

HRadar Newsletter

November 2025

The Sejm adopted the Act on Collective Labor Agreements

On 15 October 2025, the Sejm adopted the Act on Collective Labor Agreements. The Act provides, among other things, for:

1. the creation of a National Register of Collective Labor Agreements which is to become operational within 2 years of the Act coming into force,
2. the possibility of using a mediator during negotiations on agreements,
3. the possibility for the parties to jointly determine the extent to which the agreement will introduce regulations going beyond those provided for by law. It will be up to employers and employees to decide whether the agreement will comprehensively regulate selected issues or only refer to basic issues, and
4. enabling the choice of whether the agreement is to be concluded for a fixed term with the possibility of extending its duration, or for an undefined term.

The Act has been submitted to the President for his signature.

Act on the Calculation of Length of Service published in the Journal of Laws

On 21 October 2025, the Act on the Calculation of Length of Service was published in the Journal of Laws. The purpose of the Act is to allow employment that was not based on an employment relationship to be included in the calculation of length of service. Therefore, length of service will include, among other things, commission contracts and contracts for the provision of services.

As a rule, periods during which a natural person was subject to pension and disability insurance are included in the length of service. Exceptionally, non-contributory periods may also be included in the length of service if the exemption from these contributions results from separate regulations. This means that, for example, pupils and students up to the age of 26 (who are not subject to pension and disability insurance) will be able to document their length of service.

If a person was subject to pension and disability insurance, this will be confirmed by a certificate issued by the Social Insurance Institution (ZUS). For people who were not subject to this insurance, it will be necessary to present proof of employment, e.g. a contract with the commissioner.

The above provisions will also apply to periods of employment prior to the Act's entry into force. However, it is important to note that employees will only be able to have a higher length of service established from 1 May 2026 (except for employees of public finance sector entities who will be able to have a higher length of service established when the Act enters into force, i.e. from 1 January 2026).

New draft act on the State Labor Inspectorate

On 16 October 2025, a new version of the draft act on the State Labor Inspectorate's powers was published. The new draft act provides, among other things, that:

1. inspectors will be able to determine the existence of an employment relationship even in the absence of a written contract if the employee works in conditions characteristic of an employment relationship,
2. if there is no evidence to determine the elements of the employment relationship, the contract is deemed to have been concluded for an undefined term, with a guaranteed minimum wage, where the place of work is the employer's registered office,
3. a court settlement with the State Labor Inspectorate in appeal proceedings against a decision is possible with the consent of the Chief Labor Inspector in each case, and

4. if the decision confirms the existence of an employment relationship retroactively, for the period prior to its delivery, the legal effects in terms of tax law or social and health insurance will only take effect after the date on which the decision becomes final and, in the event of an appeal, after the court's judgment becomes final.

The draft bill has been submitted to the Council of Ministers' Committee for Digitalization. The new regulations are planned to come into force on 1 January 2026.

Draft act regarding student status after a bachelor's/engineer's degree

A parliamentary draft amendment to the Act on Higher Education and Science has been submitted for its first reading in Sejm committees. The draft provides that students who have obtained a bachelor's/engineer's degree will retain their student status and rights until 31 October of the year in which they obtained their degree.

Currently, students retain their student privileges until the end of October but lose their student status after obtaining their degree. This means that, after obtaining their degree, they can no longer benefit from the exemption from social security contributions. The proposed regulations are intended to allow (former) students to continue to benefit from this exemption.

Supreme Court ruling: pre-retirement protection covers all people employed on a fixed-term basis

The Supreme Court has ruled on the provisions concerning pre-retirement protection. The issue concerned whether an employer may terminate a fixed-term employment contract with a person covered by pre-retirement protection if the contract would expire before the employee reaches retirement age anyway. The Supreme Court ruled in favor of the employees, i.e. the prohibition on terminating an employment contract also applies to fixed-term contracts, including those that expire before the employee reaches retirement age.

Supreme Court resolution of 30 September 2025, III PZP 6/24

This newsletter has been prepared to alert our Clients to certain significant developments in the Polish law. It is not purported to be a legal advice concerning any particular situation or circumstances of any of our Clients, and it should not be relied upon as such. If you have any questions concerning the developments discussed in this newsletter and their potential impact on your business in Poland, please kindly contact the partner of our Firm responsible for your engagement.

Contact us!



Agnieszka Fedor

Partner, attorney-at-law

☎ +48 505 782 677

✉ agnieszka.fedor@skslegal.pl



Magdalena Pawelczyk

Associate

☎ +48 692 228 726

✉ magdalena.pawelczyk@skslegal.pl