

HRadar Newsletter

January 2026

Electronization of documents in the Labor Code

On 27 January, a law came into force allowing certain labor law documents to be drawn up in an electronic version (Polish: *postac elektroniczna*). Importantly, the electronic version is also retained when the information is sent by email. The electronic version applies, among other things, to: confirmation of the familiarization with health and safety regulations and rules, trade union objections to the termination of an employment contract, information for employees about the transfer of a workplace or its part to another employer, and employee requests, such as requests for: unpaid leave, a reduced working week, or an individual work schedule.

New regulations concerning Company Social Benefits Funds

As part of the same Act introducing the electronization of certain documents in labor law, the legislator also decided to amend the Act on company social benefit funds. The most important change is that the rules of the company social benefits fund will have to be agreed with at least two employees selected by the staff to represent their interests, rather than with one, as was the case previously.

The Act entered into force on 27 January 2026.

Amendments to the Act on the social insurance system

On January 12 this year, an Act introducing new rules concerning, among other things, sick leave, was published in the Journal of Laws of the Republic of Poland. The Act enters into force in stages, i.e., on 27 January 2026, 13 April 2026, and 1 January 2027.

The following changes came into force on 27 January:

1. at the stage of gathering evidence necessary for the medical examiner's findings, the Social Insurance Institution (ZUS) gained the right to check the medical certificates of temporary incapacity for work due to caring for a sick family member,
2. ZUS gained the ability to request explanations and information from the insured person to check the medical certificate,
3. it is now also possible to transfer data, information, and documents collected by ZUS in proceedings related to the verification of medical certificates and in proceedings related to the revocation of authorization to issue medical certificates to professional associations of doctors and dentists for proceedings concerning the professional liability of doctors and dentists, and
4. now, in cases of revocation of a doctor's authorization to issue sick leave certificates, instead of appealing to the Minister of Family, Labor, and Social Policy, the doctor will submit a request for reconsideration of the case directly to the President of ZUS.

Changes in the draft law on the National Labor Inspectorate

At the end of January, a new draft law was published which is to grant the National Labor Inspectorate the power to determine the existence of an employment relationship by way of a decision. According to draft law, the decision will be issued if the entrepreneur fails to comply with the order to 'remove violations in the functioning of a civil law contract or the actual performance of work by a person for remuneration, in conditions in which an employment contract should be concluded.'

Other key assumptions of the new draft law:

1. the decision is to have legal effects associated with the determination of the existence of an employment relationship under labor law, tax law, social security and health insurance law, and mandatory contributions to funds,
2. the decision will have the above effects from the date of its issuance and will only be enforceable on the date of expiry of the deadline to lodge an appeal or on the date of a final court ruling, and
3. the National Labor Inspectorate will still be able to file a lawsuit to determine the existence of an employment relationship.

Contact us!



Agnieszka Fedor
Partner, attorney-at-law
☎ +48 505 782 677
✉ agnieszka.fedor@skslegal.pl



Magdalena Pawełczyk
Associate
☎ +48 692 228 726
✉ magdalena.pawelczyk@skslegal.pl

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.

Warsaw

Jasna 26, 00-054 Warszawa
T +48 22 608 70 00
F +48 22 608 70 70
E office@skslegal.pl

Katowice

Korfantego 138a, 40-156 Katowice
T +48 32 731 59 86
F +48 32 731 59 90
E office.katowice@skslegal.pl

Poznań

Mickiewicza 35, 60-837 Poznań
T +48 61 856 04 20
F +48 61 856 05 67
E office.poznan@skslegal.pl