

## HR Space

### Employment Law – Poland

#### Podcast Series

We are launching this series of employment podcasts that will help you navigate the newest legislative developments in Poland, ensure compliance and employment risk mitigation.

#### Available Now

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## Helping You Navigate Challenges, Remain Compliant, and Mitigate Exposure to Risks in Poland

#### Stay on Top of Polish Employment Law Changes

Workplace dynamic has always spearheaded legislative change. Since the global pandemic broke out, we have been witnessing tremendous economic and social changes, which may now make their way to the Polish Labour Code.

#### HR Space Podcast Series

With our HR Space podcast series, our labour and employment lawyers in Warsaw aim to answer your key questions on employment law developments in Poland. We explore the challenges HR directors are facing in the current climate, helping businesses to navigate legislative developments in Poland so that they can ensure compliance and mitigate employment risks.

Our series consists of 10 episodes focusing on:

**Remote work**

**Transparency and predictability**

**Work-life balance**

Follow our series, with new episodes coming out weekly.

#### Featuring



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## Episode 3 – Occasional Remote Work

### Q&A

- Can we contractually extend the statutory limit of occasional remote work (by executing an agreement with an employee)?
- Do I have to approve an employee's occasional remote work request?
- Do I have to justify denying the occasional remote work request?

### Far Less Red Tape

Occasional remote work will be far less formalistic than full-time remote work, hybrid work or emergency-circumstances remote work. It will not require an agreement, an internal policy or a detailed instruction, and most of the remote work statutory provisions will not apply. The employer will not have to collaborate with the trade union(s) or employee representatives. The employer will now be able to inspect occupational health and safety arrangements and whether the employee complies with the information safety and protection requirements, including any data protection procedures. The inspection terms will be agreed with the employee.

### Occasional Remote Work Request

Occasional remote work will be carried out upon the employee's request (paper or electronic). The employer will not be obliged to approve it, even if it is submitted by a special-category employee (cf. Episode 1). Employees may apply for occasional remote work, even if they already perform hybrid work.

In fact, occasional remote work will be as simple to apply for as that stemming from the special anti-COVID-19 law (still in effect).



### Statutory Limit

The occasional remote work limit will be 24 days per calendar year, that is, two days per month on average.

### Occasional Remote Work Costs

The employer will not have to reimburse any costs of occasional remote work. However, it may do so voluntarily. In such case, the reimbursement will not be treated as the employee's income, and it will not be taxable or subject to social security contributions.

### Increasing Statutory Limit or...

Employers' representatives are calling for increasing the statutory annual limit to at least 36 days. They argue that many companies (e.g. in the manufacturing sector) will not introduce full-time remote work or hybrid work due to work type or organisation. Consequently, occasional remote work may be the only opportunity for the employees to work remotely. They also stress that occasional remote work is very similar to that under the special anti-COVID-19 law, which has already been tested and has worked well in practice for the last 2½ years. Employers also raise another argument – that some of them will not want to pay twice, i.e. for work at the office or on their other premises and, additionally, for work from home.

### Decreasing Statutory Limit?

Trade unions' representatives have a different view, and insist on decreasing the annual limit to 12 days. They say that employers will use occasional remote work to avoid additional costs (paying the lump sum, fixed equivalent, etc.).

### Give-and-Take?

The Labour Ministry claims that 24 days is a good compromise. It will allow some flexibility, but at the same time prevent unregulated and limited-type remote work, which will gradually phase out statutory remote and hybrid work. Before the pandemic, this was exactly the case with flexible home office (not regulated in the Labour Code), which was popular and practically replaced telework (regulated in the Labour Code, in a very detailed and formalistic manner).