

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

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.

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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

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.

Our series consists of 10 episodes focusing on:

Remote work

Transparency and predictability

Work-life balance

Follow our series – new episodes coming out weekly.

Featuring



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Episode 4: Remote Workplace

Q&A

- How many remote workplaces are permissible?
- Does a trip between the employee's remote workplace (e.g. in Cracow) and our office (in Warsaw) count as a business trip?
- Can we give up the office space entirely?

Specifying Remote Workplace – When and How?

If the parties introduce remote work at the beginning of the employment, they will usually specify the remote workplace(s) in the employment contract. It will also be possible to indicate in the employment contract that the employee will perform work from their home address and/or any other location designated by the employee and each time approved by the employer (but without specifying such location(s) upfront in the contract).

If the parties introduce remote work later (during the employment), agreement on the remote workplace can be arranged, either in writing or electronically (at the employer's initiative or the employee's request). The usual requirement to change the employment terms and conditions in writing (i.e. using a wet ink or qualified electronic signature) will be explicitly excluded. Consequently, the parties will be able to change the workplace stemming from the employment contract without signing a formal written annex. Change of place of remote work will be possible, e.g. by email, via intranet or any other internal system.

Only Home Address?

The employee does not have to work remotely from their home address (although this will most likely be the rule). Employees may also suggest other workplaces; however, they may not impose any remote workplace on the employer. The employer will always be free to disagree, e.g. if the employee-designated place does not meet the occupational health and safety or data protection requirements (like a coffee shop or an airport). For this reason, in practice, the number of remote workplaces agreed for one employee will most likely be less than three (even though there will be no statutory limits).

Travels Between Home and Office

For many employees and employers, it is unclear what will happen, if, for example, the employee who works remotely on a full-time basis in Cracow is instructed to come to the employer's office located in Warsaw. Will the employee then be eligible for the statutory business travel payments? Each case will be different; however, it will be essential which workplace the parties specified in the employment contract. If the employee has only one workplace (e.g. their home address in Cracow) and the employer instructs them to come to the Warsaw office to complete certain incidental tasks (e.g. participate in a meeting), the trip to/from Warsaw will be considered a business trip. On the other hand, if the employee has a hybrid work arrangement (Monday to Wednesday from their home address in Cracow and Thursday to Friday at the employer's office in Warsaw), the commute between Cracow and Warsaw will not be treated as a business trip. The above is also significant from the perspective of working time – how to calculate it, whether a trip should be included into working time or not, etc.

Remote Work Abroad

Last but not least – during the pandemic, it became popular to work remotely from abroad. This trend among employees will probably not change, and employers should be prepared to discuss all possible implications of such arrangement related to social security, taxes, or right to work rules in a foreign country.

