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Remote work - assumptions of the draft act

Remote work has formally been with us for over a year now and everything indicates that it will stay with us for longer. As the popularity and interest in remote work has grown on the parts of both employees and employers, an urgent need has arisen for its comprehensive regulation. Currently, employers may instruct their employees to perform remote work based on the provisions of the Anticrisis Shield. However, the solutions contained in the Anti-Crisis Shield are temporary and do not eliminate many risks related to the performance of work outside of an employer's premises.

Assumptions of the draft act

According to the information provided by the Ministry of Development, Labour and Technology, legislative work on the comprehensive regulation of remote working is in progress. The new provisions on remote working are intended to completely replace the institution of telework regulated in the Labour Code.

The main assumptions of the current version of the draft act:

- 1. Frequency:** remote work may be carried out fully or partly at the employee's place of residence or another place agreed upon between the employee and the employer. An agreement on remote working will be allowed both after concluding an employment contract and during the period of employment.
- 2. Introduction of remote work:** the rules for performing remote work will be defined in an agreement concluded between the employer and the trade unions. If no such agreement is concluded or no trade unions operate at the employer, the rules will be in the regulations established by the employer. Remote work may be performed at the employer's request, but only if the employee has the premises and technical conditions to perform the work. Each party will have the possibility to withdraw from remote work within 3 months from the date of starting the work.
- 3. Tools and materials:** the employer will be obliged to provide the employee with the necessary materials and tools, as well as cover the costs directly related to the performance of remote work (including the costs of electricity and access to telecommunications lines). If the employee's work materials and tools are used for remote work, both parties to the employment relationship will be able to conclude an agreement specifying the rules for their use and the payment of an equivalent (or lump sum) in the amount agreed by the parties.

- 4. Submission of applications:** employee applications for which the provisions of the Labour Code require a written form may be submitted in paper or electronic forms.
- 5. Health and safety at work:** the employer will carry out occupational health and safety obligations except for the obligations to: (i) organize the workplace in accordance with the provisions and principles of health and safety, (ii) ensure the safe condition of the work premises and technical equipment, (iii) review the work premises and building facilities, sanitary facilities and personal hygiene products.
- 6. Work accidents:** general provisions on accidents at work will be applied to investigate remote work accidents while taking the employee's right to the protection of their private life into account.
- 7. Occupational health and safety training:** the entire initial health and safety training of people working remotely will be fully available via electronic means of communication. All employees working remotely will be subject to periodic health and safety training (on general principles).
- 8. Prohibition of remote working:** it will not be allowed to commission work: (i) that is particularly dangerous, (ii) that, as a result of which, the permissible norms of physical factors for living quarters are exceeded, (iii) that use substances that are dangerous or harmful to health, corrosive, radioactive, irritating, allergenic or otherwise with an unpleasant smell, or that are dusty or intensely dirty.

The assumptions of the draft act were presented in response to parliamentary interpellation No. 20603. As indicated in the response, the date the draft act will be finalized is not yet known; therefore, the assumptions presented above may still be subject to change. We will keep you informed on the progress of legislative work.



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