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Épisode 1

REMOTE WORKING

will be permanently introduced into the
Labour Code in Poland



The Sejm is working on a project to introduce rules and obligations for employers and employees concerning remote working.*

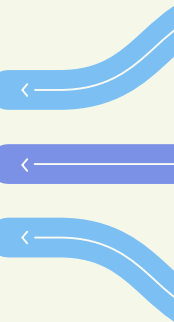
Remote work was introduced into the legal system as an ad hoc temporary solution during the COVID-19 epidemic.

The parties to the employment relationship recognized the advantages of this form of working - and the legislator decided to regulate the issue in more detail in the Labour Code.

**La Diète de la République de Pologne (Sejm Rzeczypospolitej Polskiej) est la chambre basse du Parlement polonais*

According to the proposed definition, **remote work may be performed wholly or partly in a place indicated by the employee and agreed with the employer in each case, including at the employee's home address, in particular using means of direct remote communication.**

The agreement on this way of working may be made both on conclusion of the employment contract and during employment (at the employer's initiative or at the employee's request).



In special circumstances, the employer will be able to instruct the employee to work remotely, e.g., in a state of emergency, an epidemic and in times when due to force majeure the employer cannot ensure safe and hygienic working conditions.

The order will only be effective if the employee states (on paper or electronically) that **they have the premises and technical conditions to work remotely.**

The employer will be able **to withdraw the order at any time (with at least one day's notice).**

As a general rule, the employer will have to grant a request for remote working from, e.g., a pregnant employee or an employee-parent of a child under 4 years of age, **unless remote working is not possible due to the type of work or its organization.**

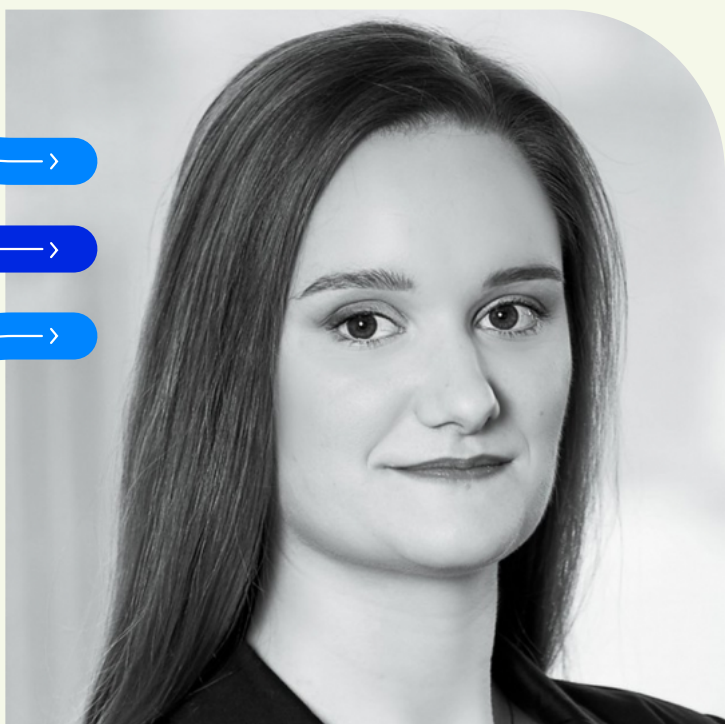
The introduction of rules for remote working requires an agreement with trade unions, and if no trade union representation is present at the employer, these rules must be set out in regulations after consultation with employee representatives.

If there is no agreement or no specified regulations for remote work, the principles are specified in the order to work remotely (provided that conditions exist enabling issuance of the order) or in a separate agreement concluded with the employee.

A novelty is **the explicit obligation of the employer to cover the costs of remote work.**

However, the Act leaves the parties free as to these arrangements.

In addition, the employer will have the right to control performance of remote work as well as to control work safety and data protection - on the principles set out in the agreement, regulations, order or individual agreement with the employee, respectively.



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Valoris Avocats

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**Un projet ?
Contactez-nous !** 



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