

PCS GOOD MORNING HR | 37/26

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

PIP: SEASONAL NATURE OF WORK DOESN'T EXCLUDE THE OBLIGATION TO USE AN EMPLOYMENT CONTRACT UPON HIRING

Last week, another individual interpretation issued by the Chief Labor Inspectorate (GIP) was published, this time concerning the engagement of a waiter under a civil law mandate contract. The Labor Inspectorate continues to maintain its position that employment contracts cannot be replaced with civil law arrangements where, in practice, the working relationship displays the characteristics of an employment relationship. The GIP emphasizes that the seasonal nature of the work does not preclude the establishment of an employment relationship. Furthermore, according to the National Labor Inspectorate (PIP), the determining factor in assessing whether a working arrangement is genuinely civil law in nature is not the fact that the work may be performed for fewer or more hours than the standard statutory working time. According to the interpretation, subordination to the employer and limited autonomy resulting from managerial instructions are key indicators that may justify the use of the PIP's new powers to reclassify civil law contracts as employment relationships. Link to the interpretation: *here.*

DRAFT REGULATION ON THE MINIMUM WAGE FOR 2027 HAS BEEN PUBLISHED

On Monday, the Government Legislation Centre (RCL) published a draft regulation of the Council of Ministers on the minimum wage and the minimum hourly rate applicable in 2027. Under the draft, effective 1 January 2027, the statutory minimum wage will increase to 4,950 PLN per month, while the minimum hourly rate will rise to 32.30 PLN per hour. Link to the draft regulation: *here.*

GOVERNMENT CHANGES RULES ON THE EU MINIMUM WAGE FRAMEWORK

The Ministry of Family, Labor and Social Policy has released a new version of the draft legislation implementing the EU Directive on adequate minimum wages. A key amendment concerns the method for determining the minimum wage. The revised draft removes the provision that would have excluded bonuses, awards and allowances from the remuneration taken into account when assessing compliance with the minimum wage requirement. In practice, this means that these pay components may continue to be included when determining whether an employee receives at least the statutory minimum wage. At the same time, the draft retains the indicative reference value set at 55% of the forecast average wage. Link to the legislative process: *here.*

SUPREME ADMINISTRATIVE COURT: UNIVERSITY LETTER IS NOT A PRIVATE OPINION

Qualification committees refused to grant an engineer a professional construction license, disregarding letters submitted by both a university and the Ministry of Infrastructure. The committees argued that the applicant had not completed a sufficient period of on-site practical training and did not hold a first-cycle degree in the required specialization. In dismissing the committee's cassation appeal, the Supreme Administrative Court (NSA) confirmed that letters issued by a university may constitute evidence in administrative proceedings and cannot be treated merely as private opinions therefore the first-instance authority is required to address such documents in the reasoning of its decision. The case has been remitted for reconsideration. Judgment of the Supreme Administrative Court of 1 September 2026. II GSK 1330/23.

ZPP: COMMENTS ON THE DRAFT ACT ON PLATFORM WORK

The Związek Przedsiębiorców i Pracodawców (ZPP) (Union of Entrepreneurs and Employers) has submitted its comments on the draft legislation regulating work performed through digital labor platforms. A key proposal put forward by the organization is to amend the definition of the presumption of an employment relationship. According to ZPP, the current wording could result in individuals working through digital platforms being granted disproportionately favourable treatment compared with employees engaged under standard employment contracts. The organization has also called for the scope of the legislation to be narrowed by excluding businesses that use digital systems solely as an ancillary tool for their operations. In addition, it proposes excluding activities involving the intermediation of passenger transport services. Furthermore, ZPP has highlighted the need to ensure that the proposed legislation is fully aligned with the requirements of the GDPR and the AI Act, particularly in relation to the use of algorithmic workforce management systems. Among its other recommendations, ZPP has proposed extending the vacatio legis period from one month to six months to give businesses sufficient time to implement the new compliance obligations. The draft bill is currently at the consultation stage, meaning that its final form, including the extent to which the proposals submitted by employer representatives are considered, may still be subject to change. Link: *here.*

JOINT PROTEST BY EMPLOYERS AND FOREIGN NATIONALS OUTSIDE THE GDAŃSK IMMIGRATION OFFICE

On Monday, 7 September, a protest took place outside the Foreign Nationals Department in Gdańsk, aimed at drawing public attention to the excessive length of administrative proceedings conducted by the authorities. The demonstration was driven by growing frustration over the extremely long waiting times for applications to be processed. Among the key demands presented by the protesters were measures to improve the processing system through the introduction of an official backlog-reduction plan, as well as the reorganization of administrative offices to ensure that cases are handled within a reasonable timeframe.

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

- **On unions with unions: Advice or overreach? Where is the line for social labor inspectors** – September 15, 2026, 11:00 – 11:45, online. Register: *here*.
- **No, because of GDPR! Informations about remuneration – practical training course on how to respond to employee request** – September 16, 2026, 11:00 – 11:45, online. Register: *here*.
- **Conference: Restructuring in the workplace 2026** – September 17, 2026, 11:00 – 13:10, online. Register: *here*.
- **HR Lab Poznań: What's next for B2B & how to prepare to address workplace bullying, harassment or financial misconduct?** – September 30, 2026, 11:00 – 14:00, in person, Poznań. Register: *here*.

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