

# Remote Workers Refuse to Return to Office? The Legal Playbook That Actually Works

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# Speakers



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Kajetan Bartosiak is an attorney-at-law and a managing partner leading the labour law team and the Kraków office at Sawicki i Wspólnicy Law Firm. He is a valued expert in the field of labour law, HR, and social security, with extensive experience in representing clients in court and administrative proceedings.

He is a frequent and valued speaker at conferences, seminars, expert panels, and workshops.

Kajetan is also the author of numerous publications, including being the co-author of

- "Dokumenty pracownicze. Wzory i komentarze" ('Employee Documents. Templates and Commentaries') edited by, among others, Prof. Krzysztof W. Baran,
- the commentary "Praca zdalna. Praktyczny komentarz z przykładami + wzory dokumentów" ('**Remote Work. A Practical Commentary with Examples + Document Templates**') published by Infor PL S.A.

He was recognized as a "Recommended Lawyer" in the prestigious Legal500 ranking.

# Speakers



**Paulina Sochań**

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Paulina graduated with a law degree from Kozminski University in Warsaw. She also completed postgraduate Business studies in English.

She is an attorney-at-law at the Warsaw Bar Association of Attorneys-at-Law.

Paulina handles matters in the field of labour law, civil law, and company law.

She has experience in establishing and transforming companies, both Polish and foreign.

# Practitioners, not theorists. Your business comes first.

- Over 10 years of experience exclusively in labour law for businesses.
- Strategic advisory for market leaders: from global corporations to entities of strategic importance to the economy.
- Tailor-made solutions that minimize risk and optimize costs.

# Our Practical Experience

## Case Study:

### Restructuring a Giant:

- One of the largest employers in Poland; tens of thousands of employees; logistics sector.

### The Challenge:

- To design and implement a way of reducing the workforce without any fuss or potential legal proceedings.

### The Result:

- The business objective was achieved (Voluntary Redundancy Program) while minimizing the risk of disputes and protecting the company's image.

# Inspiration for Our Meeting

## Case Study:

From Chaos to Order in Remote Work Client:

- The Polish branch of an international corporation.

The Challenge:

- To structure the post-pandemic remote work rules – putting an end to the "free-for-all."

The Result:

- Global requirements were implemented within the Polish reality without any conflict or media noise.

# Meeting Agenda:

- A new dimension of remote work – from Necessity to Strategy
- Legal foundation: The role and key elements of the Remote Work Regulations
- The key decision: The moment and form of agreeing on remote work
- Operational Pitfalls and Hidden Costs: Business Travel and Commuting to the Office
- Special Cases: How to Manage Requests from Employees with Special Entitlements?
- Summary: Two Scenarios for Change – Months of Problems vs. a One-Day Decision
- Q&A Session

# A new dimension of remote work – from Necessity to Strategy

# A Clash of Expectations: A Flashpoint in Employee Relations

- 65% of employees expect greater autonomy in managing their work time
- 64% want higher pay in exchange for lost flexibility
- 61% expect additional days off
- 53% are willing to give up a promotion, and 50% a pay raise, to maintain remote work
- 38% would consider leaving their job in the event of a mandatory RTO (Return to Office) - among those working fully remotely, this figure is as high as 59%

## The conclusion?

Compromises are only accepted when they are voluntary...

*Source: Randstad Workmonitor Pulse 2025 (26,000 employees from 35 global markets)*

# Return-to-Office Trends

- Post-pandemic, an increasing number of organizations are limiting remote work.
- Global giants (Zoom, Amazon, Google) are openly mandating work from the office.
- In Poland, as many as 71% of employees still work fully on-site (only 4% fully remotely, 13% in a hybrid model, mostly remote).
- The "quiet return" to the office trend – companies are gradually changing policies and reinstating office work without major announcements.

For employers, this is a signal that the pressure for office presence is growing, but it must be handled wisely to avoid losing talent.

*Source: Strefa Biznesu, August 2025*

# Remote Work: A Strategic Asset or a Ticking Bomb?

- Reality:
  - Today, remote work is a permanent element of strategy, not a temporary solution.
- Problem:
  - Most companies implemented it in a hurry, based on crisis-response solutions.
- Consequence:
  - Unknowingly implemented errors are now generating serious legal and financial risks.

# Is Your Company Caught in One of These Traps?

During the webinar, we will defuse 3 key mistakes:

- THE TRAP OF LOSING FLEXIBILITY
  - Improper consent for remote work
- THE TRAP OF HIDDEN COSTS
  - Incorrectly defining the place of work = per diems and travel costs
- THE TRAP OF LIMITED CONTROL
  - Misinterpretation of the rights of employees with special entitlements

# The One Document That Changes Everything

## REMOTE WORK REGULATIONS

This is the starting point and foundation  
for the **strategic and secure** management of work in your company.

# Legal foundation: The role and key elements of the Remote Work Regulations

# But first - a reminder of what we already know:

- Is remote work a benefit?
- Do we have to offer remote work?
- Can we exclude certain employees from remote work?
- Can we discontinue remote work?

# Regulations: An Instruction Manual or a Strategic Weapon?

Treat it as the company **constitution** for remote work.

This is not a formality to be checked off, but an instrument that defines the playing field for years to come. Every word in this document has a direct impact on:

- Your company's operational flexibility
- The ability to adapt in the future
- The level of control over work organization

# Two Decisions That Will Define Your Future

**Precisely defining these two points accounts for 90% of success.**

## 1. SCOPE OF REMOTE WORK

**Question: 100% remote or hybrid?**

## 2. METHOD OF AGREEMENT

**Question: Upon concluding the employment contract or during employment?**

**Strategy: The option to differentiate for various teams.**

**Consequence: Those are THE MOST IMPORTANT strategic decisions.**

**They determine the entire dynamic of the relationship and your flexibility.**

# The key decision: The moment and form of agreeing on remote work

# Agreeing on Remote Work: Your Decision on Control

Choosing the moment of formalization is not a technical detail.

It is a fundamental decision that determines whether you retain flexibility or hand it over to risky procedures or the employee.

**Path 1:** Upon concluding the contract of employment / in the contract of employment

RISK OF LOSING CONTROL

**Path 2:** During employment / a separate document

RETAINING FULL FLEXIBILITY

# THE TRAP: A Clause in the Contract "Sets in Stone" the Working Conditions

Such a clause becomes a permanent part of the contract, and changing it is an operational nightmare:

Step 1: You must have a justified **reason** for the change.

Step 2: It requires serving a **notice** of termination of terms and conditions.

Step 3 (Disaster):

- A lack of employees consents to a systemic change can lead to **collective redundancy procedures**.
- In principle, any refusal to accept the amended remote work rules = **a severance payment** of up to approx. PLN 70,000 per employee.

This is just as risky and costly as implementing a company-wide salary reduction.

# THE SHIELD: Retain Full Control with a Separate Agreement

Formalization during employment (**even by email**) gives you two key tools:

✓ **STRATEGIC CONTROL:** The ability to unilaterally order a return to office work (with a 30-day adaptation period).

✓ **IMMEDIATE CONTROL:** The right to immediately withdraw consent in case of a breach of OHS (Occupational Health and Safety) rules or data security (GDPR).

You **adapt the company to business needs**, not to outdated clauses.

# Operational Pitfalls and Hidden Costs: Business Travel and Commuting to the Office

# Is Your Remote Work Generating Hidden Costs?

Errors in documentation are an open invitation to unexpected, yet 100% avoidable, financial claims. The two most common and costly traps are:

## Trap #1:

Business travel... to your own office.

## Trap #2:

Reimbursement of commuting costs in a hybrid model.

# When an employee's home is their sole place of work in the contract...

...you fall into the legal trap of Article 77[5] of the Labour Code.

*Business travel can only be spoken of when an employee performs an official duty outside the **contractually specified place of work**.*

(cf. Resolution of the Supreme Court (panel of 7) of 19 November 2008, case file no. II PZP 11/08, OSNP 2009, No. 13-14, item 166).

**Consequence:** Every summons of the employee to the office becomes a PAID BUSINESS TRIP. Your mandatory costs:

-  Reimbursement of transport costs (tickets, fuel)
-  Per diems (if the travel and work at the office exceed 8 hours)

# How to avoid claims for commuting in any remote model?

**Risk:** Summoning an employee to the office on their "remote day" may lead to claims for reimbursement of commuting costs.

## ***Solution:***

1. In the regulations define equivalent places of work:
  - Place of Work A: The company's office address
  - Place of Work B: The employee's home address
2. Employment contact - only one address (company's office address)
3. Remote work agreement - only one address (employee's home address).

**Effect:** A summons to the office is not considered business travel, and the risk of claims for commuting is significantly minimized.

# Special Cases: How to Manage Requests from Employees with Special Entitlements?

# When an employee with special entitlements submits a request...

## Problem:

The Labour Code is clear – as a rule, you must accommodate a request for remote work (e.g., from a parent of a child under the age of 4).

## Apparent Consequences:

- The employer feels they are losing control over work organization.
- There is a risk that key employees will permanently disappear from the office.

## Question:

Are you really in a losing position?

# One Regulation, Two Common Myths

The key is to understand that the colloquial 'remote work' is not the same as the definition in the Labour Code.

According to the law, remote work is **BOTH**:

- 100% remote work
- Hybrid work

**Conclusion:** For the legislator, both of these forms are equivalent. This is your strategic advantage.

# How to legally manage requests and protect the company's interests?

## STEP 1: DEFINE THE PLAYING FIELD

In the remote work regulations, state that in your company, remote work is performed EXCLUSIVELY in a hybrid form (e.g., 3 days in the office / 2 remotely).

## STEP 2: ACCOMMODATE THE REQUEST... IN ACCORDANCE WITH THE REGULATIONS

You accept the request, granting the employee remote work, but only in the hybrid model, as this is the work organization established by your company.

**Effect:** The refusal to grant 100% remote work is fully justified by the work organization set forth in the regulations.

# A Necessary Condition: Absolute Consistency

The effectiveness of this strategy is based on the ironclad rule of equal treatment.

- A single exception for a "special talent" (agreeing to 100% remote work) completely undermines your defensive strategy.
- It immediately opens a Pandora's box of unequal treatment or discrimination claims.
- It gives other employees with special entitlements the right to effectively demand the same.

It's an "all or nothing" strategy.

*"An example of such an impermissible criterion for differentiating between employees is (...) the place of residence"*

Judgment of the Supreme Court of 29 November 2017, case file no. I PK 367/16.

# Summary: Two Scenarios for Change – Months of Problems vs. a One-Day Decision

# Which future do you choose for your company?

## REACTIVE SCENARIO (WITHOUT A STRATEGY)

- 4+ months to implement changes
- The necessity of serving notices of termination of terms and conditions
- Risk of collective redundancies and costly severance payments
- LOSS OF CONTROL

## STRATEGIC SCENARIO (WITH CONTROL)

- change:
  - Overnight (uniform remote work)
  - Max. 30 days (or less) for adaptation (various scopes of remote work)
- No individual changes or the amendment of one document.
- No legal and financial risk
- FULL CONTROL

# The 4 Pillars of Secure Remote Work

## 1. THE EMPLOYMENT CONTRACT IS UNTOUCHABLE

Always formalize remote work in a separate document.

## 2. YOU DEFINE "REMOTE WORK"

In the regulations, specify that in your company, it is a hybrid model.

## 3. THE OFFICE AND HOME ARE EQUIVALENT

Define both as equivalent places of work to avoid costs.

## 4. ZERO EXCEPTIONS

Be absolutely consistent for your strategy to be effective.

In which of these two scenarios is your  
company today?

# Q&A session

# Check out our upcoming webinars

*October 28, 2025  
11:00 AM CET*

*Managing Blue Card Holders Under Poland's Two-Tier System  
A practical workshop for HR professionals dealing with the June 2025  
regulatory changes*

# Thank you!

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