



**Dear Readers,**

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

### **CJEU: PAID ANNUAL LEAVE IS AN ABSOLUTE RIGHT AND CANNOT BE WAIVED**

The Court of Justice of the European Union (CJEU) has ruled that the right to paid annual leave is unconditional and non-waivable, even when an individual is taking up a new public office. The ruling concerned an Italian honorary judge who was to be appointed on an exclusive, indefinite contract, but the appointment was conditional on her waiving all claims from her previous employment, including any entitlement to compensation for unused leave. The CJEU found that making an appointment dependent on such a waiver is contrary to EU law, even if the condition is aimed at tackling the misuse of fixed-term contracts. The transition into a permanent contract cannot be made at the expense of losing the existing employee rights. Judgment of the CJEU dated 4 September 2025, C-253/24.

### **PUBLIC SECTOR AND SMES LEAD THE SHORTENED WORKING WEEK PILOT**

Nearly two thousand companies and institutions submitted applications to join the pilot programme for reduced working hours with no corresponding reduction in pay. The government has now published a list of the 90 selected employers. The trials will involve over 5,000 employees in total. The average funding provided to the successful applicants exceeded half a million PLN. The full list of selected entities is available: [here](#).

### **SEJM PASSES LEGISLATION ON COLLECTIVE AGREEMENTS**

On Wednesday, 15 October, the Sejm formally adopted the bill on collective agreements, receiving 396 votes in favour. The new legislation is intended to significantly streamline the conclusion and registration of these agreements, and to promote and encourage their wider use. The Act is scheduled to come into force 14 days after its official publication. The bill will now proceed to the Senate for consideration. Link to the legislative process: [here](#).

### **SUPREME COURT: WORKPLACE ACCIDENTS DO NOT GUARANTEE INSURANCE PAYOUTS**

The Supreme Court has confirmed that an employee is not automatically entitled to accident insurance benefits following a workplace injury. In its decision of 28 May 2025 (I USK 402/23), the Court stated that the Social Insurance Institution (ZUS) has the right to refuse sickness or rehabilitation benefit if the accident's sole cause was the insured employee's deliberate rule-breaking or gross negligence. However, the benefit must still be granted if there are any other independent contributing factors that played a part in the accident. Supreme Court ruling dated 28 May 2025, ref. no. I USK 402/23.

### **SUPREME COURT: CRIMINAL COURT RULINGS BIND DISCIPLINARY COURTS, BUT LABOUR COURT FINDINGS MUST BE CONSIDERED**

The Supreme Court has ruled that a final criminal court judgment is binding on a disciplinary court. Consequently, where an act has been confirmed by a conviction, the disciplinary court is not required to re-examine the fact of the offence itself. However, the Supreme Court stressed that the judgment of the labour court cannot be ignored: while the labour court's findings are not formally binding on the disciplinary court, the latter must refer to the arguments presented in the labour court's ruling. Supreme Court ruling dated 8 October 2025, ref. no. II ZK 9/25.

### **SICK LEAVE CHANGES: WORK NOW POSSIBLE WITHOUT LOSING SICK PAY**

Upcoming regulations propose a significant change to sick leave rules, allowing individuals to perform some professional duties while still formally on leave. This is permitted only if the work does not interfere with the treatment process and poses no threat to the employee's health. The change ensures that by working on a limited basis, the employee retains their full right to sickness benefits, including both the allowance and part or full remuneration. The purpose of this proposal is to balance a flexible approach to employee health with continued financial support during recovery. Link to the legislative process: [here](#).

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### **UPCOMING EVENTS**

- **Employer and employee in court – Reorganization, liquidation, redundancy, and legal disputes** - 21 October 2025, 11:00 – 11:45, 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, 10:00 – 14:40, online. Register: [here](#).
- **Webinar: Confidentiality and non-compete clauses in practice – when they fail and how to prevent it** - 27 October 2025, 11:00 – 11:45, online. Register: [here](#).