



Dear Readers,

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

NEW ENFORCEMENT POWERS FOR NATIONAL LABOUR INSPECTION: SEJM ADOPTS THE BILL

The Sejm has passed a bill amending the National Labour Inspection Act, intended to strengthen the authority's power to monitor forms of employment. Under the new provisions, a labour inspector will be authorised to issue a formal decision confirming the existence of an employment relationship in cases where a contract based on the Civil Code or B2B arrangement functionally meets the criteria of employment. One year after these provisions take effect, the minister for labour will assess the regulations' performance. On 12 March, the Senate moved the draft forward without proposing any further amendments. Link to the legislative process: [here](#).

SUPREME COURT: NOT EVERY DEFECTIVE TERMINATION CONSTITUTES AN EMPLOYER TORT

In a recent ruling, the Supreme Court emphasised that an employer's tortious liability under the Civil Code may arise only in exceptional cases and does not automatically accumulate with claims under the Labour Code. Establishing a tort requires proof of damage, a culpable and unlawful act, and a causal link. The Supreme Court noted that this applies specifically to particularly reprehensible conduct by the employer that goes beyond a mere dispute over the validity of the termination - for example, situations where there is a flagrant breach of law linked to fault. Supreme Court ruling of 16 December 2025, III PSK 167/24.

POLISH DATA PROTECTION AUTHORITY: DATA RETENTION UNCONSTITUTIONAL AND NON-COMPLIANT WITH EU LAW

The President of the Personal Data Protection Office (UODO) has highlighted that the current obligation for operators to retain users' traffic and location data contravenes European data protection standards and individual constitutional rights. The existing requirement for the blanket retention of data for 12 months, covering all citizens without distinction regarding risk or investigative necessity, is considered problematic. The President noted that both the CJEU and the ECtHR emphasise that the collection of such data must be limited to situations where it is strictly necessary and proportionate.

LEAD EXPOSURE STANDARDS TO BE TIGHTENED

The Ministry of Health is working on amendments to health and safety regulations regarding the presence of chemical agents in the workplace. This includes lead, which is recognised as a substance posing a significant risk to workers' health. The proposed changes are designed to tighten Polish regulations and bring them into alignment with EU requirements. The deadline for the implementation of these new standards is 9 April 2026. Link to the statement [here](#).

A LANDMARK CJEU RULING: HIGHER WAGES AS A TENDER CRITERION

The Court of Justice of the EU (CJEU) has ruled that contracting authorities may apply social criteria when evaluating public procurement tenders. Crucially, it is permissible to award additional points to contractors who offer higher wages to employees performing the contract. In the Court's view, wage levels can significantly influence the quality, stability, and continuity of service delivery, particularly in sectors such as healthcare and social services. However, any such criteria must remain relevant to the subject matter of the contract and be proportionate. This ruling confirms that in public procurement, working conditions are a valid consideration alongside price. Judgment of the CJEU of 5 March 2026, Case C-210/24.

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, senior lawyer.

UPCOMING EVENTS

- **Webinar: Flexible employment models: temporary work, outsourcing and employer of record** - 19 March 2026, 11:00 – 11:45, online. Register: [here](#).
- **Webinar: 10 key rules for combating workplace bullying – new regulations, approach no. 3** - 24 March 2026, 11:00 – 11:45, online. Register: [here](#).
- **Conference: Hiring and growing in CEE – employees, contractors, EoRs or TWAs?** - 25 March 2026. [The event held in English](#). Register: [here](#).
- **HR Lab Gdańsk: Employee-creator & task-based working time in practice** - 26 March 2026, 11:00 – 14:00, Gdańsk. Register: [here](#).
- **HR Lab, Kraków: Pay transparency & corporate crisis management** - 9 April 2026, 11:00 – 14:00, Kraków. Register: [here](#).