



**Dear Readers,**

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

### **NATIONAL LABOUR INSPECTORATE RECLASSIFICATION POWERS: THIRD DRAFT REVIEW**

A meeting took place last week at the Ministry of Family, Labour and Social Policy concerning proposed changes to the National Labour Inspectorate's (NLI) authority regarding the reclassification of contracts governed by the Civil Code into employment contracts. The outcome was the publication of a third draft bill. Crucial changes for employers now include a three-year maximum period for the retroactive determination of an employment relationship existence, the right to challenge the immediate enforcement of NLI decisions during appeal or court proceedings, and the option to claim damages from the State Treasury if an inspector's decision proves incorrect. Furthermore, the NLI's powers will be expanded beyond reclassification decisions to include issuing recommendations and orders, and initiating legal proceedings to formally establish an employment relationship. The bill is available [here](#).

### **CJEU UPHOLDS VALIDITY OF EU MINIMUM WAGE DIRECTIVE**

The Court of Justice of the European Union (CJEU) has largely dismissed Denmark's challenge regarding the validity of the Directive on adequate minimum wages in the European Union (Directive 2022/2041 of 19 October 2022). While confirming the validity of most provisions, the CJEU declared two specific provisions invalid because they directly infringed upon the competence of Member States to set wages. In all other respects, the CJEU upheld the Directive, affirming that it respects the division of competences between the Union and Member States and the right of association. CJEU judgment of 11 November 2025 in case C-19/23.

### **SUPREME COURT: NOT EVERY WORKPLACE CONFLICT IS BULLYING**

The Supreme Court determined in the recent ruling that the mere existence of a conflict within a cooperative work environment cannot be deemed sufficient grounds for compensation claims. To establish a claim for workplace bullying, it is essential to demonstrate that as a result of that conflict, one party was being harassed, intimidated, humiliated, ridiculed, or isolated. The Court found that the facts of the case in question did not meet the criteria for workplace bullying and consequently dismissed the cassation appeal. Supreme Court judgment of 15 October 2025, I PSKP 24/25.

### **SUPREME COURT: SAME JOB TITLE, DIFFERENT PROFESSIONAL GROUP**

The Supreme Court has ruled that it is possible for employees formally holding the same job title to belong to different professional groups. In the Court's opinion, the key determinant for recognising employees as belonging to the same professional group is that they perform similar work and possess similar qualifications, rather than the job titles they are given. This approach underlines the need to assess the actual scope of employee duties and required competences. This assessment is vital not only for determining pay grades but also for the subsequent analysis of potential differences in remuneration and evaluating their compliance with the principle of equal pay. Supreme Court ruling of 12 August 2025, I PSK 39/25.

### **ALMOST 90,000 EMPLOYEES FACE REDUNDANCY IN POLAND**

According to data released by the Ministry of Family, Labour and Social Policy, employers reported their intention to make as many as 89,500 employees redundant in the first nine months of this year. These job cuts are heavily concentrated in Poland's largest urban areas, including Warsaw, Wrocław, Łódź and Kraków.

### **PETITION: OUTSOURCING REGULATIONS IN LABOUR CODE**

A petition has been submitted to the Ministry of Family, Labour and Social Policy requesting that the concept of outsourcing be formally regulated within the Labour Code, reflecting its growing significance. The proposed amendment draws a clear distinction between employee outsourcing and process outsourcing. Employee outsourcing would be defined by principles similar to temporary work, where the worker remains employed by one company while working for a user employer. Process outsourcing would involve transferring entire stages of production or service processes, along with their comprehensive management, to an external entity. The petitioners maintain that legally regulating outsourcing would significantly enhance the protection of employee rights.

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

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### **UPCOMING EVENTS**

- **The road to transparency: Pay transparency disputes in court - how to prepare?** - 18 November 2025, 11:00 – 11:45, online. Register: [here](#).
- **Webinar Top 10 Rules: Changes in labour law – 10 things HR cannot ignore in 2026** - 18 November 2025, 11:00 – 11:45, online. Register: [here](#).
- **Conference: Employer and Social Insurance Institution (ZUS)** - 20 November 2025, 10:00 – 14:00, online. Register: [here](#).