

PCS GOOD MORNING HR | 39/26

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

UNUSED PAST VACATION DAYS MUST BE TAKEN BY THE END OF SEPTEMBER

Employees have time until September 30 to use any remaining vacation days rolled over from the previous year, making this the final opportunity to submit time-off requests. If an employee fails to take the initiative, the employer may assign the leave unilaterally. At the same time, employees should remember that they cannot begin a vacation on their own initiative; employer approval is required prior to taking any leave.

GOVERNMENT PLANS TO FAST-TRACK HIRING PROCEDURES FOR NON-NATIONALS

In response to the growing volume of applications for legalization of stay in Poland, the Ministry of the Interior and Administration (MSWiA) plans to significantly shorten processing times. One proposed measure introduces a "tacit approval" mechanism: if officials fail to act on a submitted application within 60 days, it will be automatically considered approved. Notably, this expedited process will apply only to citizens from countries with developed economies and high average wages, currently defined as Australia, Japan, South Korea, the United States, and the United Kingdom. Draft available *here*.

MINISTRY REVIEWS SUNDAY RETAIL PETITION

The Ministry of Family, Labour, and Social Policy is currently reviewing a petition proposing changes to the existing Sunday trading ban. The petition, which is not yet a formal bill, advocates for allowing Sunday trading, provided that employees working on Sundays receive at least two substitute days off. Proponents argue this adjustment would maintain business continuity while protecting workers. The Ministry must make a final decision concerning the petition by November 5, 2026. Currently, retail trading remains limited to a few designated Sundays throughout the year. Link to the petition: *here*.

CHIEF LABOUR INSPECTORATE (GIP) REAFFIRMS VALIDITY OF B2B CONTRACTS IN THE IT SECTOR

The Chief Labor Inspectorate (GIP) has published a new official interpretation concerning the use of contracts based on the Civil Code in the IT industry. The authority confirmed that hiring software developers under such contracts remains permissible. GIP clarified that the presence of some typical characteristics commonly associated with employment contracts does not, in itself, automatically require employment status, and each working arrangement must be evaluated as a whole. Key factors supporting a valid B2B contract include genuine contractor autonomy, the absence of direct supervision regarding working hours and location, and complete control over project execution. Additionally, in Interpretation no. 14, GIP affirmed that an attorney-at-law can also be validly engaged under a contract based on the Civil Code. Link to Interpretation no. 13: *here*. Link to Interpretation no. 14: *here*.

BUSINESSES REPORT ISSUES WITH INTERPRETATION REQUEST PROCEDURE; GIP CLARIFIES COMMON FILING ERRORS

Following recent interpretations issued by the Chief Labour Inspector, employers have raised concerns regarding the formal requirements for submitting interpretation requests. In response, the Deputy Chief Labour Inspector issued a statement assuring the transparency of the procedure and addressing the most important requirements. The Inspectorate clarified that applications containing formal errors are not automatically rejected; applicants are first given an opportunity to rectify deficiencies. In response to employers' difficulties in describing the facts of the case, the authority pointed out that while the Inspectorate may specify what details are missing from a factual description of the case, the responsibility remains entirely with the employer to supplement and define the factual background of the request.

RESTRICTED ACCESS TO BENEFICIAL OWNERS REGISTER STARTING NEXT YEAR

The government has approved a bill restricting public access to the Central Register of Beneficial Owners as of January 1, 2027. The change aligns with a 2022 Court of Justice of the European Union (CJEU) ruling, which determined that unrestricted public disclosure violates individual privacy rights. State administrative and supervisory bodies will retain permanent access, whereas journalists, non-governmental organizations, and academic researchers will be required to apply for access. Approved applications will be processed within 12 to 24 days (in special cases) and grant access for three years. Additionally, beneficial owners may request data confidentiality to safeguard specific protected interests. Judgment of the Court (Grand Chamber) of November 22, 2022, in Joined Cases C-37/20 and C-601/20.

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: One union member, multiple employers – navigating the rights and challenges of intercompany trade union relations** – September 29, 2026, 11:00 – 11:45, online. Register: *here*.
- **Beyond Digital: From paper-and-digital chaos to secure and efficient processes** – September 29, 2026, 10:00. 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*.
- **Modern Employer: B2B under scrutiny. Key insights from the Chief Labor Inspectorate's initial interpretations and audits** – October, 6, 2026, 11:00 – 11:45, online. Register: *here*.
- **Employers and Employees in Court: How workplace bullying and discrimination cases have changed after legislative updates** – October, 7, 2026, 11:00 – 11:45, online. Register: *here*.

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