



Remote work to replace telework?

The Ministry of Family, Labour, and Social Policy has launched legislative efforts to amend the Labour Code, consisting in providing a systemic regulation of remote work. Although the bill has not yet been officially published on the website of the Government Centre for Legislation (RCL), there have been preliminary proposals to regulate remote work. The new regulations are to completely replace the existing provisions on telework. Below is a brief summary of the bill comprising the amendments:

- Remote work (praca zdalna) is to be defined as the total or partial performance of work outside the permanent place of its performance as specified in the employment contract. The bill allows work to be performed in a hybrid system, i.e. partly remotely and partly from a fixed place of work.
- The arrangements to perform remote work can be made at the time of concluding the employment contract or during the term of employment. Remote work can be instituted either on the employee's or the employer's initiative; however, the general rule is that both parties should consent to remote work. The bill provides for a possibility for the employer to issue an order to perform remote work (without the employee's consent) in the event state of emergency or state of epidemic has been declared or when it is necessary to do so to ensure compliance with health and safety standards.
- The bill requires that the rules for remote work be established in an agreement concluded with trade unions, and in the absence of trade unions, in the regulations agreed with employees' representatives or in an agreement concluded with the employee performing remote work. The rules for performing remote work should define (i) the method of determining the cash equivalent when the employee uses his or her own equipment for work, (ii) the rules for communicating with the employee, and (iii) the manner and procedure for inspecting the place of remote work.
- The employee is able to work remotely only if he or she has the appropriate premises and technical equipment and infrastructure available (the employee submits a statement to that effect). The employer is required to provide the employee performing remote work with the necessary materials and tools, cover the costs related to their installation and maintenance, and ensure the necessary technical assistance and training.

- The employer is able to monitor the way in which remote work is performed. The inspection may take place during working hours, with the prior consent of the employee. The employer's obligations with regard to occupational health and safety have not changed in comparison with the current regulations on teleworking

The deadline for submitting applications for FGŚP employee salary subsidies has been extended

The deadline for submitting applications for employee salary subsidies from the Guaranteed Employee Benefits Fund (FGŚP) has been extended. The previous regulations under the Anti-Crisis Shield provided for submitting subsidy applications under Article 15g only until 27 September 2020. After the amendment, employers who have not yet availed themselves of the aid will still be able to submit applications for salary subsidies.

Under the amended wording of the act, applications may be submitted no later than 30 days after state of epidemic threat or state of epidemic has been lifted. The other conditions for receiving funding from the FGŚP have not changed. Below is a short summary of the most common questions posed by our clients:

- Employers can apply for subsidising the salaries of employees covered by the agreement on reducing the working time or economic downtime (Article 15g of the Anti-Crisis Shield) and full-time employees (Article 15gg of the Anti-Crisis Shield)
- The total period over which employee salaries are subsidised cannot exceed 3 months (subsidies under Articles 15g and 15gg of the Anti-Crisis Shield are added for the purposes of the limit)
- The employers who have not consumed the subsidy limit under Article 15g and whose employees have returned to full-time work can still rely on the assistance and apply for funding under Article 15gg of the Anti-Crisis Shield within the three-month limit
- The subsidy is awarded in the month in which the application has been submitted.

Notification of contract for specific piece of work to ZUS

We would like to remind you that the Anti-Crisis Shield introduced significant changes as regards conclusion of contracts for specific piece of work (*umowa o dzieło*). Starting from 1 January 2021, contribution payers will be required to inform the Social Security Institution (ZUS) about the conclusion of each contract for specific piece of work, if such a contract is concluded with a person with whom the payer or the principal has no employment relationship. The contract must be reported within 7 days from its conclusion.

The obligation to report a contract for specific piece of work is not equivalent to it being subject to payment of a social security contribution on it. However, such a decision of the legislators may suggest that in the future the obligation to pay social security contributions may be also extended to contracts for specific piece of work.



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