



# HR Alert

www.skslegal.pl

## The Council of Ministers has accepted a draft law on remote working and employee sobriety examinations

Announcements about the Labour Code suggest amendments concerning remote working and employee sobriety testing are forthcoming. After more than 2 years of pandemic, “telework” is to be replaced by “remote working”. This will undoubtedly help employers to regulate this issue and make work more flexible. In addition, new rules will be introduced to regulate employee sobriety examinations. Employers have been waiting a long time for these regulations.

### The most important changes regarding remote working

1. Remote working will be possible based on an agreement between the employer and the employee when concluding an employment contract or during employment.
2. The principles of remote working may be regulated by agreement with the company trade union organisation or in the regulations of remote working after consulting with the employees' representative. In the absence of an agreement or regulations, remote work may be performed based on an agreement concluded with the employee.
3. Remote work may also be performed at the employer's request only during: a state of emergency, a state of epidemic danger, a state of epidemic, as well as in a situation where, due to force majeure, it is not possible to ensure safe and hygienic working conditions.
4. An instruction to work remotely will not require the employee's consent. The employee will have to submit a statement that they have appropriate premises and technical conditions.
5. Occasional remote work may be performed at the employee's request for up to 24 days per calendar year.
6. An employer will be obliged to grant a request for remote work for employees bringing up a child under 4 years of age, as well as those caring for a person with a disability certificate or a significant degree of disability. The employer may refuse to grant permission only if, due to the organisation of work or the type of work, it is not possible to perform remote work.

7. An employee performing remote work will be entitled to a cash allowance or a lump sum to cover the costs incurred.
8. The employer will be obliged to provide the employee with the necessary technical equipment to perform remote work.

According to the announcements, the amended provisions on remote working are to come into force 3 months after the date the state of epidemic in Poland is lifted.

### Worker sobriety examinations

The employer will be able to carry out sobriety examinations of employees if their performance is necessary to ensure the protection of the life and health of employees or the protection of property. The sobriety test may not violate the employee's dignity or other personal rights.

The introduction of sobriety checks will be determined in a collective agreement, regulations, or a notice (when the employer is not covered by a collective agreement or is not obliged to establish regulations). In particular, it is necessary to determine the groups of employees covered by the testing, how the test will be performed, the frequency of testing, and the type of testing device used.



Contact us

**Agnieszka Fedor**

Partner, attorney-at-law

☎ +48 505 782 677

✉ [agnieszka.fedor@skslegal.pl](mailto:agnieszka.fedor@skslegal.pl)



**Maja Górawska**

Junior Associate

☎ +48 881 023 585

✉ [maja.gorawska@skslegal.pl](mailto:maja.gorawska@skslegal.pl)