

## Poland – new flexible working rights for parents of disabled children

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*Employees who are parents of disabled children or children who have special educational needs will now have the right to request flexible working time, and in some circumstances, remote working arrangements under a recent amendment to the Polish Labour Code.*

On 6 June 2018, an amendment to the Labour Code came into force, aimed at supporting employees who are parents of disabled children. The amendment introduces new solutions that make parents' working time and their manner of working more flexible. This imposes new obligations on employers.

The new entitlements set out in the Labour Code are addressed to:

- the parents of an unborn child if the pregnancy is at risk;
- the parents whose child has been certified as having a severe and irreversible impairment or life-threatening illness, which developed during pregnancy or birth;
- the parents of a child for whom a decision has been issued finding a severe or moderate degree of disability;
- the parents of a child who requires special support in education (i.e. developmental support, specialised education or remedial classes).

An employee who belongs to one of these categories can ask their employer to modify the organisation of their working time, in particular by requesting a tailored or flexible work schedule, and, in the case of parents of a disabled child or one who requires special support in education, or a child who has been certified as having a severe and irreversible impairment or life-threatening illness, which developed during pregnancy or birth also by requesting the option to work remotely. As a rule each parent can separately request that one of these solutions be implemented by their respective employers. It is only in the case of an at-risk pregnancy that just one parent can take advantage of these entitlements.

These solutions are not conditional on the child's age, so they also apply to the parents of children who have turned 18. The wording of these provisions is already raising multiple doubts as to, for example, categories of entitled employees, the way in which the entitlement should be proved and what supporting documents are needed.

A request by an employee-parent can only be refused in exceptional circumstances, for example if the type of work performed by the employee does not allow for flexible working time (such as employees who supervise machinery) or discontinuous working hours (an employee of a stand at a shopping mall) or if the employee is a teleworker. The employer should explain the reason for the refusal in writing or electronically.

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