

Remote Work Policy

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□ Introduction

As of April 7, 2023, remote work is regulated in the **Labour Code** and can be carried out:

- fully remotely,
- in a hybrid mode (partially remotely),
- occasionally (up to 24 days per year).

In order for the company to effectively manage this form of employment, a **remote work policy** is necessary – in the form of regulations, an agreement, or an order.

□ 1. Legal Basis

- **Labour Code**, art. 67¹–67¹⁹ (remote work)
- **Regulation on Health and Safety in Remote Work** (Journal of Laws 2023, item 471)
- **GDPR and data protection** – obligations of the employer

□ 2. When is a remote work policy required?

The obligation to develop a remote work policy (regulation or agreement) arises when:

- Remote work has a **regular character (permanent or hybrid)**,
- The company employs more than **1 person in remote work**,
- The employer wants to formally define the rules, equipment, billing, and health and safety procedures.

A regulation is not required in the case of **occasional work** – up to 24 days a year, upon employee request.

□ 3. Elements of a remote work policy

□ Mandatory (according to the Labour Code):

1. **Rules for performing remote work** (places, form, days of the week)
2. **Method of agreeing on conditions and communication rules**
3. **Obligations of the employer and employee**
4. **Rules for monitoring work performance and health and safety**
5. **Rules for personal data protection (GDPR)**
6. **Rules for covering remote work costs**, including:
 - electricity,
 - Internet,
 - use of equipment (lump sum or reimbursement of costs)
7. **Specific health and safety rules** – according to the regulation

□ 4. Additional recommended elements

- Conditions for revoking consent for remote work,
- Rules for work reporting,
- Responsibility for company equipment,
- Cybersecurity policy (e.g., VPN, screen lock, non-sharing passwords),
- Obligation to report equipment or network failures,
- Guidelines for home office ergonomics.

□ 5. Sample regulatory recording (fragment)

Remote Work Regulations – fragment § 3. Place of performing remote work

Remote work is performed at a location agreed upon with the employer, indicated by the employee (e.g., place of residence).
§ 5. Rules for cost settlement

The employee receives a lump sum of 50 PLN per month as reimbursement for energy and Internet costs.
§ 8. Obligations regarding data protection

The employee is obligated to use only the equipment provided by the employer, protected by a password and current antivirus software.

The entire regulation should be **approved and provided to the employee in writing or electronically** (e.g., payroll system, email).

6. Consultation with unions or agreement with employees

- If there is a **trade union** in the workplace, the remote work regulations **require consultation**,
- If not – it can be introduced **independently** or a **individual agreement with the employee** can be concluded (e.g., as an attachment to the contract or annex).

Legal Basis

- **Labour Code**, art. 67¹–67¹⁹
- **MRiPS Regulation of March 6, 2023, on Health and Safety in Remote Work**
- **GDPR** – personal data protection
- **Judgments of the Supreme Court and National Labour Inspectorate** – practical guidelines