

NEWSLETTER

ADDLESHAW GODDARD

EMPLOYMENT LAW PRACTICE: A NEW BEGINNING

EMPLOYMENT LAW:
TOP 10 KEY TOPICS

10 JUNE 2025



EMPLOYMENT LAW: TOP 10 KEY TOPICS

Dear Sir/Madam,

As of 1 May 2025, we began operating under the brand of the international law firm Addleshaw Goddard (AG). AG is dedicated to delivering consistently high-quality outcomes globally, and to bringing award-winning innovation and impact to clients. It is this new energy and creativity that will enable us to continue providing effective employment law advice at the highest level, supporting you in resolving current HR issues and delivering essential insights both from the perspective of Polish law and a broader international outlook, as part of AG's Global Employment Practice. Information about our team is included in the attached brochure. We are happy to answer any questions, introduce ourselves, and present our new offering at your request.

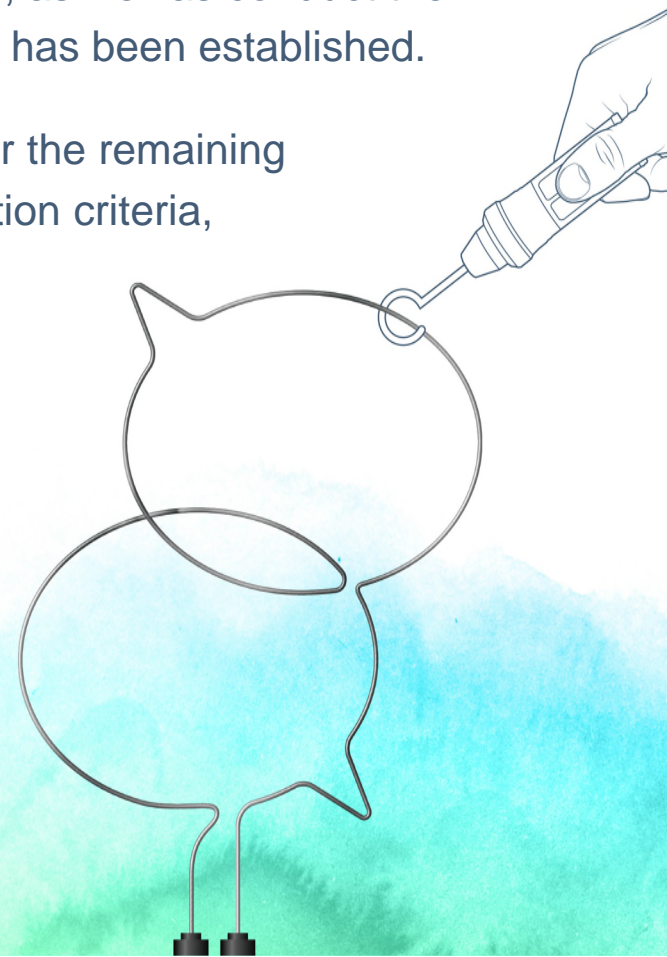
Before the holiday season, we have prepared a summary of key topics that merit attention and review to prepare your organisation effectively and structure the necessary actions in a timely manner.



1. THE EU PAY TRANSPARENCY DIRECTIVE

The Ministry of Family, Labour, and Social Policy continues to hold meetings of the team responsible for implementing the Directive, focusing on drafting the necessary regulations. Meanwhile, a "small" implementation has already been adopted under the Act of 9 May 2025 amending the Labour Code. This imposes obligations on employers, including the requirement to disclose the remuneration or remuneration range they intend to offer to candidates applying for a given position, under specifically defined rules. Employers must also ensure gender neutrality in job advertisements and titles, as well as conduct the recruitment process in a non-discriminatory manner. A six-month vacatio legis has been established.

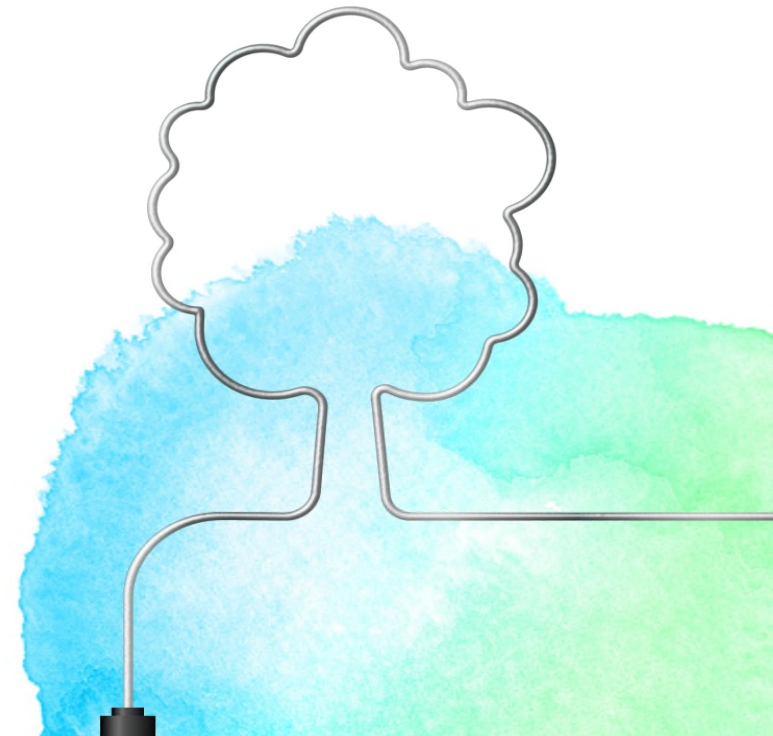
Recommendation: It is important to note that little time remains to prepare for the remaining requirements of the Directive, particularly regarding pay structures, remuneration criteria, promotion rules, pay transparency, and reporting on the gender pay gap. Large organisations will be required to report the pay gap for the period starting from 1 January 2026. This is the final opportunity to establish an action plan and address compliance both for large and smaller employers. When preparing to implement the Directive, employers should conduct an analysis of their remuneration system, develop a timeline for necessary changes, review processes, implement a new recruitment policy, audit salaries (including all components) and the rules for awarding them, and conduct job evaluations.



2. REMOTE WORK: AUDIT AND ADJUSTMENT OF EXISTING POLICIES

It is time to review and update company policies governing remote work. Regulations introduced at the onset of remote work may now be outdated and misaligned with current practices and business needs. Common risks we observe include: employees abusing the flexibility of remote work, non-compliance with procedures outlined in policies and their misalignment with practice, challenges in managing work performance, allegations of bullying or discrimination, various practical issues faced by managers in day-to-day management and administration of remote work, as well as inadequate documentation and oversight of remote work by supervisors and HR departments.

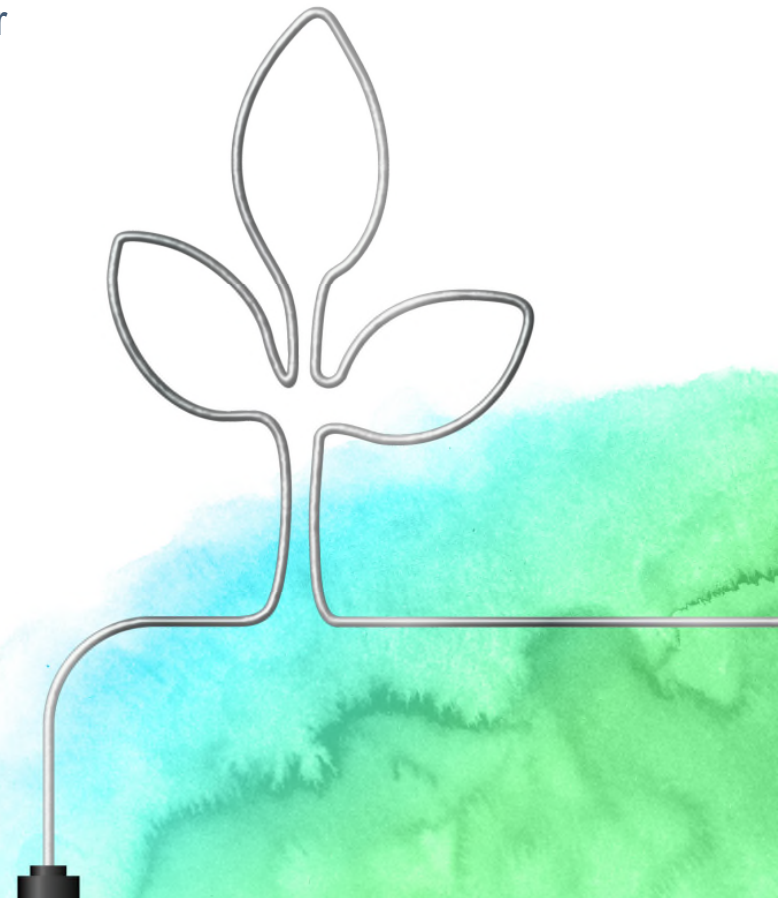
Recommendation: Conduct an audit of remote work documentation, policies, and their practical application, implement necessary changes, and develop rules for control, communication, and managerial oversight.



3. EMPLOYMENT OF FOREIGN NATIONALS

At the end of May, parliamentary work was completed on a package of laws addressing issues related to the residence of foreign nationals in Poland. The aim of these measures is, among other things, to limit the potential for abuse and unrestricted migration to the country. The new laws significantly impact existing procedures and requirements for employing foreign nationals. As of 1 June 2025, a range of new rules and obligations for employers has come into effect.

Recommendation: Verify whether foreign employees hold the appropriate and up-to-date documents ensuring legal residence in Poland, check for any new obligations that must be fulfilled, and assess whether the introduced changes will affect their situation, as well as the company's human resources and operations.



4. BULLYING AND DISCRIMINATION: NEW DEFINITION

At the end of last week, a new draft bill was published proposing a revised definition of bullying, broadening it to encompass all forms of undesirable behaviour. The newly proposed regulations introduce a range of obligations for employers and may lead to an increase in employee claims.

Recommendation: In light of the proposed changes and current guidelines arising from Supreme Court rulings, we recommend reviewing company policies and developing an "anti-bullying package" that includes structured procedures and other measures aligned with the standard of effective preventive actions. This will help mitigate current legal and reputational risks as well as those associated with the newly proposed regulations.



5. ENGAGEMENT UNDER CIVIL LAW CONTRACTS: PROPOSED CHANGES AND CURRENT AUDITS OF STATE LABOUR INSPECTION

The State Labour Inspection is set to gain new powers. The Ministry of Family, Labour, and Social Policy has announced that inspectors will have the authority to convert civil law contracts into employment contracts if they identify the relationship as effectively meeting the criteria of an employment relationship. Although a draft of the new regulations has not yet been presented, the Inspectorate has already announced and is conducting increased audits in this area.

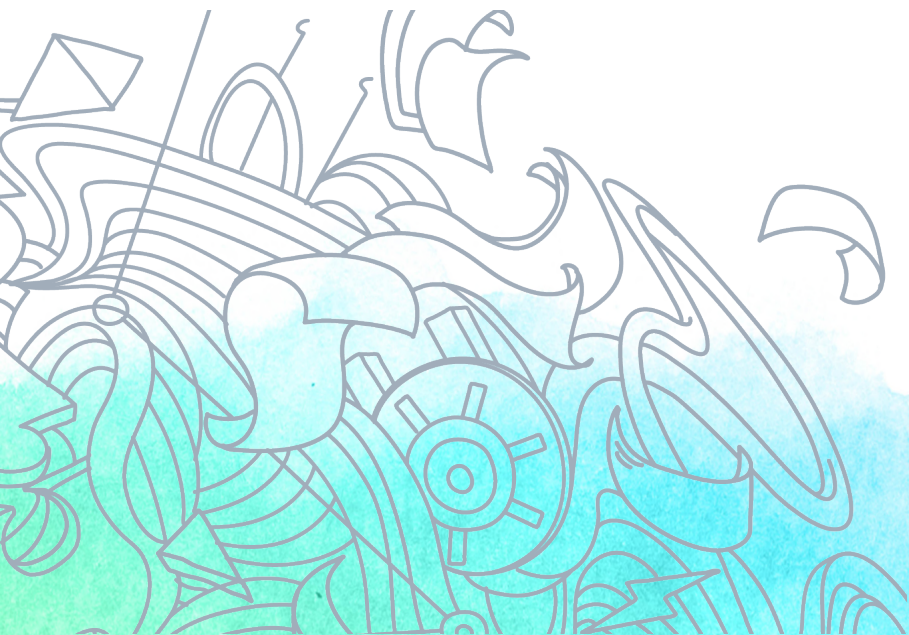
Recommendation: Conduct an audit of the company's practice of using civil law contracts, review their content (as their wording may immediately call into question the civil law nature of the relationship during an inspection), assess the practical execution of these contracts, and introduce guidelines and procedures to mitigate risks. In certain cases, it may be advisable to transition to employment contracts.



6. AI IN THE WORKPLACE

The use of AI solutions by both employers and employees in the workplace remains a topic that many employers have yet to fully analyse in the context of their legal obligations, including those arising from the AI Act. Additionally, many have not incorporated such considerations into internal regulations governing employee conduct when using AI tools—whether officially approved by the employer or used informally—to facilitate the performance of their duties.

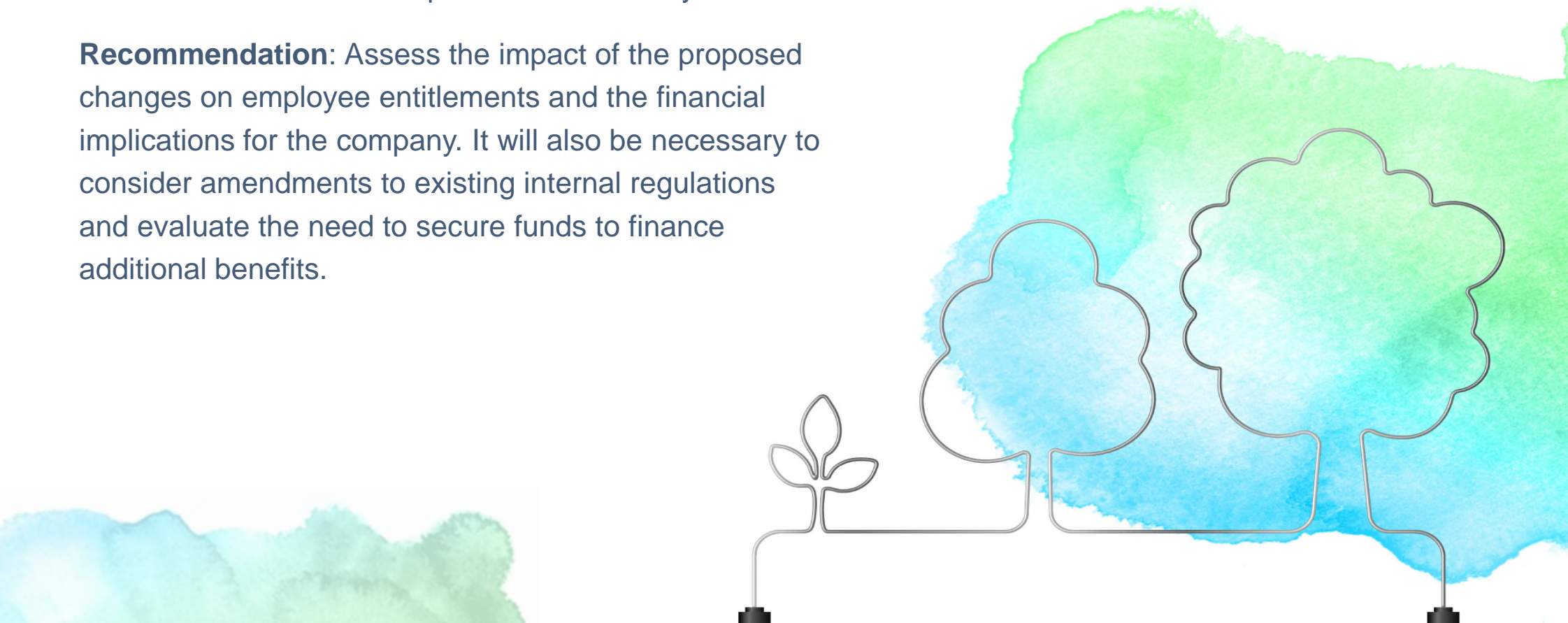
Recommendation: AI often involves risks such as misuse, data breaches, and other compliance-related issues; this necessitates the implementation of appropriate policies and safeguards.



7. SENIORITY CALCULATION – NEW PROJECTED RULES

In mid-May, the Standing Committee of the Council of Ministers approved a draft amendment to the Labour Code introducing changes to the rules for calculating seniority. Periods of self-employment, civil law contracts, agency agreements, and cooperation with self-employed individuals, as well as other periods specified in the legislation, will be included in the calculation of seniority. However, overlapping periods of professional activity will only be counted once. Verification of employment periods will be based on certificates issued by ZUS (Social Insurance Institution). This will impact employees' entitlements to benefits dependent on seniority.

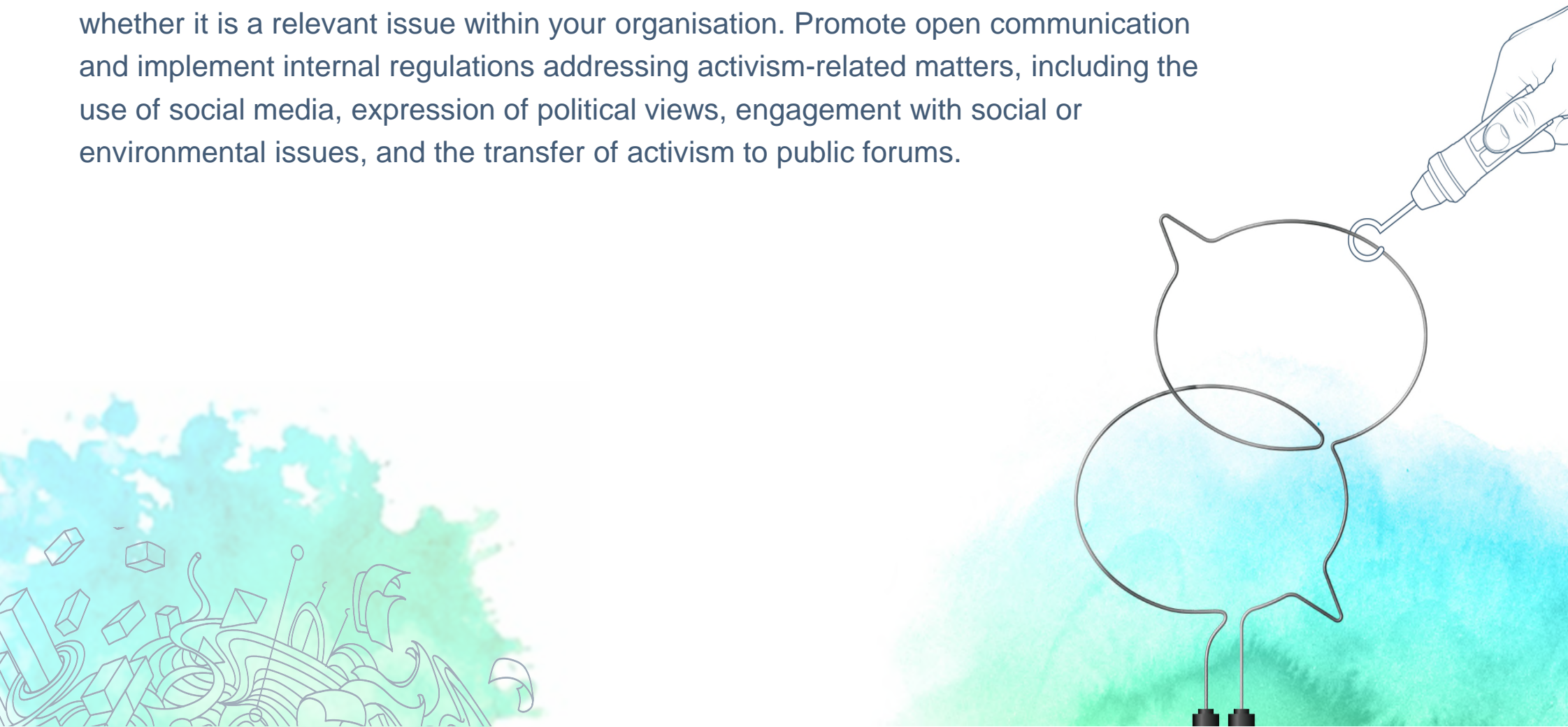
Recommendation: Assess the impact of the proposed changes on employee entitlements and the financial implications for the company. It will also be necessary to consider amendments to existing internal regulations and evaluate the need to secure funds to finance additional benefits.



8. MANAGING EMPLOYEE ACTIVISM IN THE WORKPLACE

Managing employee activism in the workplace is an emerging trend, aimed at addressing actions taken by employees (individually or collectively) to promote broader social, environmental, or political issues. This trend is currently particularly prominent in the United Kingdom.

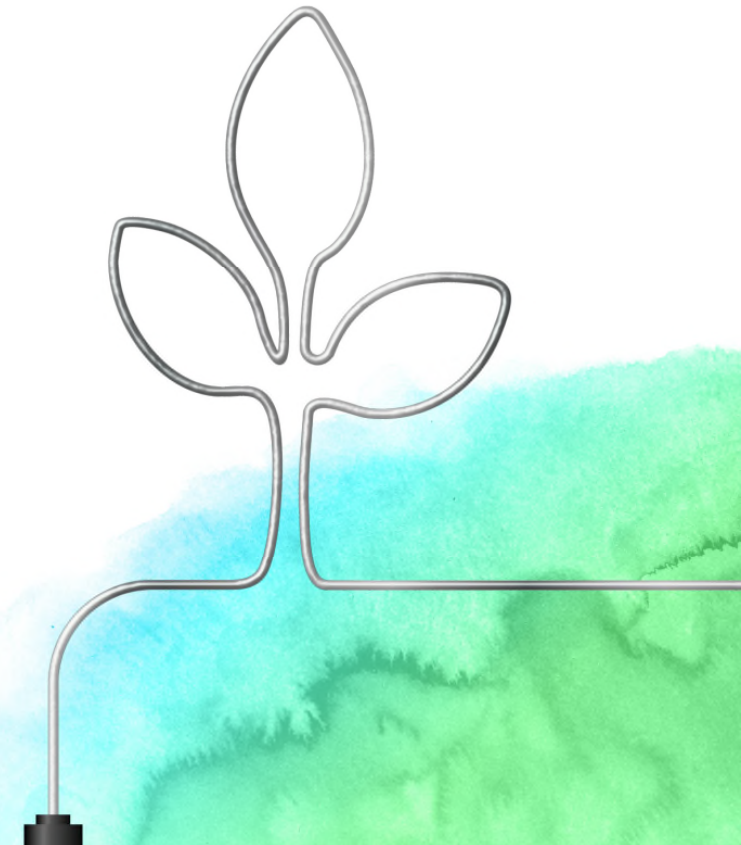
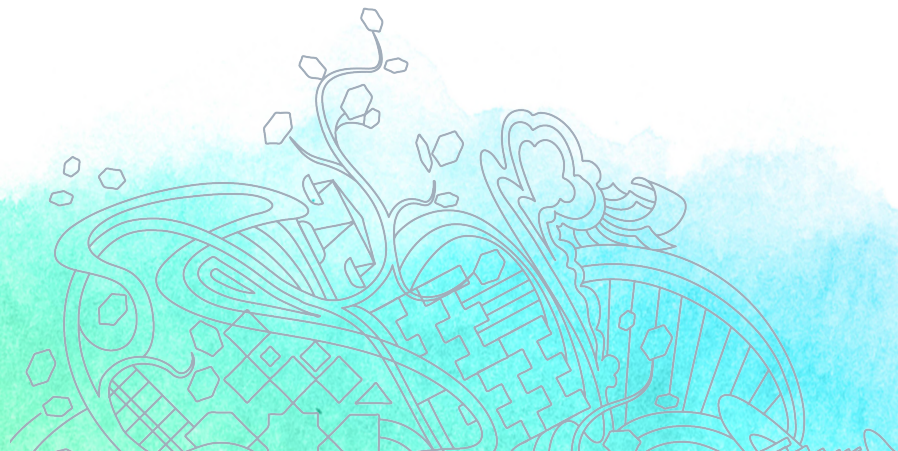
Recommendation: Take steps to understand the nature of activism and determine whether it is a relevant issue within your organisation. Promote open communication and implement internal regulations addressing activism-related matters, including the use of social media, expression of political views, engagement with social or environmental issues, and the transfer of activism to public forums.



9. REVIEW OF DEI POLICIES IN LIGHT OF CURRENT CASE LAW

Effective management of DEI (Diversity, Equity, and Inclusion) policies and employee relations is crucial, particularly in light of evolving Polish court rulings in this area. The high-profile case of an IKEA employee highlighted the need to review these policies in accordance with guidelines to ensure compliance with standards and to define company expectations for employees in a way that avoids controversy. New trends in DEI-related actions are also emerging.

Recommendation: Verify whether globally implemented DEI policies and employee expectations at the local level can be effectively enforced and whether they avoid controversy in the context of recent Supreme Court rulings. Additionally, ensure that these policies account for new trends and concepts in the DEI space.

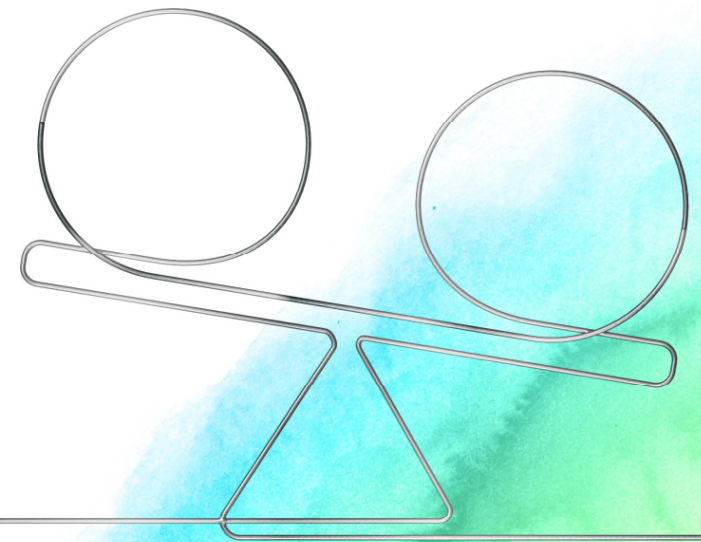


10. SHORTENED WORKWEEK

The public debate on introducing a four-day workweek has been ongoing for some time. The Ministry of Family, Labour, and Social Policy is planning significant changes to working hours during the current government term, potentially reducing the workweek to 35 hours or four days. However, from a legal perspective, such solutions, in various forms, can already be implemented by employers under the existing regulations.

In this context, a pilot programme for a shortened workweek has been announced. The Ministry is encouraging participation from both public and private sector employers. By 30 June 2025, the rules and conditions for the pilot programme will be announced, with participant recruitment to follow in the subsequent months.

Recommendation: Assess whether a shortened workweek is a viable solution from the perspective of employee efficiency and retention, and whether it can be implemented given the nature of your business. Employers may consider introducing test programmes on a temporary basis to evaluate the benefits and risks, recognising that this concept is already present in the labour market and is likely to become more widely adopted in practice.



KEY CONTACT

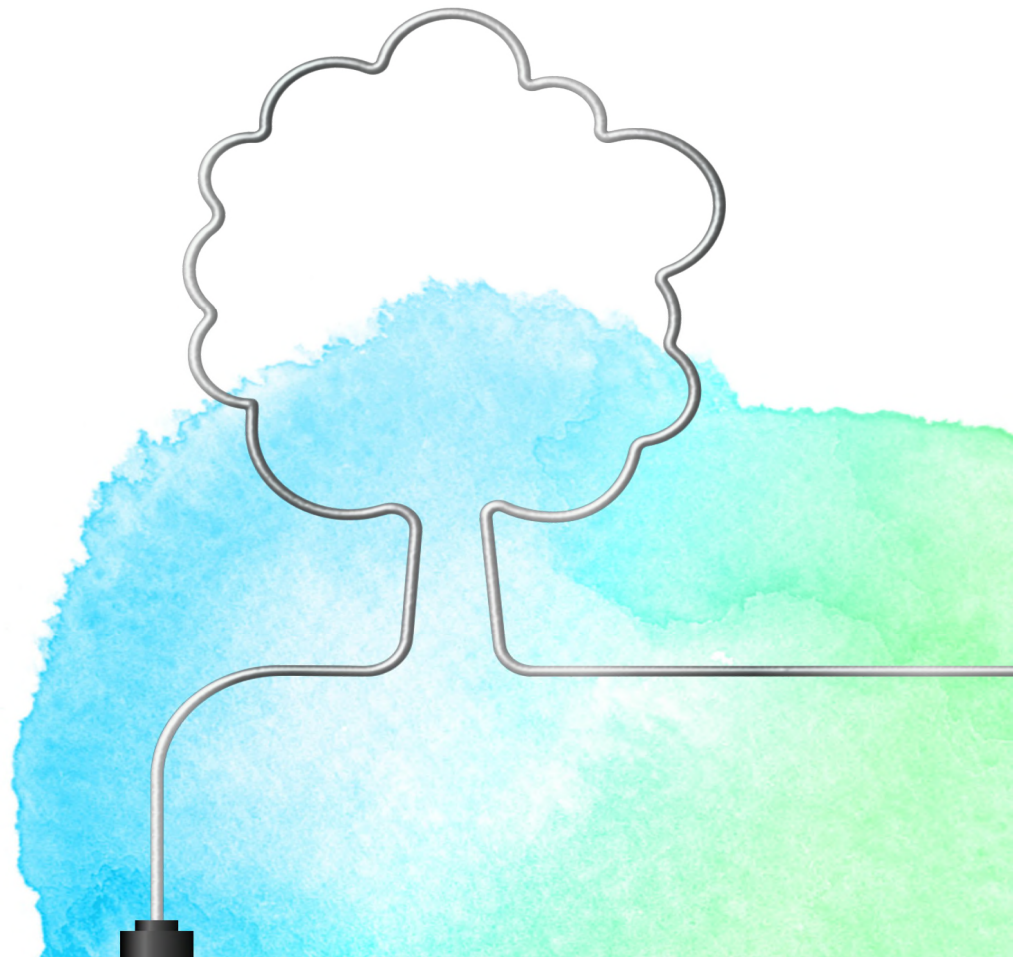


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