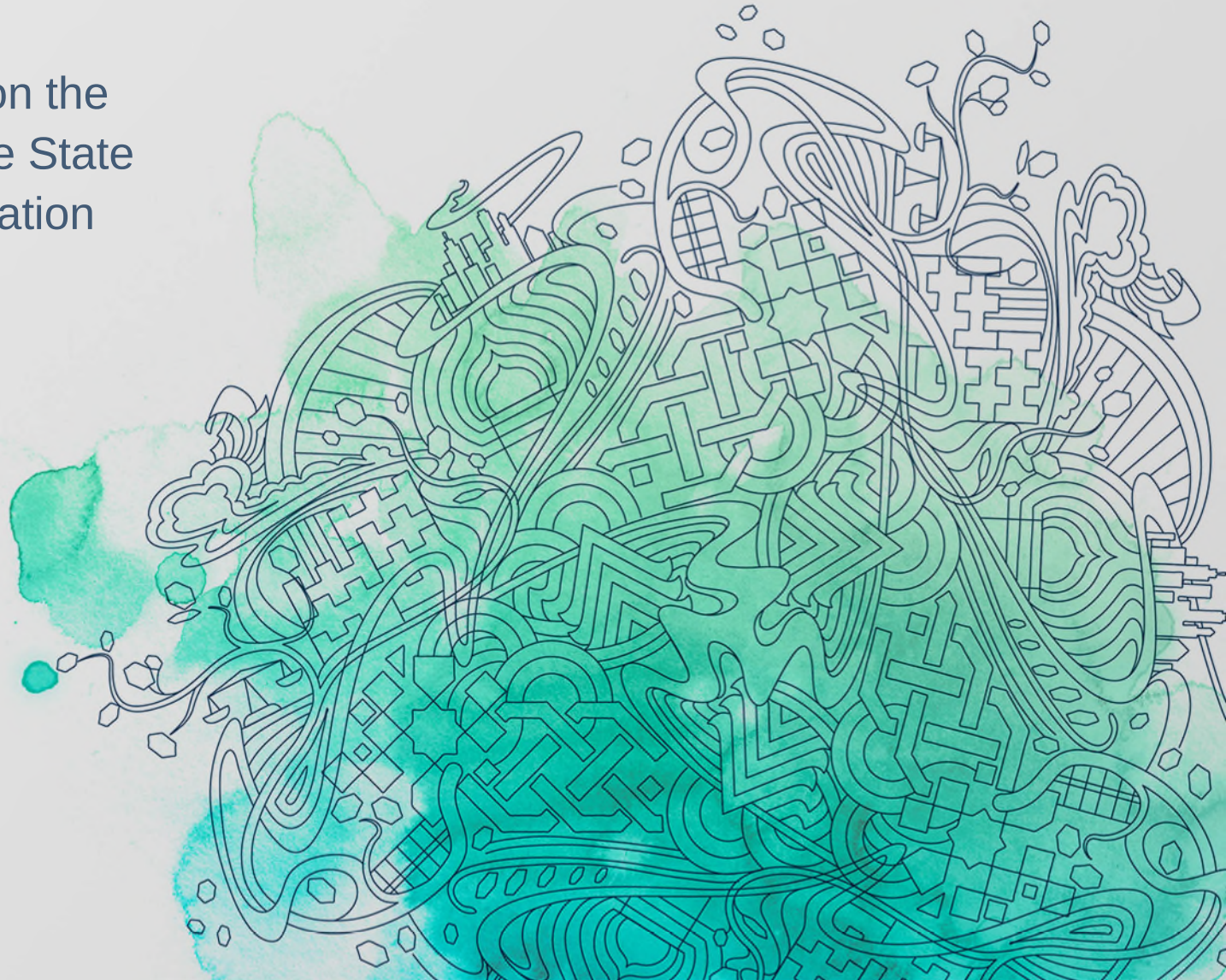


HR IN THE KNOW 7/2025

New version of the draft law on the extension of the powers of the State Labour Inspection: reclassification of civil law contracts

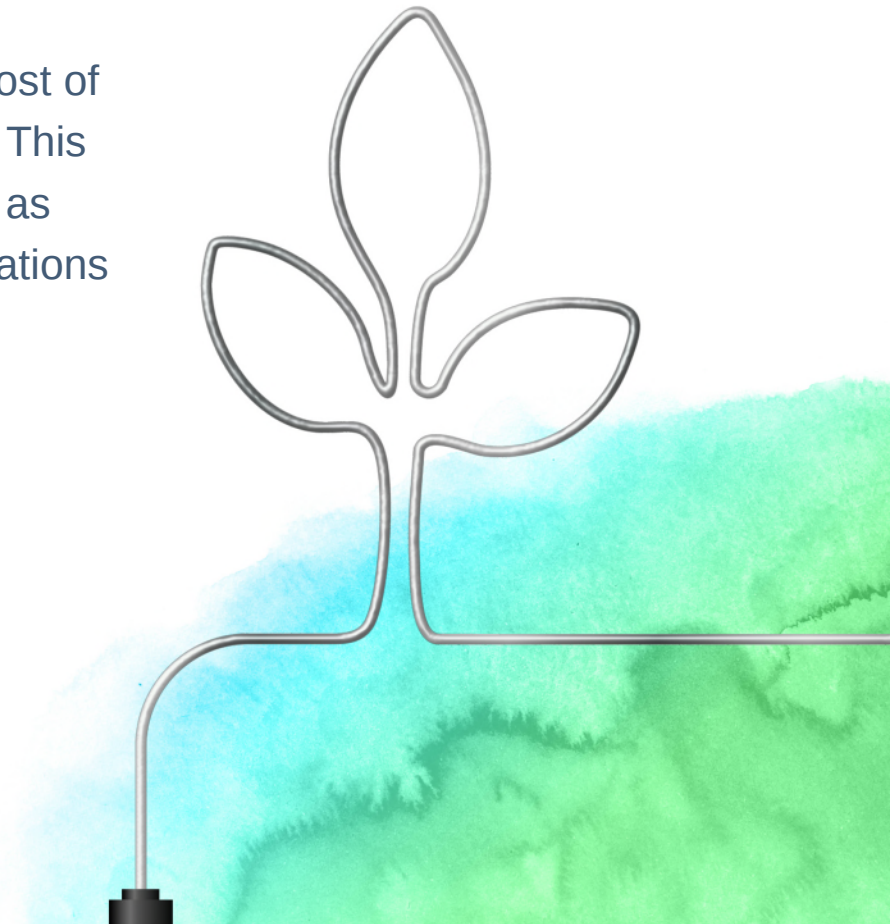
NOVEMBER 2025



WHAT IS NEW?

On 4 November 2025, the Ministry of Family, Labour and Social Policy published a new, third version of the controversial bill amending the Act on the State Labour Inspection and certain other acts, which provides, *inter alia*, for the extension of the powers of the State Labour Inspection to include the possibility of issuing administrative decisions on the transformation of civil law contracts into employment contracts.

Although some changes have been made, they do not address most of the controversies arising from previous versions of the document. This confirms the government's determination to keep the Act as close as possible to the draft, thereby enabling the implementation of obligations arising from the National Recovery and Resilience Plan.

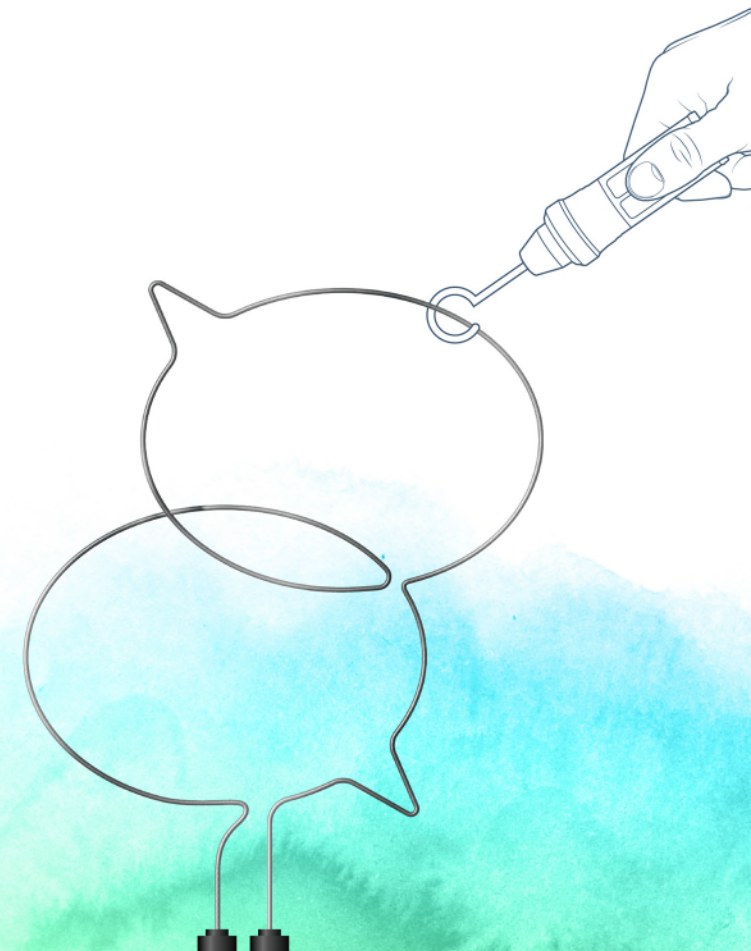


CONSULTATION

According to information published by the Ministry, the original draft was subject to public consultations and opinions between 1 September 2025 and 1 October 2025. The comments submitted were subject to thorough analysis. However, as the detailed list shows, most of the submitted postulates were not taken into account by the Ministry of Family, Labour and Social Policy.

RETROACTIVE RECLASSIFICATION LIMITED BY TIME

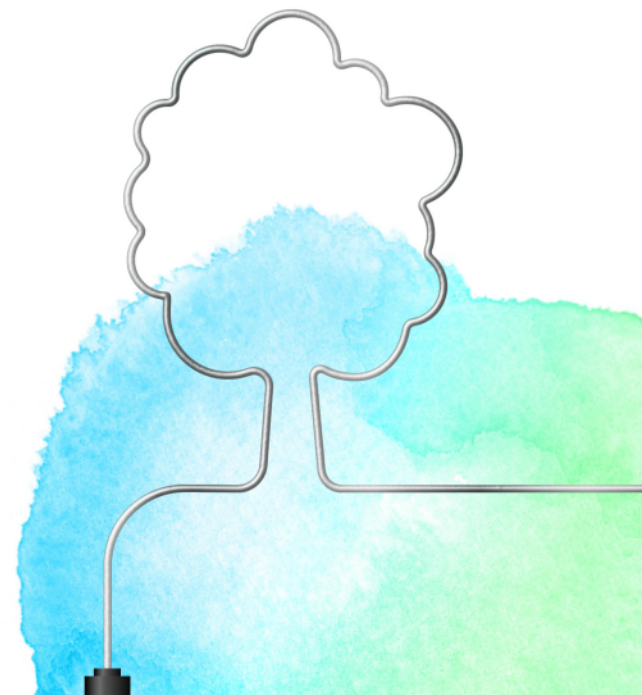
One of the most significant changes resulting from the new draft is the introduction of the principle that a district labour inspector may determine the existence of an employment relationship by way of a decision for a period not exceeding three years retroactively from the date of initiation of proceedings. This will be of significant importance for long-term civil law relationships and is consistent with the limitation period for claims arising from an employment relationship.



IMMEDIATE ENFORCEABILITY OF DECISIONS OF THE STATE LABOUR INSPECTION

The provisions on the immediate enforceability of the State Labour Inspection's decisions have been clarified, but the general principles in this regard have not materially changed. Therefore, the decision on determining the existence of an employment relationship will be immediately enforceable from the date of its delivery to the employer (previously: from the date of issuance). An exception relates to the effects for the period from the date of commencement of employment to the date of delivery of the decision to the employer, for which the decision will only take effect after the date on which it becomes final, and in the event of an appeal to the court – from the date on which the court's decision becomes final.

It has also been clarified that the issuance of the above decision may not be the basis for any unfavourable treatment of the employee, in particular, it may not constitute a reason justifying the termination of the employment relationship or its termination without notice by the employer.



SUSPENSION OF IMMEDIATE ENFORCEABILITY

A very important change is the possibility of revoking immediate enforceability by the Chief Labour Inspector (in appeal proceedings) or by a court (in court proceedings) if they conclude that its enforcement could have significant and irreversible consequences for the employer or the person whose rights and obligations are affected. In such a situation, it will be possible to specify the conditions for the temporary enforcement of the decision, in particular by securing the interests of the parties for the duration of the proceedings.

LONGER DEADLINE FOR APPEALS

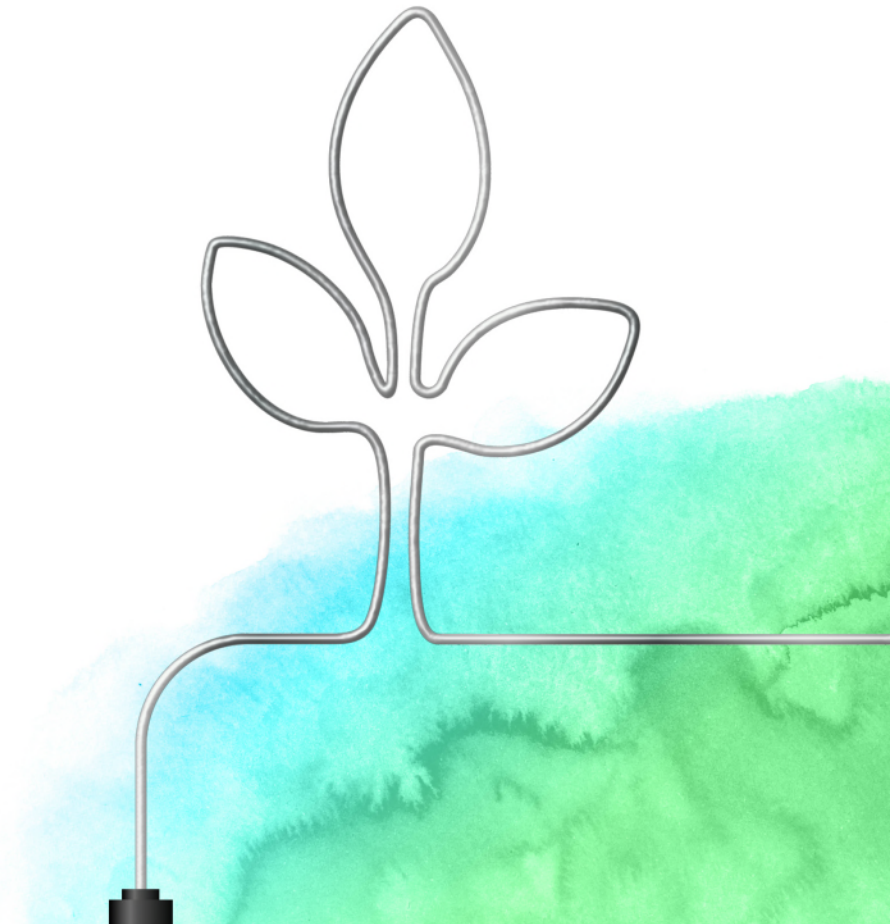
Another significant change resulting from the new draft is the extension of the deadline for filing an appeal against the decision of the district labour inspector on the transformation of a civil law contract into an employment contract. The original deadline of just 7 days was widely protested during the consultation. Therefore, the Ministry agreed with the arguments in favour of extending it to 14 days, i.e. on the general principles resulting from the Code of Administrative Procedure. This change should be assessed positively.

JURISDICTION

The jurisdiction of the court appointed to hear an appeal against the decision of the Chief Labour Inspector on the determination of the existence of an employment relationship has changed. According to the new draft, this case will belong to the court competent for the place of work determined by the State Labour Inspection's decision, instead of the court competent for the seat of the district labour inspector who issued the contested decision in the first instance.

COURT SETTLEMENT

Another change envisaged by the new draft is the admissibility of concluding a settlement in court proceedings initiated as part of an appeal against the decision of the State Labour Inspection – but only with the consent of the Chief Labour Inspector. In the previous version of the regulations, this was impossible.



CONSEQUENCES OF THE REPEAL OF THE DECISION OF THE STATE LABOUR INSPECTION

According to the new draft, in the event of a final revocation of the decision by the Chief Labour Inspector or by the court, it is considered that the employment relationship established in the decision lasted from the date of delivery of the decision of the district labour inspector until the date of its revocation by the Chief Labour Inspector or until the date of the court ruling becoming final, or until the termination of the employment relationship, if such termination occurred before the final ruling was issued. The intention behind such wording of this provision is unclear. If the court annuls the decision, it means that it considers that the legal relationship between the parties did not have the characteristics of an employment relationship and should not have such effects. Although the draft indicates that this provision does not limit claims against the State Treasury for issuing an unlawful decision, this may prove to be little consolation for parties whose civil law relationship has been wrongfully reclassified.

EFFECTIVE DATE

The planned date of entry into force of the regulations has not changed – it is still 1 January 2026. It seems that it will be difficult to maintain it, considering that there is only a month and a half left until that day. However, this shows that the government is prioritising timeliness, and most likely employers will not have much time to adapt to the new regulations.

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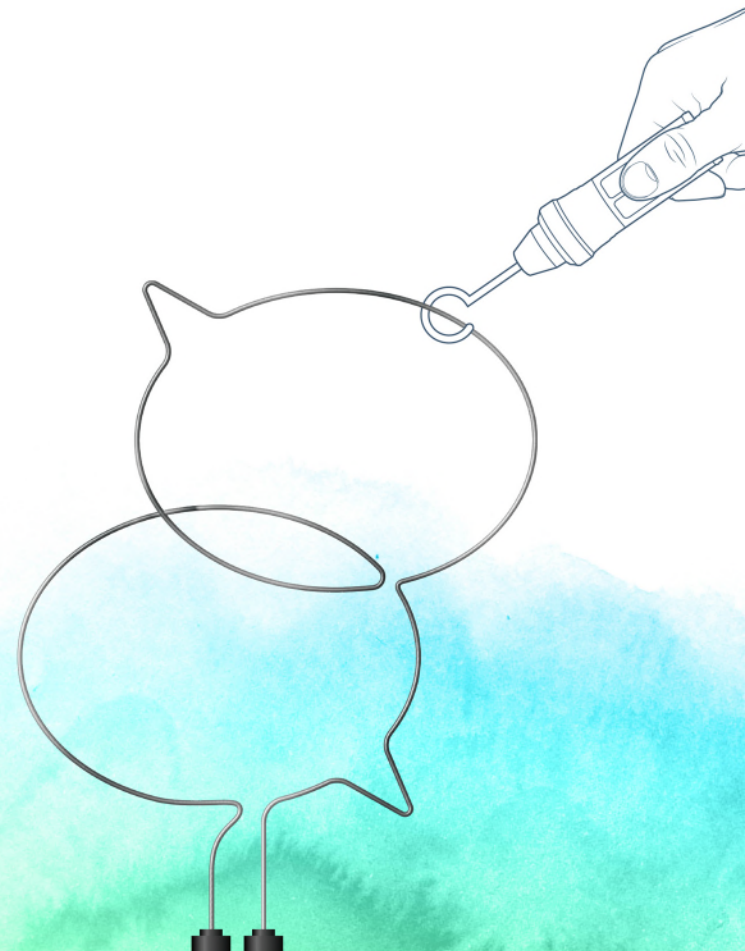
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