



Dear Readers,

as usual, we come to you with a selection of the most interesting HR news and topical issues of the past week.

SUPREME COURT: PRE-RETIREMENT PROTECTION AGAINST TERMINATION EXTENDS TO FIXED-TERM CONTRACTS

On 30th September 2025, a seven-judge panel of the Supreme Court confirmed that Article 39 of the Labour Code, which protects employees approaching retirement age against termination, also applies to those working under fixed-term contracts, even if their contracts are due to expire before they reach retirement age. In resolving the legal question, the Supreme Court emphasised that a narrow interpretation of Article 39 - one making protection conditional on the contract's expiry date post-dating retirement age - contravenes the law's clear intent and purpose. The court clarified that the "period of employment" referenced in Article 39 refers to the employee's entire employment history, not just the specific contract with the current employer. This landmark ruling has a significant impact on employers, as it substantially restricts their capacity for the early termination of contracts for employees in the period immediately preceding retirement. Source: Supreme Court resolution dated 30 September 2025, ref. No. III PZP 6/24.

DATA PROTECTION OFFICE: COMPANY PRESIDENT CANNOT SERVE AS DATA PROTECTION OFFICER

In its latest decision, the President of the Personal Data Protection Office (Prezes Urzędu Ochrony Danych Osobowych, PUODO) affirmed that a company president cannot concurrently hold the position of data protection officer (DPO). The DPO's role is to assist the controller and processor in ensuring data processing compliance. They may take on other duties only if those duties do not result in a conflict of interest, which is understood as a risk to the DPO's impartiality and independence. For this reason, PUODO questioned the viability of a President of the Management Board performing the DPO function. While this specific ruling was made within the medical industry, the nature of the identified conflict of interest is applicable across all industries, rendering this a universal finding. Source: PUODO decision of 12 September 2025, dkn.5131.7.2025.

MINISTRY REJECTS CALLS TO UNIFY DISABILITY PENSION AMOUNTS

The Ministry of Family, Labour and Social Policy received a petition calling for the standardisation of disability pensions, citing the unfairness and complexity of the current system, which petitioners argue perpetuates poverty among recipients with low contribution history. In its response, the Ministry asserts that existing regulations appropriately differentiate benefits based on earnings history and contribution periods, concluding that no changes are necessary. It maintains that the pension amount must depend on the degree of incapacity for work and the individual calculation basis, factoring in contribution years and other relevant factors.

CJEU ADVOCATE GENERAL: PUBLISHING DOPED ATHLETES' NAMES VIOLATES DATA PROTECTION LAW

According to the Advocate General (AG) of the Court of Justice of the European Union (CJEU), the mandatory publication of the personal data of athletes sanctioned for doping may only be deemed acceptable if it is strictly proportionate to objectives such as deterring and preventing anti-doping rule violations. The AG stated that this proportionality assessment must particularly consider the scope and duration of the publication, as well as the specific circumstances of the individual case. Opinion of the Advocate General in case C-474/24 | NADA Austria and others.

Please do not hesitate to contact us: Karolina Kanclerz, attorney-at-law, partner, **Śławomir Paruch**, attorney-at-law, partner, and **Oskar Kwiatkowski**, attorney-at-law, lawyer.

UPCOMING EVENTS

- **Employees and social media: Balancing employer brand and employee online activity** - 8 October 2025, 11:00 – 11:45, online. Register: [here](#).
- **Workshop: Managing relations with trade unions. Post-notice union protection** - 14 October 2025, 11:00 – 11:45, online. Register: [here](#).
- **Marsh McLennan Forum 2025** - 14 October 2025, Warsaw. Register: [here](#).
- **Webinar: Pay transparency & pay gap – new employer obligations** - 15 October 2025, 10:00 – 12:00, online. Register: [here](#).
- **Employees and social media: What employers can and cannot publish about their employees** - 22 October 2025, 11:00 – 11:45, online. Register: [here](#).
- **HR Compliance Summit 2025** - 23 October 2025, godz. 10:00 – 14:40, online. Register: [here](#).