

STATUS OF LEGISLATIVE WORKS - REMOTE WORKING AS OF 2 DECEMBER 2022

We inform that on the 1 December 2022, Parliament has adopted amendments of the Labour Code regarding sobriety check and remote working. 430 representatives were in favour of the final wording of the draft. New regulations shall be expected to enter into force within the first quarter of 2023. Our recommendation for the employers is to promptly undertake internal actions in this area.

Chosen issues concerning remote working

- Comprehensive regulation of remote working will be implemented to the Labour Code, it will replace the current regulations regarding telework and regulations also known as covid regulations which concern covid remote working (those will cease to apply)
- Remote work will be executed in the place indicated by an employee but only as agreed with the employer
- Different types of remote work will be implemented: standard, at the employer's request and occasional
- Standard remote work will be regulated by the relevant sources of company labour law and by accommodations set between employee and employer
- Remote work at the employer's request will be applicable in a situations such as state of epidemic emergency, or the period following it
- Occasional remote work will be an employee's privilege to unforeseen ad hoc provision of work from outside of the workplace. The limit is set to 24 days in a calendar year
- Employer has a responsibility to ensure installation, service and conservation of employee's working tools, or to cover related costs, also to cover costs of electrical energy and costs of telecommunication services which are essential to perform remote work in modes that are: standard or at the employer's request
- Employers will not be obliged to bear the costs related to performing occasional remote work
- Implementation of remote work in the workplace, where trade unions exist, will involve agreeing an appropriate agreement. If trade unions do not function, statutes will be implemented.
- Some groups of employees e.g. parents of children not older than 4 years old and pregnant employees, will be entitled to working remotely on their own application which will be binding on the employer

Recommended actions

In view of the fact that the provisions will come into force in the first quarter of 2023, **we believe that those employers, who have not yet taken any preparatory actions within this scope, shall immediately deal with this subject matter**

In particular, it is recommended to:

- Analyse the employer's current actual regulations concerning remote working
- Verify the employer's current applied and working solutions
- Make a decision about the concerned employer's expected target model and parameters of remote work
- Prepare or modify formal documents with the employer in question that concern remote work (e.g. agreement with trade unions, statute)
- Prepare update of information for employees issued under Article 29 of the Labour Code
- Verify issues that ensure appropriate protection of personal data (GDPR) and, in case of remote work, business matters (confidentiality of transferred information) of an employer



- Prepare a documentation concerning assessment of occupational risk for the working positions that are performed remotely
- Prepare appropriate patterns of statements and other useful documents at the employer in practical applying of remote work and its various aspects

Entry into force of the regulations concerning remote work

As it was indicated above, the law voted on 1 December 2022, currently will be forwarded to the Senate. If the Senate decides to deal with it during the upcoming meeting, which is planned around the mid December 2022, and will not table amendments that would cause the law to return to the lower house, it shall be expected that the President may sign this act even before the end of 2022. From the contents of the law, it can be concluded that regulations concerning the sobriety check will enter into force within two weeks from the date of law's publication in the Journal of Laws of the Republic of Poland, and the regulations concerning the remote work will enter into force within two months from the publication. Assuming that the publication will occur in January 2023, **it shall be established that new regulations, regarding remote work, will enter into force in March 2023.**

We recommend that employers undertake immediate internal actions within this scope.

We remain available in case of any questions or doubts.

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