

HR IN THE KNOW 5/2026

Reclassification of civil law contracts by decision of the State Labour Inspection (PIP) getting closer: bill passed

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ŁUKASZ BURAKOWSKI
Managing Associate
Employment Practice
Mob: +48 661 660 999
lukasz.burakowski@aglaw.com

On 11 March 2026, the Sejm passed an act amending the act on the National Labour Inspectorate and certain other acts, which we had already reported on at the draft stage in HR in the Know No. [4/2025](#), [7/2025](#), [1/2026](#) and [4/2026](#). Subsequently, on 12 March 2026, the act was adopted without amendments by the Senate. This is a controversial amendment, which provides, among other things, for the extension of the PIP's powers to issue administrative decisions on the conversion of civil law contracts into employment contracts.

This means that the legislative process for the new regulations is now in its final stages. All that remains for the Act to come into force is for it to be signed by the President and published in the Journal of Laws. The new regulations are to come into force three months after their announcement, most likely in June 2026 (depending on when they are signed and published).

This is, therefore, the last chance to prepare for the changes. Entities using civil law contracts (such as service contracts – B2B, contracts of mandate, etc.) should analyse the content and practical implementation of such contracts as soon as possible. This will reduce the risk of reclassification of contracts under the new regulations, although this risk also exists at present.

ENABLING THE PARTIES TO TAKE A POSITION

The adopted provisions do not differ significantly from the latest version of the draft, and most of the changes are technical or clarifying in nature. However, there are a few new features. One of them is allowing the parties to a legal relationship to take a position before the labour inspector issues an order to remedy violations concerning the functioning of a civil law contract or the failure to conclude an employment contract. However, the Act does not provide for such a position to be binding on the National Labour Inspectorate.

Furthermore, under the new provisions, reclassification will apply to situations where the legal relationship between the parties is dominated by the characteristics of an employment relationship as defined in Article 22 §1 of the Labour Code. This is an important clarification in relation to the draft, although there are still no clear guidelines on how the PIP should assess whether certain characteristics are dominant.

TAKING INTO ACCOUNT THE WILL OF THE PARTIES

Another new feature is the obligation to take into account the will of the parties in administrative proceedings concerning the issuance of a decision on the existence of an employment relationship. However, the regulations provide for two exceptions to this rule: if the will of the parties is contrary to the law or the principles of social coexistence, or if it aims to circumvent the law.



RESTRICTION ON THE APPLICATION OF IMMEDIATE ENFORCEABILITY

An important change is the provision according to which immediate enforceability may be granted to a reclassification decision only if the conditions set out in Article 108 §1 of the Code of Administrative Procedure are met, i.e. when it is necessary to protect human health or life, or to protect the national economy from serious losses, or for other social interests or exceptionally important interests of the party. Importantly, it may only be applied to persons covered by special protection of employees against dismissal or termination of employment contracts.

This is a significant change from earlier versions of the draft, according to which the rigour of immediate enforceability was automatically granted to every decision of the district labour inspector regarding the determination of the existence or content of an employment relationship.

SECURITY

In a case concerning the determination of the existence or content of an employment relationship or an appeal against a decision of the district labour inspector, the court will be able to refuse to grant security only if, in the light of the circumstances of the case, the content of the claim or decision does not make it probable that the contract to which the appeal relates is an employment contract. An application for security shall be examined without delay, no later than within 3 days of its receipt by the court.

EXEMPTION FROM LIABILITY

Similar to the latest version of the draft, the bill provides for exemption from liability for violations of employee rights if the entity voluntarily brings itself into compliance with the law by concluding an employment contract. However, the period during which this option can be exercised has been extended from 6 to 12 months from the date of the bill's entry into force.

CONTACT



MONIKA KRZYŻKOWSKA-DĄBROWSKA
Partner
Head of Employment Practice
Mob: +48 605 125 344
monika.krzyzkowska-dabrowska@aglaw.com



ŁUKASZ BURAKOWSKI
Managing Associate
Employment Practice
Mob: +48 661 660 999
lukasz.burakowski@aglaw.com



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