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THE ACT ON TERMS OF ENTRUSTING WORK TO FOREIGN NATIONALS WILL ENTER INTO FORCE ON 1 JUNE 2025

Michał Kacprzyk, PhD
Attorney-at-law

Important changes:

1. The labour market test will no longer be needed – instead, a list of “protected” job positions may be introduced by local authorities (mid-level administration).

2. Applications for a work permit will only be made on-line.

3. The number of mandatory grounds for rejecting work permit applications will increase – applications will be refused if the circumstances of the case indicate that the work would be performed for a third party – not the actual employer (except when the work is temporary). A similar limitation will apply to a temporary residence permit for work, where applications will be refused if the employer was established solely to facilitate the entry of foreign nationals into Poland; if the employer does not meet conditions on financial status and social security registration; or if the employee will be employed for less than 1/4 of a full working time.

4. If an employee is to be employed for less than 1/2 of a full working time – a work permit will be issued for the maximum period of one year.

5. New rules on fast-track processing of work authorization applications will be available. Priority will be given to employers performing activities of significant importance to the Polish economy; those continuing under the same terms of employment, incl. pay; and those in an occupation experiencing labour shortages.

6. Employers must exercise greater diligence during right-to-work checks. It will no longer be possible to work in Poland – even with a valid work permit – on the basis of a visa issued by another Schengen country.

7. Fines for illegal employment will increase – fines for employers from PLN 3,000 to PLN 50,000; for foreign nationals from PLN 1,000 to PLN 5,000.

8. Employers will face more compliance obligations. For example, they will be obliged to submit a copy of the employment contract with a foreign national before the employment commences.

9. New notification deadlines for work permits – employers will be required to inform the authorities within seven days if: a foreign national has not started employment within two months from the initial validity date of a work permit; a foreign national has stopped working for a period exceeding two months; or a foreign national has terminated their employment more than two months before the expiry date of their work permit.

10. New notification deadlines for declarations of entrusting work to a foreign national – employers will be required to inform the authorities that a foreign national has started work within seven days from commencement date indicated on the declaration, as well as if a foreign national has failed to start work within 14 days from the commencement date indicated on the document.

11. Employers of a foreign national working under a residence permit for the purpose of work are required to inform the Immigration Office within 15 working days in several cases, i.e. change in the name of the job position without a change in the scope of duties (same new obligation applies in case of work permit) and termination of work by the foreign national.

12. Occasional, incidental remote work carried out for the benefit of a foreign entity, unrelated to the Polish labour market and economy, will be allowed without a work permit. Typical remote work executed from Poland is not covered by the current regulations.

13. Obtaining work permits for posted employees will be more challenging. Before a posting to Poland can commence, the foreign national must be employed by the posting entity and have actually performed work. Intra-group postings will require the existence of vertical capital ties between the posting entity and the Polish receiving entity. In case of posting for the purpose of providing services, there must be a direct service agreement entered into by the foreigner's employer.

WORKPLACE HATERADE – CAN EMPLOYERS BE HELD CRIMINALLY LIABLE?

Damian Tokarczyk, PhD
Advocate

Tolerating racist and homophobic behaviour in the workplace (and, in a broader context, tolerating haterade) is a breach of the employers' duty to respect the dignity of their employees. It is also a breach of the duty to create an ethical working environment. Employers face a loss of reputation and good name for this, and in exceptional cases may even face criminal liability.

Workplace haterade

In 2019, according to a survey conducted by CBOS, 12% of people experienced heckling at work. Surveys from 2024 and 2025 indicate that 34% of adult Poles have encountered "hejt" (Polishisation of "hate") at work. It is obvious to everyone that the problem is growing. There have been recent attempts to amend the Criminal Code by extending the hate speech offence to insulting a person on the basis of their gender identity or sexual orientation. These attempts failed, but this does not mean that the problem of hate crime does not exist, or that employers do not have a duty to counter it.

Obligations of the employer

Every employer has an obligation to actively counteract bullying and discrimination in the workplace. Discriminatory criteria are defined much more broadly in labour law than in the Criminal Code, as they include sexual orientation, among other things. A breach of the duty to actively counteract "hejt" exposes the employer to claims from aggrieved employees and also to a loss of reputation and goodwill.

As part of the duty to actively counteract hate speech, the employer should promote appropriate attitudes in the workplace, provide training and guidance. It is also the employer's responsibility to respond to any suspicion of inappropriate behaviour, including heckling.

Criminal liability

Individuals who use hate speech in the workplace may be committing a criminal offence. The Criminal Code sets out penalties for hate speech and incitement to hatred on the grounds of national, ethnic, racial, religious differences, or on the grounds of irreligiousness (Article 256). For years, there have been calls to expand the catalogue of these grounds to include sexual orientation and other forms of discrimination. Today, insulting another person on these grounds is an offence handled by private prosecution (Article 216 of the Criminal Code).

Creating an atmosphere of acquiescence to hegemony at work can be interpreted as facilitating the commission of an offence. The facilitator can be punished for the offence in the same way as the perpetrator (Article 18 § 3 of the Criminal Code).

ALL EMPLOYERS WILL BE ABLE TO CONCLUDE EMPLOYMENT AND OTHER RELATED CONTRACTS ELECTRONICALLY – LEGISLATION EVER CLOSER

Anna Nowak
Lawyer

The list of legislative and programmatic works of the Council of Ministers included the announcement of a draft amendment to the Law on the Teleinformatics System for Handling Certain Contracts (the Law on E-contracts), one purpose of which is to enable all entities to electronically conclude employment-related contracts including:

- employment,
- mandate,
- non-competition,
- training and
- material co-responsibility,
- volunteering,

through the ICT system.

Contracts concluded through the system can be signed

- with a qualified signature,
- with a personal signature
- with a trusted signature.

This will allow contracts to be signed remotely, without the need to incur the costs of obtaining a qualified electronic signature certificate or having an employee working remotely having to come to the employer's premises, and will eliminate the risk of sending signed documents by post.

The system will also provide the possibility to attach documents, produced outside the system but related to the concluded agreements, including documents connected with the employer's health and safety obligations. For example, the system would also be used to transmit data on contracts concluded with foreigners to such authorities as the Headquarters of the Border Guard or the Headquarters of the Customs Service: Border Guard Headquarters and the State Labour Inspectorate.

In addition, a function would be added to the system to enable confirmation of an employee's presence or notification of the start of remote work, which is expected to simplify the recording of working hours.

The system for concluding and handling contracts after the new legislation comes into force will be available to any interested entity on a voluntary basis, regardless of its status or size (currently, for example, it is only for microentrepreneurs or entities employing up to nine people). The draft amendment has been tabled for Q2/Q3 2025.

THE “TRANSPARENT WAGES” BILL – LIMITED TO THE RECRUITMENT STAGE

Natalia Kryżankiewicz
Advocate

Katarzyna Wilczyk
Attorney-at-law

Information on the starting salary or salary range will not have to be included in job advertisements.

Instead, this information can be communicated in several ways, such as:

- Sending a message to the candidate before the interview (for example, by email),
- Providing the information at a later stage, as long as it is before the employment relationship is established.

Importantly, the draft legislation specifies that salary information cannot be given orally during an interview with a candidate. It must be provided in a written form, either on paper or electronically.

The draft also reinforces the prohibition set out in the EU Pay Transparency Directive on asking candidates about their current and previous salaries.

Additionally, the bill introduces a requirement to use gender-neutral job titles, both in recruitment and internal organisational structures. There are no exceptions to this rule, meaning employers must always use neutral job titles regardless of the profession

Companies should already be thinking about how they will implement gender-neutral job titles. Beyond the basic approach of using masculine and feminine forms, other options can also be considered, e.g. using generic forms with suffixes like “m/f” (e.g. plumber (m/f) or singular job titles such as photographer.

Other important topics such as:

- how remuneration is defined,
- employees' right to information,
- the obligation to disclose the criteria used to determine remuneration,
- calculating and reporting the wage gap,

will be addressed in a separate project. This is currently being developed by the Ministry of Family, Labour and Social Policy to comprehensively implement the EU directive.

WORLD DAY OF SAFETY AND HEALTH AT WORK – AN OPPORTUNITY TO REFLECT ON THE BENEFITS OF AI

Monika Czekanowicz
Attorney-at-law

World Day of Safety and Health at Work falls on 28 April. This year, it is being celebrated under the theme of Digitisation and Artificial Intelligence – a new era of work. It is an excellent opportunity to reflect on current challenges in the area of increasing occupational health and safety.

Digitisation and artificial intelligence are key elements of the fourth industrial revolution, known as Industry 4.0, which can also be considered in the context of occupational health and safety.

Modern technology can have a significant impact on employee safety, which is one of the cornerstones of responsible management, for example:

1. Sensors and monitoring systems will allow for the ongoing collection and analysis of data, allowing for real-time identification of potential hazards and immediate risk management, without the need for dedicated people to review recordings for hours on end.

2. Automation and robotisation of processes in repetitive and monotonous work or hazardous tasks, will reduce the risk of occupational diseases or accidents at work, while also increasing production efficiency.

3. Decision-support systems will use data analysis to predict which places in the workplace pose a potential risk, while suggesting changes in the organisation of work that will allow processes to be optimised.

However, in addition to the benefits, the introduction of modern technology into the field of health and safety also poses significant challenges in terms of employee concerns about excessive intrusions into privacy or being replaced by artificial intelligence systems. It is therefore crucial for organisations to take conscious steps in this area, ensuring proper communication with employees as well as full transparency of processes and compliance with the GDPR.

FROM 2 APRIL 2025, EUROPEAN UNION CITIZENS TRAVELLING TO THE UK MUST OBTAIN AN ELECTRONIC TRAVEL AUTHORISATION – ETA

Agnieszka Szymańska
Immigration Consultant

The ETA is not a visa or travel document, but a certificate that provides additional verification of the traveller. Obtaining it does not guarantee entry to the UK and the traveller will still be subject to border control.

The ETA is linked to the passport under which it is issued. A new passport requires a new ETA certificate.

An ETA authorises multiple entries to the UK for a period of two years from the issue of the certificate, or until the passport associated with it expires.

Those exempt from the ETA requirement include:

- those with an appropriate visa or leave to remain in the UK;
- those flying in transit;
- those with citizenship, living in and travelling from Ireland;
- those exempt from immigration control under separate legislation.

The cost of obtaining an ETA is £16.

Applications for an ETA can only be made electronically, via an app or the government website.

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