

Remote and hybrid work

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▣ Introduction

As of April 7, 2023, remote work has been permanently incorporated into the Labor Code. The new regulations comprehensively govern both **full remote work** and the **hybrid model**. In this article, we present the obligations of the employer, the rights of the employee, and the required documentation.

▣ 1. Definition of Remote Work

According to **Article 67(18) of the Labor Code**:

Remote work is work performed **in whole or in part outside the employer's premises**, at a location agreed upon with the employee and using electronic communication means.

This applies to both:

- **permanent remote work** and
- **hybrid work**, which is performed partly remotely and partly on-site.

▣ 2. Types of Remote Work

▣ a) Agreed upon at the time of contract signing

– At the stage of signing the employment contract, the parties agree that the work will be done remotely.

▣ b) Agreed upon during employment

– At the request of one of the parties, after agreeing on the conditions.

□ c) Remote work at the employer's request (exceptionally)

- Possible in specific situations, e.g., during an epidemic, force majeure, during the first 3 months of pregnancy – if it is consistent with the nature of the work.

□□ 3. Organizational Principles

□□ Mandatory documents:

- **Remote work regulations** (or an agreement with the trade union),
- **Individual agreement** with the employee (if there are no regulations),
- **Employee's statement** about the workspace and technical conditions,
- **Data protection principles**,
- **Health and safety instructions** and a declaration of their understanding.

□□ 4. Employer's Obligations

The employer is required to:

- provide the employee with the necessary tools and materials (or establish the rules for using personal ones),
- cover the costs of electricity, internet, and equipment maintenance (form: **lump sum** or reimbursement),
- provide IT support,
- enable monitoring of working conditions and compliance with data protection principles,
- keep records of remote work hours (form established in the regulations).

□□ 5. Hybrid Work

□□ What is it?

- It is a **form of partial remote work**, which can be carried out, for example, 2 days remotely and 3 days on-site.
- It is regulated by exactly the same set of regulations as full remote work.

☐☐ **Schedule:**

- The parties may establish a **weekly or monthly schedule in advance**, or introduce rules for reporting remote days (e.g., through the HR system).

☐☐ **6. Protected Groups - Right to Remote Work**

According to the Labor Code, the employer **generally cannot refuse remote work** to, among others:

- parents of children up to 4 years old,
- pregnant women,
- individuals caring for a family member with a certified disability,
- individuals with a disability certificate.

Refusal is only possible **for justified organizational reasons** and must be **documented in writing**.

☐☐ **7. Control and Security**

☐☐ **The employer may:**

- conduct a **work and health and safety inspection** at the remote work location (after prior agreement),
- monitor compliance with data protection (e.g., documents, equipment, access to systems),
- must not violate the employee's privacy.

☐☐ **Document Templates (for implementation):**

- Remote Work Regulations
- Remote Work Agreement
- Employee's Statement on Workspace Conditions
- Rules for Using Personal Equipment
- Application for Occasional Remote Work

□□ Legal Basis:

- **Labor Code**, Articles 67(18)–67(33)
- **Act of December 1, 2022** amending the Labor Code (Journal of Laws 2023, item 240)
- Regulation on Health and Safety in Remote Work (Journal of Laws 2023, item 423)

✎ Summary

Remote and hybrid work are now fully regulated forms of employment. The employer cannot implement them "informally" – specific documents, regulations, and cost benefits are required. A well-prepared remote work system not only meets legal requirements but also improves employee satisfaction and the operational efficiency of the company.