

Flexible forms of working hours

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▢ Introduction

In an era of increasing need to reconcile professional life with personal life, flexible forms of organizing work time are becoming the standard. The Labor Code permits, among others, **flexible working hours** and **task-based working hours** – both forms allow for adjusting the work schedule to the specifics of the position, the needs of the company, and the employee.

▢ 1. Flexible working hours

▢ Definition

According to **Article 140¹ of the Labor Code**, flexible working hours is a system in which:

- there are **different starting times for work** on individual days, **or**
- the employee **chooses their starting time** within a specified range (e.g., between 7:00 AM and 10:00 AM).

▢ Key features:

- Changes in starting times do not breach daily norms nor are treated as overtime.
- Different starting times **can be used within the same settlement period**.
- The employee **can begin work at the same time for several consecutive days or vary**.

▢ Conditions for implementation:

- Introduced **in the work regulations** or
- **Agreement with the company trade union**, or
- **Employee's request** – in this case, a change in regulations is not required.

☐ Flexible working hours are suitable for companies:

- serving clients in different time zones,
- with a project-based nature,
- with a large number of office employees.

☐ 2. Task-based working hours

☐ Definition

According to **Article 140 of the Labor Code**, task-based working hours is a system in which:

- **the working time is not defined in hours,**
- the employee has to complete **specific tasks** within a given deadline,
- the method and distribution of working time depend on the **employee's independent organization.**

☐ Key features:

- Working hours are not specified in the schedule – the **effect of work** is what counts.
- No obligation to keep a record of hours worked (but a record of workdays is mandatory).
- Overtime is established only when **the scope of tasks does not allow for their completion within an 8-hour workday.**

☐ Conditions for application:

- Can be applied only when:
 - **the nature of the work allows it,**
 - it is possible to **realistically assess the time needed to complete tasks,**
- Tasks should be specified **in the employment contract** or **in the job description.**

☐ Task-based working hours are suitable:

- for specialized positions (e.g., programmers, analysts, consultants),
- in remote work,
- in projects with clearly defined stages to achieve.

☐ **3. Implementation in the company - employer's duties**

☐ **Flexible working hours:**

- Regulated in the work regulations or in an agreement with the employee,
- Keep a record of working time (with starting and ending times).

☐ **Task-based working hours:**

- Prepare a list of tasks and the estimated time for their completion,
- Include provisions in the contract or annex,
- Keep a record of workdays (without hours).

☐ **Legal basis**

- **Labor Code**, Art. 140, Art. 140¹
- **Regulation of the Ministry of Labor and Social Policy of May 28, 1996** on keeping records of working time
- Case law: including the judgment of the Supreme Court dated August 4, 2009, I PK 36/09 (regarding overtime in the task-based system)

✎ **Summary**

Flexible working time systems:

- improve work-life balance,
- increase productivity,
- but require appropriate **documents**, **records**, and **clear rules**.

Before implementing them, it is worth:

- analyzing the nature of the positions,
- seeking opinions from employees and management,
- developing document templates for implementation in the company.