

Civil law contracts to be considered employment contracts?

New powers for the State Labour Inspection likely to come into effect on 1 January 2026.

Officers of the State Labour Inspection (PIP) being granted new powers has been on the legislative agenda for a while now. In addition to their existing powers, the officers are also to be able to recognise civil law contracts to be employment relationships, if the type and characteristics of the relationship meet the prerequisites for an employment relationship.

The draft amendment to the State Labour Inspection Act, which is intended to introduce the indicated changes, is currently undergoing public consultation. The planned date for the new regulations to come into force is 1 January 2026.

How it has been up to now?

Until now, PIP could check whether civil law contracts had the features of an employment relationship, but in order to change the type of contract, it was necessary to apply to the labour court and obtain a final judgement.

Due to the formal and time-consuming procedure, PIP officers often did not refer cases to court. In court, it was PIP that had to prove that a given relationship met the criteria of an employment relationship, and the proceedings themselves took a very long time.

Possible changes from 1 January 2026

The proposed regulations stipulate that PIP officers will be able to independently determine that a civil law contract – and the actual legal relationship based on it – **is in fact an employment relationship.**

The employer subject to inspection will be able to lodge an appeal within 7 days. Importantly, the appeal will not suspend the execution of the decision, so from the date of its issuance, the civil law contract will have to be treated as an employment contract.

Consequences?

If, as a result of an inspection, a PIP official classifies a given relationship as an employment relationship, the employer will have to comply with the decision regardless of whether or not it appeals.

The employer's main responsibilities will then include creating personnel files, adjusting the contractor's entitlements to the requirements of the employment contract, keeping records of working time, and making changes in the area of insurance and taxation.

Is it worth taking any action before the new regulations come into force?

Yes. In our opinion, even if the final wording of the regulations undergoes some changes, the new powers of the State Labour Inspection are likely to be retained.

This means greater risk if civil law contracts in your organisation were to be reviewed.

It is currently worth reviewing existing civil law contracts (including B2B contracts) and assessing whether they have the features that determine the employment relationship, in particular:

- personal performance of work,
- subordination to the employer's management,
- performing work at the place and time designated by the employer,
- the employer bearing the risk of the contractor operating business activity.



Feel free to contact us!



Michał Chodkowski
Partner
michal.chodkowski@laszczuk.pl
+48 662 287 435



Katarzyna Jeziorek
Associate
katarzyna.jeziorek@laszczuk.pl
+48 734 904 744

