

WP2 - national report

Smart working, Covid-19 and industrial relations: the regulatory perspective in Poland

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The adoption of out-of-office work pre Covid-19 in Poland and analysis of the related regulative framework

Definitions, regulations and related legal issues of out-of-office work in Poland

The only form of remote work which is regulated by law in Poland is teleworking¹. This report will also cover other forms of remote work, which are empirically present on the labour market, although their operation is not codified by legislation. Above all, working from home has developed under the influence of the COVID-19 pandemic and has been experienced by many cognitive workers in Europe and beyond as a form of social distancing applied in order to reduce the risk of contagions. It is also necessary to take into account the solutions already existing before the COVID-19 pandemic outbreak taking the form of arranging work in a mobile way using remote communication technologies - ICT-based mobile work.

Teleworking

Teleworking is a form of employment, the regulation of which was initiated by the Framework Agreement of 16 July 2002 concluded by the European social partners². However, the possibility to work in this form was introduced to the Polish national legislation by the Act of 24 August 2007 amending the Labour Code. According to the Art. 675 Teleworking is the form of work that may be performed regularly outside the workplace, using electronic means of communication. There is a specific procedure for the introduction of teleworking by the employer. The conditions for its use are specified in an agreement agreed upon between the employer and the company-level trade union organisation. If there are several organisations, all of them should participate in determining the content of the document. If it is not possible to reach a consensus with them, the employer concludes an agreement with the representative trade union organisations. Conducting teleworking is possible under an employment contract (fixed-term or open-ended), civil contracts (like a contract of mandate, contract to perform a specific task, contract to provide services), or as a self-employed worker. If the parties decide to establish an employment relationship, they must first apply the specific solutions concerning teleworking, only in matters not regulated otherwise shall they comply with the provisions relating to general rights and obligations arising from classic employment.

Teleworking might commence at any stage employment: while concluding the employment contract or later. The employer should, as far as possible, consider the request of an employee who wants to switch to teleworking. On the other hand, the law do not allow for teleworking on an *ad hoc* basis i.e. in circumstances justified by employers' needs, for a period not exceeding three months in a calendar year. This is not allowed even if other working conditions are unchanged i.e. remuneration. The employee must be informed of the employer's organisational unit in which the teleworking position is located, as well as of the person or body acting for the employer, responsible for cooperation with the teleworker and

¹ For exact definition see the next paragraph. Teleworking should be distinguished from telework.

² Namely: UNICE (Union of Industrial and Employers' Confederation of Europe), UEAPME (Euro pean Association of Craft, Small and Medium-Sized Enterprises), CEEP (European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest), ETUC (European Trade Union Confederation), EUROCARDES (Council of European Professional and Managerial Staff), CEC (European Confederation of Executives and Managerial Staff)

authorised to carry out controls at the workplace. Provision of the above information should be made in writing within seven days of the conclusion of the employment agreement or, at the latest, on the day the teleworker begins to perform work in this form.

There are some obligations that employer needs to comply with while organising teleworking, like providing the teleworker with the equipment necessary to perform the work, meeting the requirements of occupational health and safety; securing the equipment; covering the costs related to the installation, service, operation and maintenance of the equipment; providing the teleworker with technical assistance and necessary training in the use of the equipment, unless the parties agree otherwise in a separate agreement. Teleworker is obliged to cooperate with employer for the sake of monitoring and controls. In particular, when work is carried out at home, teleworker shall allow inspections to be carried out with regards to the following issues: performance of work; inventory, maintenance, servicing or repair of the equipment, on health and safety at work. The consent to organise inspections shall be given in writing or by means of electronic communication. The monitoring of teleworking conducted at home must not be burdensome to the worker and should not infringe on the privacy of the teleworker and his or her family, nor impede the use of the home premises. The first health and safety inspection takes place at the request of the teleworker before commencing working from home.

Teleworker is protected against discriminatory practices related to the form of work. In particular, neither the lack of consent to telework nor its cessation may constitute grounds for the employer to terminate the employment contract. Such a person must not be treated less favourably with regard to the establishment and termination of the employment relationship, employment conditions, advancement and access to training for the purpose of improving professional qualifications than other employees employed for the same or similar work, taking into account the peculiarities associated with the specificity of teleworking. The employee may not be discriminated against in any way for taking up telework or for refusing it. The employer is obliged to enable the teleworker, on the principles adopted for general employees, to stay on the premises of the workplace, to contact other employees and to use the premises and equipment, company social facilities and activities conducted in this respect (e.g. telephones, copying machines, conference rooms, canteens).

Working from home

Working from home has been enabled by the Article 3 of the Act of 2 March 2020 on specific solutions related to the prevention and combating of COVID-19, other infectious diseases and crisis situations caused by them. However, this right is temporarily in force for the duration of the pandemic (and for a period of 3 months after legal revocation of the pandemic). There were no other regulations this far allowing for such kind of work, despite the presence of working from home on the labour market also before the pandemic.

Currently, the new law is proceeded in order to introduce some provisions regulating working from home to the Labour code as a regular solution. The draft amendment specifies the regulations in the chapter IIc and introduces a definition of working from home: "Work may be carried out wholly or partly at a place indicated by an employee and agreed with the employer in each case, including the employee's home address, in particular by means of

direct remote communication (working from home)”. The amendment will oblige employer to consider requests for working from home of certain workers groups, if organisation and type of work performed allows for working from home. These include, in particular, pregnant women and parents of children under 4 years of age.

Working from home might be deployed through:

- an agreement concluded between employer and company-level trade union,
- regulations established by employer 1) if no agreement with a company-level trade union is concluded within 30 days and 2) in the case where no company-level trade union operates at the employer's premises (in this case the regulations would be established after consultation with employee representatives).

Both employer and worker may withdraw from working from home unilaterally with at least one day's notice, but only the employer will have the right to unilaterally order working from home during a state of emergency, a state of epidemic emergency, as well as during a period in which it is temporarily impossible to ensure health and safety conditions at the workplace due to force majeure.

It will be possible to work from home once a worker has fulfilled the condition of submitting a statement to the employer about the premises and technical possibilities of performing remote work. Working from home does not exclude being and working on the premises of the workplace as usual for all employees.

While working from home employer is obliged to provide worker with work materials and tools, including technical devices, necessary to perform remote work, including servicing the tools provided, technical assistance and training. The parties will be given the power to determine the rules for the employee's use of private work tools and materials for work performed from home. Therefore, it is possible to replace the employer's obligation to provide materials and tools with the payment of a lump sum or equivalent by the employer.

The amendment also allows the employer to inspect premises where the work is performed. The principles of such inspections must be set out by the parties in separate regulations, remote work order, or in an agreement concluded with the employee by the employer. The inspection will be subject to procedures for the protection of personal data in the place of work, as well as to health and safety conditions, while the inspection itself will be able to be carried out in the place of remote work, during the employee's working hours, after prior agreement with the employee, so as not to violate his or her privacy or that of his or her household members.

The draft amendment also introduces a new solution allowing for occasional working from home, which will be allowed for up to 24 days in a given calendar year. Occasional working from home excludes the obligation to regulate the principles of its performance in internal company regulations, as well as, inter alia, to cover the costs of work by the employer, including the provision of tools. The possibility for the employer to control the performance of remote work will remain in force, however the rules of such control must be agreed upon in advance with the employee.

According to Eurofound (2020) ICT-based mobile work is “the work pattern of a worker (whether employed or self-employed) operating from various possible locations outside the premises of their employer (for example, at home, at a client’s premises or ‘on the road’), supported by modern technologies such as laptop and tablet computers.” Eurofound stresses that ICT-based mobile work is different from traditional teleworking in the sense of being even less ‘place-bound’ and proposes three types of this work form, namely:

- occasional ICT-based mobile work (employees): high intensity of ICT use; one or more places outside the employer’s premises, with a relatively low degree of mobility;
- highly mobile ICT-based mobile work (employees): high intensity of ICT use; work conducted in at least two locations, several times a week;
- self-employed ICT-based mobile work: high intensity of ICT use; work conducted in more than one location.

In the Polish context, ICT-based mobile work might be performed for example by the following occupations: a sales representative, a merchandiser controlling the placement of goods in shops, a claims adjuster in the insurance sector and a careers advisor involved in a large-scale project carried out by a labour market institution in one of the regions of Poland. For practical reasons, mobility may be limited to a small area or region, e.g. in the case of claims adjusters. It may also mean working in several predefined locations, e.g. in the case of careers advisor who held out-of-office consultations in various local institutions, such as public libraries.

Currently, there are no definition nor specific regulations on ICT-based mobile work in the Polish legal system as a specially distinguished form of work (Owczarek 2018). ICT-based mobile work may be performed under a regular employment contract, as well as under a self-employment contract (including civil law contracts). Moreover, there are no legislative works aimed at changing this state of affairs. There is also no demand to introduce specific regulations in this area in the public debate. Therefore, ICT-based mobile work is regulated by general provisions of the labour law.

Due to the marginal role of collective agreements on labour law at both sectoral and company level, the out-of-office work has not been a subject to regulations between workers and employers (incidental cases might occur if any). As for now, the nationwide regulations are in place in this regards pertaining to all workers in the country.

Teleworking

Publicly available statistics related to teleworking in Poland allow for showing only the total number of teleworkers, including women (Table 1). In 2019, there were 28.2 thousand teleworkers in Poland which constituted less than 0.2 % of total labour market in the country. The figures show that this form of work remained a marginal to the labour market in Poland. Approximately half of teleworkers were women with only slight prevalence of men (48% of women in 2019). A systematic growth could be observed in teleworking throughout the whole period covered by the public statistics. The largest growth occurred in 2016 and 2017 (approx 50% year to year), while the growth was relatively small in 2020 (15% growth as compared to the previous year). The relatively small growth in 2020 might be hipotetically explained by explosion of working from home due to the COVID-19 pandemic which become the dominat form of remote work. This was probably the case due to relaxed regulation for this temporary solution as compared with relatively stricter regulations for teleworking. Data for sectors, regions, size of companies, etc. are not available.

Table 1. Teleworking in Poland 2014-2020, (in thousands)

	2014	2015	2016	2017	2018	2019	2020
total	7.6	8.2	12.3	18.4	22.0	28.2	32.4
Including women	3.4	3.9	5.7	8.5	10.9	13.6	14.7

Source: Statistics Poland (2021-2015) *Pracujący w gospodarce narodowej*, Warsaw

Working from home

Until the outbreak of the COVID-19 pandemic, working from home was not a wide spread phenomenon in the EU, including Poland. According to Eurostat, only 5.4% of workers aged 15 to 64 in the EU used this form of work in 2019. In the period 2011-2019 the figures fluctuated between 4.8%-5.4%. As regards Poland, only 4.6% of employees worked from home. The figures varied in the period 2011-2019 between 4.0% and 5.6% which might be considered as a rather stable and low level of this form of employment. As compared to the other countries in the EU, working from home in Poland stood below the UE average (with the exception of 2015 when this form of work was performed by 5.6% in Poland and 4.9% in the EU on average). The figures were usually the highest in the Netherlands (13.7%), followed by Luxembourg (12.7%) and Finland (12.3%), and lowest in Bulgaria (0.3%) and Romania (0.4%).

Table 2. Employed persons aged 15-64 usually working from home in Poland and the UE (average), 2011-2020 (in %)

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
EU 27	5,4	5,5	4,9	4,8	4,9	4,8	5,1	5,2	5,4	12
total	4,7	4,6	4,0	4,6	5,6	5,3	4,5	4,6	4,6	8,9
women	5,1	5	4,4	4,8	5,7	5,5	4,7	4,7	4,9	10,5
men	4,3	4,2	3,7	4,4	5,6	5,2	5,4	4,4	4,3	7,6

Source: Eurostat database

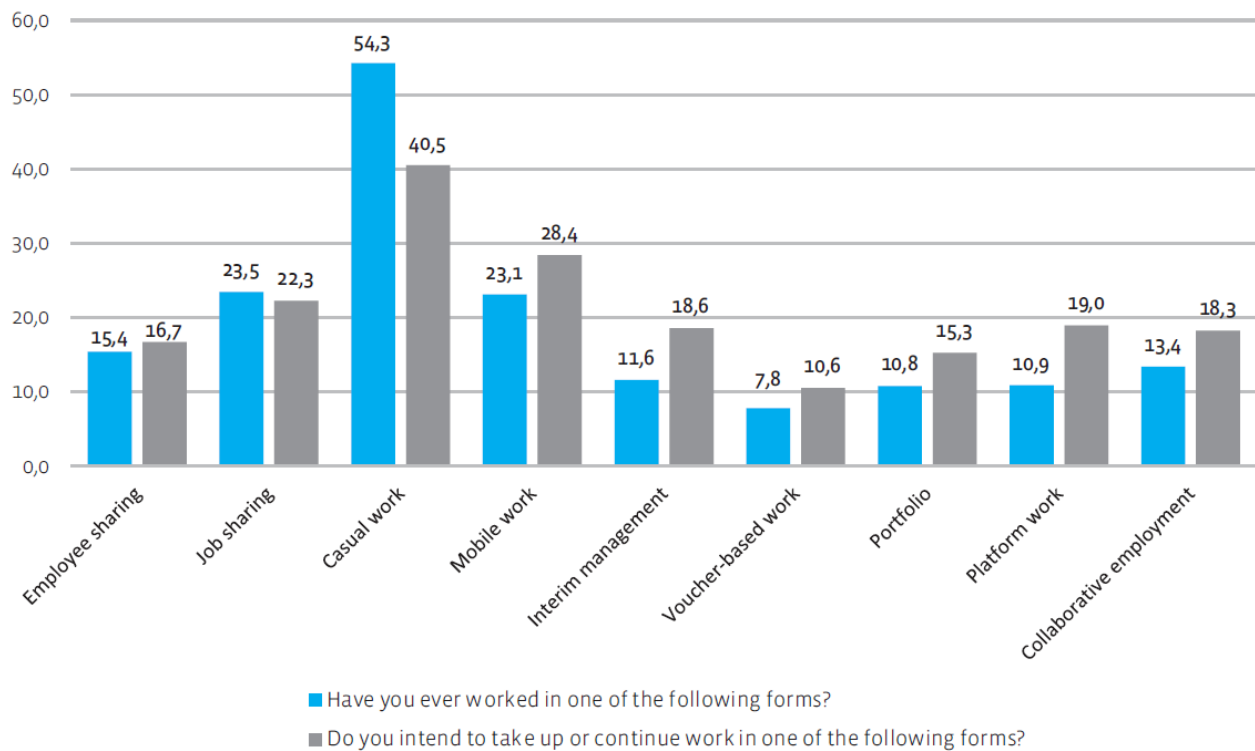
The Eurostat data show that a slightly higher proportion of women in Poland usually worked from home: 4.9% to 4.3% (men), which reflected also the general tendency in the EU. Over the last decade, the share of self-employed persons who reported that they usually work from home has been consistently higher than the share of employees who usually work remotely. The share of self-employed who do this has also been on an upwards trend, rising from 16.2% in 2009 to 19.4% in 2019 in the UE. For comparison, just 3.2% of employees reported that they usually work from home in 2019, although this has risen slightly from 2.7% in 2009. No data is available for Poland in this respect, but it might be assumed that the similar trend could be observed.

ICT-based mobile work

In 2018, Owczarek and his team studied new forms of work in Poland based on Eurofound's classification (2015) using both quantitative and qualitative. According to the study, ICT-based mobile work was the third most frequently performed form of work by respondents of the representative nationwide survey (23.1% of respondents) usually conducted by young and middle-aged workers. The share of people working under this form among older people was slightly lower (11.7% in the 45-54 age bracket and 19.6% in the 55-65 age bracket). Higher percentages are also observed in the case of people with higher education (BA degree: 27.1%, MA degree: 27.6%) and self-employed (32.1%).

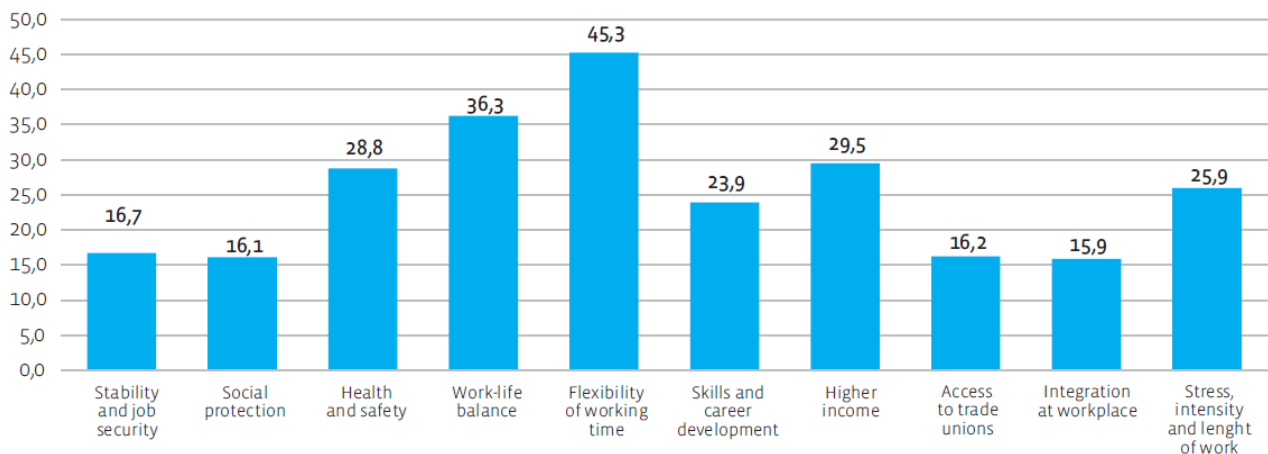
ICT-based mobile work was assessed relatively well in reference to ten dimensions of job quality proposed in the survey. Average score for this form of work was 25.4% - the highest as compared to the average scores of other new forms of work in the study. Flexibility of working time (the highest score for all analysed forms and the highest score for all the dimensions of assessment), as well as the possibility of maintaining work-life balance received the best results. Respondents also gave high scores to higher income and health and safety conditions in the workplace. Conversely, integration with colleagues from the workplace, social protection, access to trade unions and agreements with employers, job stability and security received low ratings. This form of work scored relatively well in terms of stress, intensity and length of work.

Figure 1. New forms of work in Poland and willingness of respondents to take up or continue them in the future (in %, 2018)



Source: Owczarek, D. (ed.) (2018). *New forms of work in Poland*, Institute of Public Affairs, Warsaw

Figure 2. Assessment of ICT-based mobile work, workers perspective (in %, 2018)



Source: Owczarek, D. (ed.) (2018). *New forms of work in Poland*, Institute of Public Affairs, Warsaw

The use of mobile work by employers is most often a necessity. Although for the labour market institution mentioned above it was a conscious choice, as a response to low interest in the project expressed by potential beneficiaries who otherwise would have to get to one of the three branches of the institution in the region. Regardless of the nature of the tasks performed, the use of mobile work may be a result of organisational arrangements, as was the

case of a company that had two headquarters in different cities, which required frequent trips and imposed the necessity of online contact.

According to the study the respondents in qualitative part reported the following advantages of ICT-based mobile work (Owczarek 2018):

- easier to attract candidates with sought-after qualifications, as well as retain the loyalty of their staff;
- savings in the cost of renting office space;
- workers save time on commuting;
- positive impact on the work-life balance, including combining work with certain household activities or caregiving. However, when the position requires long journeys (e.g. sales representatives), the work-life balance may be upset.
- reducing sickness absenteeism;
- working from home allows the worker to be more focused and perform tasks more effectively than at the employer's premises. This is especially true if the employer has an open plan office.

While the disadvantages of ICT-based mobile work identified in the study include the following:

- From the employer's perspective, the use of mobile work weakens control over a worker. This constituted a barrier for the development of this form of work;
- The challenge for workers, in turn, is self-discipline and the ability to organise their own work;
- Ensuring the full data protection;
- Weakening of worker integration, lack of frequent opportunities for face-to-face contact and effective exchange of information.

Diffusion of out-of-office work during Covid-19 in Poland and analysis of the industrial relations practices to regulate it

Out-of-the-office work diffusion during the pandemic in Poland: sectoral, regional differences and characteristics of the workers involved

Teleworking

Limited access to the publicly available data allow only for showing total number of teleworkers in the country (Table 2). In 2020, there were 32.4 thousand teleworkers, of which women constituted 45% (approx. 0.2 % of total labour force in the country). Only a minor growth of teleworking was observed in Poland in 2020 as compared to the previous year (15%), which might be explained by introducing more relaxed regulations for working from home during the COVID-19 pandemic as a temporary solution.

Working from home

According to Eurostat the COVID-19 pandemic had a significant impact of the scale of working from home. As much 12% of workers usually worked from home in the UE and 8.9% in Poland (10.5% women and 7.6% men) in 2020 (Table 2). This means a rise by 94% between 2019 and 2020.

Labour Force Survey operated by the Statistics Poland in 2020 showed that, there were over twice as many people usually performing work at home in the second quarter of 2020 as compared to the first quarter (table 3). Out of the general number of 2,124 thousand of persons working from home 1,539 thousand of persons (i.e. 72.5%) worked at home due to the situation related to COVID-19 pandemic. After loosening restrictions related to the pandemic in the third quarter of 2020 (in the holiday period) the number of homeworkers significantly decreased and in the fourth quarter increased to 1,609 thousand people.

Table 3. The number of persons usually working from home and share in the total number of working population in 2020

Quarters of 2020	The number of persons usually working from home		
	Total (in thousand)	% of all workers	Due to the COVID-19
1Q	1,047	6.4	Na.
2Q	2,124	13.1	1,539
3Q	1,131	6.8	520
4Q	1,609	9.7	1,038

Source: Statistics Poland (2020). *Monitoring Rynku Pracy – Kwartalne informacje o rynku pracy w I, II, III i IV kwartałach 2020 r.*, Warsaw

In other study conducted by the Statistics Poland (2021), the share of persons working from home due to pandemic amounted to 14.2% in March 2021 and it was by 3.2 pp higher than at the end of March 2020. In the first quarter of 2021, the share of working from home already covered 16.6% of the employed in companies with more than 50 employees (average in the

first quarter of 2021 – 10.1%), 13.6% in companies employing between 10 and 49 persons and 7.1% in companies with less than 9 employees. In case of the latter, it was by 3.2 pp fewer than in the first quarter of 2020.

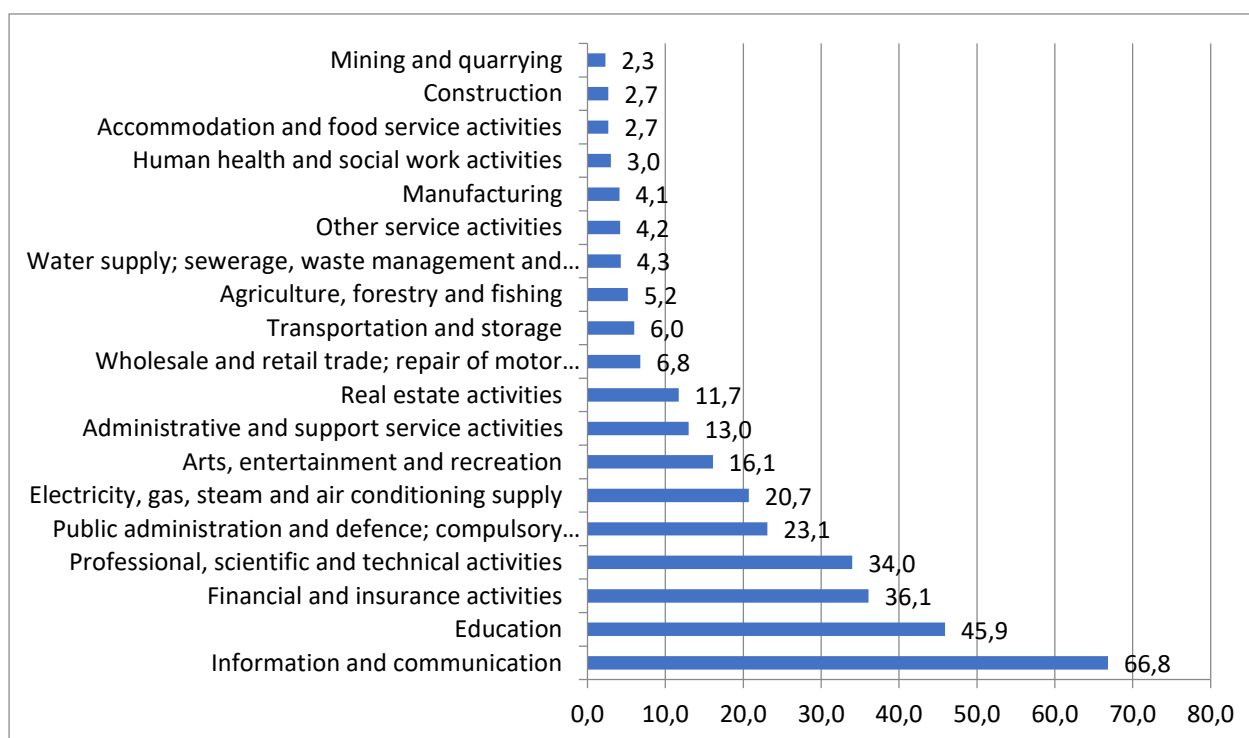
Table 4. Structure of working from home by the size of employment in companies, 1Q 2020 – 4Q 2021 (in % of total employment)

Period	Size of employment in companies		
	Over 50 workers	10 to 49 workers	Up to 9 workers
1Q 2020	10.1	13.6	10.3
2Q 2020	11.2	9.3	8.0
2Q 2020	7.6	3.2	3.4
2Q 2020	12.6	9.3	6.5
1Q 2021	16.6	13.6	7.1

Source: Statistics Poland (2021) *Wpływ epidemii COVID-19 na wybrane elementy rynku pracy w Polsce w I kwartale 2021 r.* Warsaw

The biggest potential to work at home have employees whose work requires creative thinking and solving problems, managing people and processing data. Employees in these professions also belong to the group of the best paid workers. Therefore, it is not surprising that the potential of remote work is strongly concentrated around highly qualified, well-educated employees in several industries, professions and regions. The biggest share of remote work since the outbreak of COVID-19 was noted by persons from the following sectors: financial and insurance services, education and IT (these sectors were also leaders in digitalisation and automation before the pandemic).

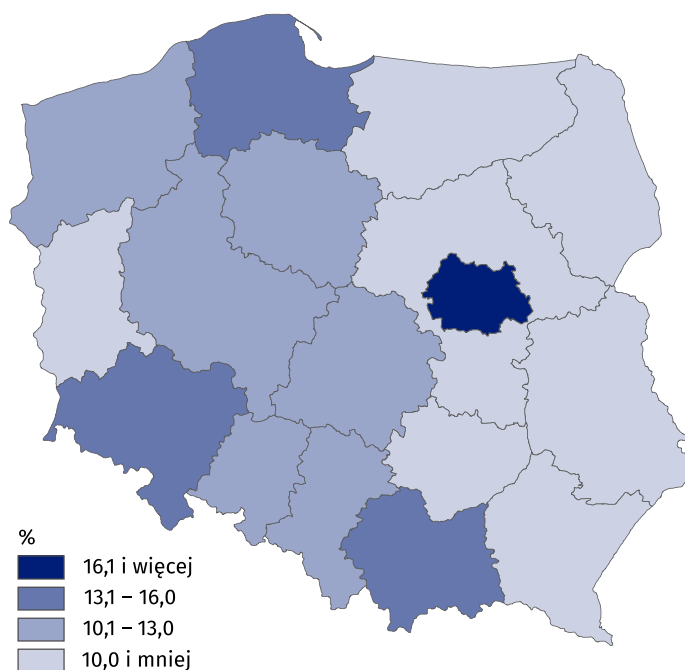
Figure 3. Share of working from home by sector in the 1Q 2021



Source: Statistics Poland (2021) *Wpływ epidemii COVID-19 na wybrane elementy rynku pracy w Polsce w I kwartale 2021 r.* Warsaw

The potential of remote work during pandemic has been diversified in spatial terms. The Figure 4 shows the share of remote workers in regions/voivodeships, certainly influenced by the sector prevailing therein, professions related to this sector and activity of inhabitants. Working from home occurred to the smallest extent in Świętokrzyskie region (6.9% in the 1Q of 2021 in comparison to 7.3% in the 1Q of 2020), Podlaskie region (8.1% in comparison to 7.3%), Warmian-Masurian region (8.9% in comparison to 7.4%) and Lubuskie region (9% in comparison to 9.2%)¹⁴. While, in the 1Q of 2021 the largest share of remote workers (27.2%) characterised Warsaw region and the following regions: Lesser Poland (15.4%), Lower Silesian (14.6%) and Pomerania (14.5%). Due to large city centres, these regions achieved high attractiveness for technologically advanced activity and, in comparison to the 1st quarter of 2020, the share of remote workers in the aforementioned regions increased by 10.0, 3.9, 4.4 and 2.6 pp, respectively.

Figure 4. Regional distribution of working from home in the 1Q 2021

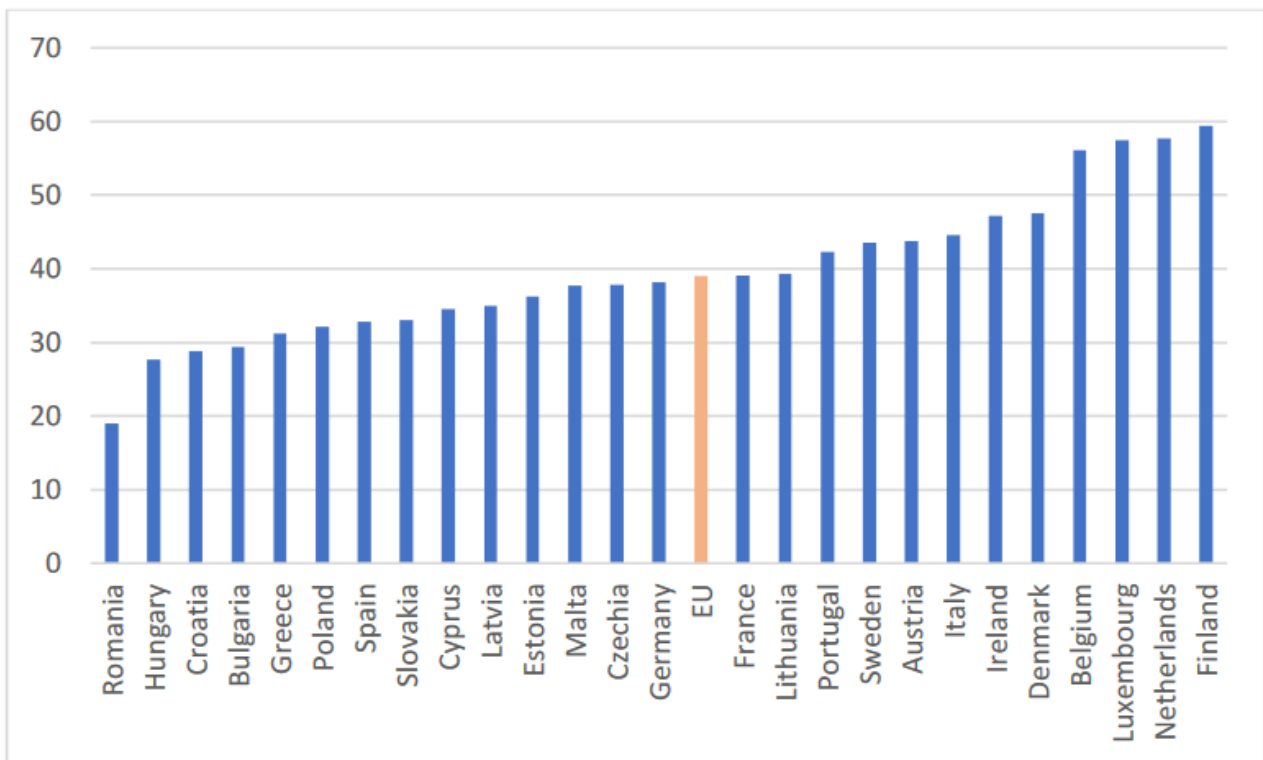


Source: Statistics Poland (2021) *Wpływ epidemii COVID-19 na wybrane elementy rynku pracy w Polsce w I kwartale 2021 r.* Warsaw

Eurofound conducted the most extensive real-time survey in Europe on the impact of COVID-19 pandemic on working from home and its consequences, namely Living, Working and COVID-19 survey. The study has been conducted in two waves (in April 2020 with 62,755 completed responses and June-July 2020 with 24,123 completed restrictions). According to the study, over 30% of employees worked from home in April 2020, when the first restrictions were imposed in the European countries. This stood well below the average in the EU-27 at that time (39% - as compared to 20% who indicated working from home at least 'several times a month' pre-COVID-19.). By June/July 2020, the share of EU27 employees working from home had increased to 48% (34% working exclusively from home and 14% in

conjunction with working from other locations including the employer’s premises). Those who switched to working from home during the pandemic are mainly people who have had previous telework experience. Eurofound (2020) reported negative correlation between higher incidence of homeworking and lower self-reported likelihood of job loss. Poland is presented as a country with relatively low incidence of working from home and high likelihood to lose job.

Figure 5. Employees working from home during COVID-19 crisis, April 2020, by country %



Source: Eurofound (2020), *Labour market change. Teleworkability and the COVID-19 crisis: a new digital divide?* Publications Office of the European Union, Luxembourg

The study showed also interesting results on impact of working from home on work-life balance, care responsibilities, blurring boundaries between work and private life, including psychological aspect of feeling the obligation to be connected to communication channels for work. Unfortunately, detailed statistics at the country level are not reported in the study.

ICT-based mobile work

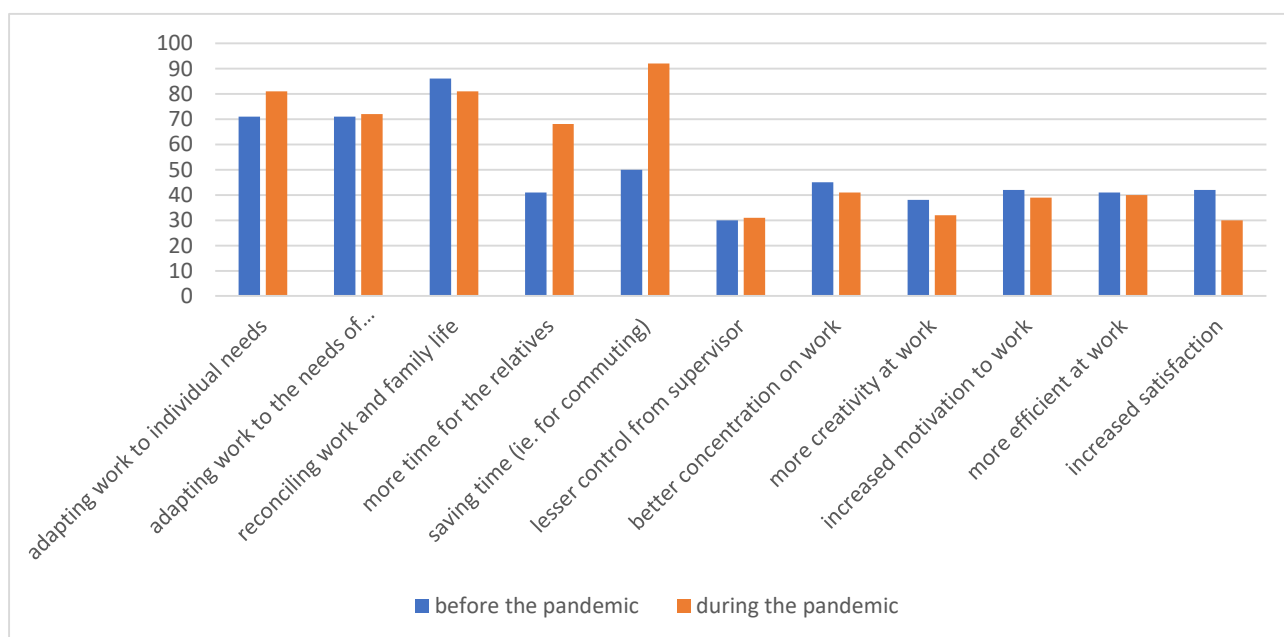
There is no data on how COVID-19 impacted the ICT-based mobile work in Poland so far.

Key issues and problems in the out-of-office work arisen during the pandemic

According to CBOS (2020 and 2022), as much as 21% of respondents worked from home during the first year of the pandemic - in May/June 2020, while in September 2020 only 12%. Managers and professionals with higher education were most frequently working from home (60% in May/June, 35% in September 2020). In the second year of the pandemic, at the end of October 2021, the possibility to work from home in the main workplace was declared by 30% of respondents, with only 8% stating that they had the possibility to work remotely at all times, and in 22% of cases it was possible only under certain circumstances. Remote working was most often used by managers and professionals with higher education (75%), although more than half of them (57%) had this possibility only in certain circumstances. Flexible working arrangements were relatively often used in administrative and office environments (54%), but also usually under certain conditions (48%). On the other hand, self-employed people were most likely to work from home at all times (21%). Socio-professional groups, the nature of whose work makes it almost impossible to perform duties elsewhere, include: service workers, skilled and unskilled workers, and farmers. The study confirmed also that the more women (27%) than men (15%) worked from home. These figures show that working from home is reserved to some workers groups – white collars, better educated, working at offices. While blue collar workers, some service workers, as well as the so called essential workers did not have equal access to working from home as a protection measure against COVID-19 infections.

Dolot conducted a quantitative study on benefits and disadvantages of working from home during the first lockdown in Spring 2020.

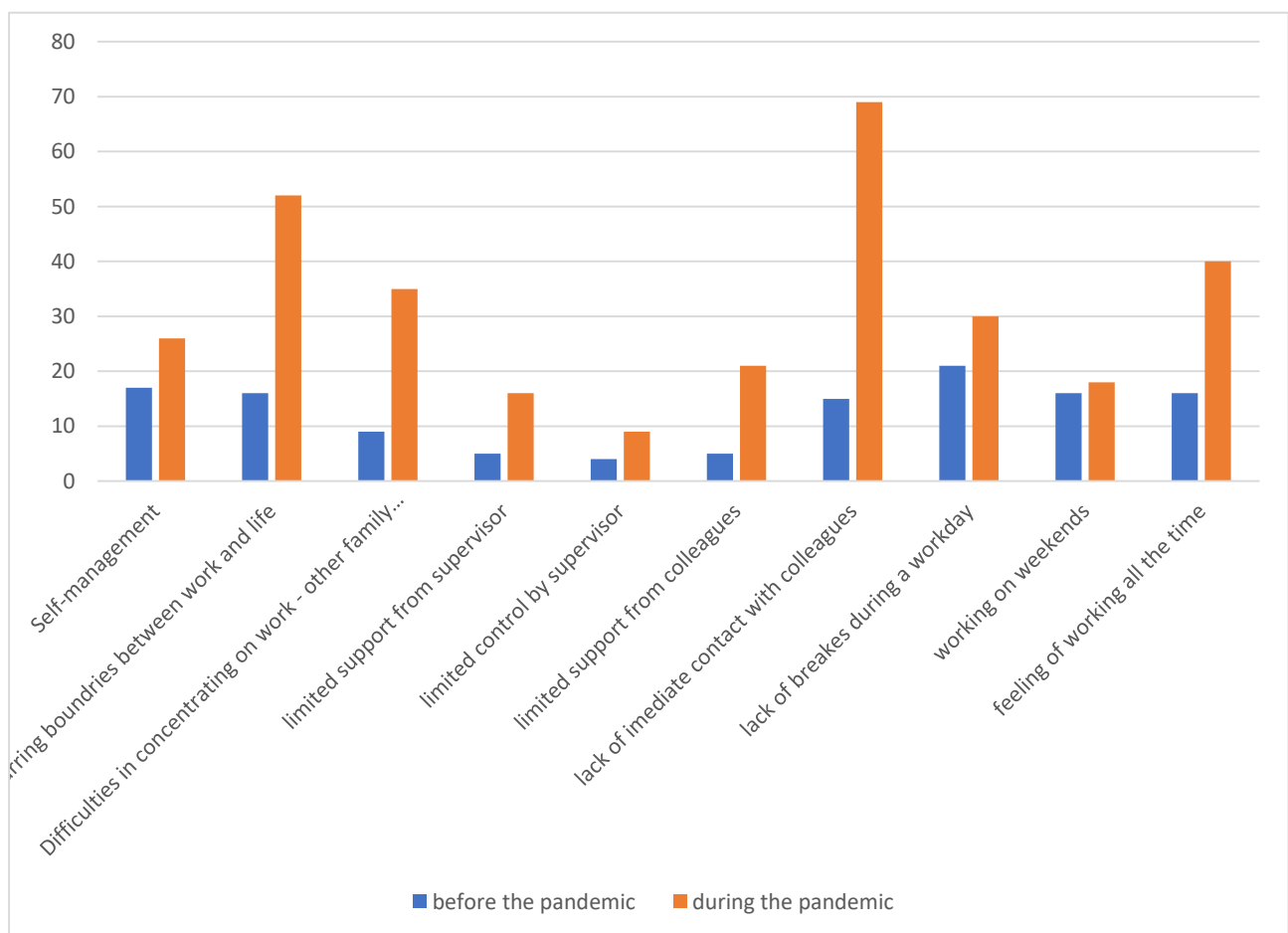
Figure 6. Benefits of working from home during the first lockdown in spring 2021 as compared to working from home before the pandemic (in %)



Source: Dolot, A. (2020). Wpływ pandemii COVID-19 na pracę zdalną - perspektywa pracownika. *e-mentor*, 1(83), 35-43

As regards the benefits of working from home, the greatest disproportion between the time before and during the pandemic is seen in time savings (e.g. for commuting). Of the eleven benefits proposed, respondents in only four other areas rated working from home better during the pandemic, including it being easier for them to adapt work to their own needs and their family needs, and to reconcile work and personal responsibilities. Given that 36% of respondents are the parent of a minor (with schools, kindergartens and nurseries closed) this result should not be surprising. Thanks to working from home, some parents were still able to fulfil the role of both employee and parent. What was evident instead was lower motivation to work (by 16%) and lower job satisfaction (by 12%) when working remotely under pandemic conditions. It seems, therefore, that most of the typical benefits of remote working ceased to be so during the COVID-19 pandemic. Factors such as greater ease of concentration, better, more creative ideas, greater motivation to work, faster, more efficient completion of tasks or greater satisfaction were not only less frequently cited as benefits of remote working before the pandemic, but also rated less highly during the pandemic.

Figure 7. Disadvantages of working from home during the first lockdown in spring 2021 as compared to working from home before the pandemic (in %)



Source: Dolot, A. (2020). Wpływ pandemii COVID-19 na pracę zdalną - perspektywa pracownika. *e-mentor*, 1(83), 35-43

As regards the negative consequences of working from home respondents reported the lack of direct contact with co-workers (69% of indications and as much as 55% difference compared to working from home before the pandemic), blurring of the boundary between personal and professional life – 39% (here, too, the biggest difference between the number of indications before (15%) and during (54%) the pandemic is visible), difficulties in concentrating on work due to the presence of other household members. The fewest respondents complained about the lack of control by their immediate supervisor (regardless of the pandemic).

Lack of social contacts and feeling of isolation are the biggest difficulties reported by the respondents. Women (71%) and people who are parents of minors (56%) marked this answer more often. It should be noted that as many as 25% of the respondents marked this factor as the only one hindering work during the COVID-19 pandemic. As many as 82% of women who are mothers of minors indicated the presence of children at home, caring for them and studying with them as a difficulty in working remotely. In addition, when analysing the responses of underage parents only, it appears that for this group the presence of children at home, caring for them and studying with them was the biggest obstacle to working remotely during the COVID-19 pandemic (68% indicated this factor, while lack of social contact and isolation were indicated by 56% of underage parents). A psychological factors were also important - more than a quarter of the respondents felt anxieties about the future, which made it difficult for them to concentrate on work. Only less than 3% of respondents said they do not see any difficulties in working from home. As many as 85% of this group are people aged 26-35 years and work in the service sector. A big part of those who do not see any difficulties (71%) do not have children or are men (71%). All of them hold professional positions.

CBOS conducted also a study on (2022) draft proposal of the regulations on working from home (see the details in the chapter on legislative issues). The amendment will oblige the employer to answer the requests for remote work in case of certain groups of employees (ie. pregnant woman, parents with small children, etc.). The study asked whether the legislator should decide on the priority of working from home or whether this should be left to the sole discretion of the employer. Nearly three quarters (72%) of respondents believe that this issue should be decided solely by the employer, and only 12% of respondents were in favour of it being regulated by law. Quite a significant group of respondents had no opinion on this issue (15%). Respondents who thought that it should be up to the legislator to regulate working from home were asked for whom the legislator should give priority to remote working. The priority was given to parents caring for children and carers of people with disabilities or chronic illnesses and pregnant women. Other responses said that the legislator should make working from home possible for all those willing to work whose type of work allows it.

In the discussion on the shape of the new regulations on working from home, the following issues were raised in particular:

- Formal issues such as: the possibility for full or partial working from home, the specification of situations in which working from home may take place at the

- employer's instruction, the procedure for an employee's request to work from home (with a statement that he/she has the appropriate conditions);
- the shape of the home-work agreement between the employer and company-level trade unions;
 - the principles for determining the monetary compensation in the event that an employee carrying out work from home uses materials and tools which are the employee's property;
 - the issue of the possibility of monitoring work performance and working time (with the employee's consent);
 - the issue of discrimination on the grounds of working from home: a remote worker must not be treated less favourably in his/her employment than other workers employed for the same or similar work, having regard to the particularities associated with the conditions under which the work from home is carried out. Moreover, such an employee has a full right to stay at the workplace, to communicate with other employees and to use the employer's premises and facilities as well as social activities.

From the problem to the solution: industrial relation practices to address the key organizational issues arisen in the out-of-office work during the pandemic

As stated above, the Act of 2 March 2020 on specific solutions related to the prevention and combating of COVID-19 introduced working from home as a temporary measure allowed to be deployed in companies during the pandemic and up to 3 months after the pandemic. Simultaneously, the government announced the intent to enact a new law introducing working from home to the Labour code as a permanent option, supplementary to already existing teleworking (since 2007). This legislative initiative has been the key answer to the phenomenon of working from home which rapidly emerged under the impact of the pandemic in 2020. In the light of the marginal role of collective bargaining – especially the collective agreements – at central and sectoral levels in Poland, social dialogue did not play a significant role in this respect. It cannot be excluded however, that some company level solutions were adopted in agreement with company-level trade unions.

Details of the draft Draft Act of 8 February 2022 amending the Labour Code Act and certain other acts (on working from home) were presented in the first section of the report. While the issues that were a subject of discussion between the representative social partners at national level were outlined in the section “Key issues and problems in the out-of-office work arisen during the pandemic”.

Conclusions and general remarks

There are several forms of out-of-office work present in Poland, specifically teleworking, working from home and ICT-based mobile work, among which only telework has been regulated by the Act of 24 August 2007 amending the Labour Code. In case of working from home, only some temporary provisions have been enacted for the period of the COVID-19 pandemic. At the same time, the government announced the intent to enact a new law introducing this form of work to the Labour code as a permanent option and presented the Draft Act of 8 February 2022 amending the Labour Code. While ICT-based mobile work has not been covered by any specific regulation and provisions of general law applies in this case. Teleworking has been representing only a small fraction of the labour force before and during the pandemic (less than 0.2 %), despite some yearly growth since adaption to the national legal system. According to Owczarek et al (2018) ICT-based mobile work was performed by 23% of workers in Poland at least once in their professional life, but the scale of this form of organising work remain unknown during the COVID-19 pandemic. Working from home expanded from 4.6% in 2019 to 8.9% in 2020 in result of the pandemic. These levels, however, still positioned Poland below the EU average. CBOS study showed that working from home was reserved to only some workers groups – white collars, better educated, working at offices (2020, 2021), while blue collar workers, some service workers, as well as the so called essential workers did not have equal access to working from home as a protection measure against COVID-19 infections. The study confirmed also that the more women (27%) than men (15%) worked from home.

Due to deficits of the social dialogue in Poland, the key point of the debate related to out-of-office work was the draft legislation on working from home and details of its provisions. Collective bargaining regulating working from home during the COVID-19 pandemic was conducted at company level only, scale and characteristics of which is unknown. Significant delay in enacting the new law resulted in discontent among the social partners – especially the trade unions. The adoption of the law was first announced to take place in Autumn 2021. At the time of drafting this report, this law was still not enacted (May 2022).

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