

HR IN THE KNOW 11/2026

Early lessons from the provisions enabling the State Labour Inspection to reclassify civil law contracts as employment contracts



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AUGUST 2026

On 8 July 2026, the controversial Act amending the Act on the State Labour Inspection and certain other acts came into force, providing, amongst other things, for the extension of the State Labour Inspection's (PIP) powers to include the authority to issue administrative decisions on the reclassification of civil law contracts into employment contracts. We have covered this in previous issues of HR in the Know: [9/2026](#), [7/2026](#), [5/2026](#), [4/2026](#).

Just over a month on, we can draw some initial conclusions from the operation of the new regulations. Since 8 July:

- there has been a significant increase in complaints and applications from contractors alleging the incorrect use of civil law contracts, covering a wide range of industries with no single sector clearly predominant;
- more than 100 inspections have been initiated to verify the proper classification of civil law contracts, resulting in 121 written orders (not an administrative decision on reclassification yet) requiring the establishment of employment under an employment contract;
- the Chief Labour Inspector (GIP) has issued 9 individual interpretations, though in only 4 cases did it conclude that a civil law contract was the correct type of contract in the given circumstances.

The above data indicate that the new regulations have resulted in increased PIP scrutiny of the correctness of civil law contracts. Entities using such contracts (e.g. B2B service agreements, contracts for specific work, etc.) should promptly review both their terms and their practical implementation to mitigate the legal risks arising under the new regime.

DETAILED STATISTICS

According to detailed statistics published by PIP on 18 August 2026:

- Between 8 July and 13 August 2026, PIP received **690** complaints and applications concerning the improper use of civil law contracts. Since 1 January this year, 1,794 such complaints have been submitted, compared with 619 in the corresponding period last year.
- The complaints concern entities across a range of sectors, including services, retail, manufacturing, healthcare and catering. Complainants also include platform workers and individuals working in the security sector.
- A significant proportion of complaints relate to civil law contracts that had already terminated before 8 July, meaning the new regulations cannot be applied to them.
- Since 8 July 2026, labour inspectors have carried out **over 100** inspections to verify compliance with the prohibition on replacing employment contracts with civil law contracts, **35** of which have already been completed. During these inspections, inspectors issued **121** written orders requiring the establishment of employment under an employment contract in cases where they questioned the use of a civil-law form of engagement. However, as at the date of PIP's publication, no circumstances had arisen in these cases that would justify initiating administrative proceedings leading to a decision on reclassification by the regional labour inspector.
- Between 8 July and 6 August, during their inspections, labour inspectors identified **201** cases where a civil-law contract had been voluntarily converted into an employment contract even before any action was taken by the inspector.



INDIVIDUAL INTERPRETATIONS

Since 8 July 2026, GIP has issued 9 individual interpretations on whether the legal relationships described in the applications should be classified as civil law relationships or employment relationships. In only 4 cases did GIP uphold the applicants' position that the factual circumstances amounted to a civil law relationship. In the remaining 5 cases, GIP concluded that the appropriate classification was an employment relationship. The interpretations issued concerned entities operating in the temporary work, consultancy, IT, passenger transport and manufacturing sectors.

An analysis of interpretations indicates that, in GIP's view, the following features are decisive in classifying the legal relationship as one of employment:

- the contractor being subject to the applicant's management - including supervision by the applicant's staff and an obligation to follow their day-to-day instructions on how the work is to be performed;
- the work process being organised by the applicant, which defines the contractor's daily tasks, leaving the contractor no real autonomy to determine their own tasks;
- the work being performed at a place and time specified by the applicant;
- the work being carried out in a repetitive and continuous manner;
- the performance of simple manual tasks, the nature of which entails strict subordination of the contractor to the applicant;
- personal performance of the work - even where a right to appoint a substitute is stipulated, but is purely nominal in practice;
- the economic risk being borne by the applicant rather than the contractor;
- the applicant providing the contractor with the fixed assets necessary to perform the work.

SELF-ASSESSMENT CHECKLIST

Furthermore, on 18 August 2026 the new GIP, Janusz Krasoń, submitted a draft self-assessment checklist to the Labour Protection Council (ROP), intended to help employers determine whether, in a given case, an employment contract or a civil-law contract should be used. The current draft contains 30 questions, and the final version of the checklist is to be agreed by the Chief Labour Inspector in consultation with the ROP.

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