

Slovakia: extensive amendment to the Labour Code, focus on work-life balance and transparency

Changes effective as of 1 November 2022

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Working conditions and work-life balance are the focus of new legislative trends

The aim of the Labour Code amendment which imposes new obligations on employers is to secure transparent and predictable working conditions, and to bring about a better work-life balance for employees. This relatively extensive amendment transposes the EU Directive on transparent and predictable working conditions in the European Union, and the EU Directive on work-life balance for parents and carers. The amendment also introduces a number of technical changes in order to bring certain terms in line.

What are the new changes?

New obligations to inform – It will be possible to specify only general essential elements in the employment contract. As for other working and employment conditions, employers may choose whether information about the conditions will be provided to employee separately in writing (hard copy document or electronic form) or, alternatively, these will be agreed upon in the employment contract as additional working conditions. As of 1 November 2022, when the amendment takes effect, the following are considered *essential elements* of an employment contract:

The amendment brings an additional layer of transparency and predictability for employees.

- type and brief description of work;
- place or places of work (if there is more than one such place), or a rule that the employee chooses the place of work;
- work commencement date;
- wage conditions.

In the employment contract, both the employee and employer must be identified.

In employment contracts with a commencement date after 1 November 2022, it will not be necessary with respect to new employees to state payroll dates, working time (it will be shown only for other than full time jobs), annual leave, employment termination rules, length of the notice period, and the right to training. However, if this information

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is not stated in the employment contract, the employer must inform the new employees about it in Written Information on working conditions and conditions of employment. Employers are required to inform new employees about those matters in writing within seven (7) days or four (4) weeks of the employment commencement date, depending on the specific information.

Work outside the Slovak Republic – If work is performed outside the Slovak Republic, the employer will agree on the place and time of work in a country other than the Slovak Republic in the employment contract. Prior to departure to the place of work, the employer must provide to the employee the following Written Information:

- currency in which the employee's wage, or part of the wage, will be paid;
- information concerning other benefits associated with performance of work in foreign country/countries in money or in kind;
- information whether the employee's repatriation will be ensured, how, and on what terms and conditions.

Employers will be required to comply with this obligation to inform only if the relevant information has not already been included in the employment contract itself and if the length of performance of work in countries other than the Slovak Republic exceeds four (4) consecutive weeks.

Performance of other activities – Employers will not be allowed to prohibit employees from performing other gainful activities outside the working hours determined by the employer; this, however, is without prejudice to restrictions concerning the ban on competition that remain unaffected.

Reasonable probationary period – For employees employed for a definite period of time, the probationary period must not exceed one half of the entire period for which employment has been agreed.

Paternal leave – Under the amendment, fathers will receive two weeks of paid leave within six weeks of the child's birth regardless of whether the child's mother receives maternity or parental allowance. This period is deducted from the total duration of paternal leave.

Transition to other employment form – Under the new legislation, employees holding contracts for a definite period, or for part-time work, who have been employed for more than six months and whose probationary period has expired, may request their upgrade to full-time employment, or indefinite contracts. The employer will be required to provide a written response containing the grounds of the such decision within one (1) month of receipt of the request.

If a female or male employee providing permanent care for a child below eight (8) years of age requests working from home, telework, or home-office work for child care purposes, an employer not complying with such request must provide a written reply explaining the grounds for its decision in a reasonable period of time. When considering the request, the employer takes into account the employee's tasks and legitimate interests.

Delivery of documents – Information to be provided to employees in writing and employers' written responses are delivered to employees in a hard copy or electronic forms. The option to deliver a reply in the electronic form is conditional upon the employee's ability to have access to, save and print out the electronic information, and the employer must keep evidence of serving, or receipt of such information. Information in electronic form does not apply to the conclusion, change or termination of employment relationships. In the case of notices sent to employees by post office service for personal delivery (to the addressee only), the collection period must be at least ten days.

The amendment allows for employment-related information to be provided by electronic means.

Employee complaints, reversal of the burden of proof in a dispute – Employees may file complaints with employers relating to e.g. breaches of the equal treatment principle or violations of the rights and obligations resulting from the employment relationship. A prohibition against retaliation or other sanctions on account of such complaints has also been introduced. In a dispute where the employee alleges that the employer terminated the employment because of the employee's active pursuit of his/her rights, the burden of evidence passes onto the employer.

Deductions from wages – No separate agreements on deductions from wages will need to be concluded with employees where deductions for employees' financial contributions to meals are concerned.

What is the take-home message?

It is not the aim of the amendment to introduce a need to review the existing employment relationships or prepare amendments to existing employment contracts, as this would result in an excessive burden, in particular for companies with large numbers of employees.

Will the Amendment to the Labour Code bring real benefits to employees or just increase the administrative burden on employers?

On the employers' side, one of the benefits brought about by the new modification of the essential elements of employment contracts is the possibility to draft employment contracts with simplified contents. **However, employers must ensure that they provide employees with Written Information on working conditions and conditions of employment.** The employer is not obliged to automatically inform all other employees after the amendment to the Labour Code comes into force. The employer is obliged to do so if the employee so requests and only if the employer

has not yet provided the information. If the employee requests the information, the employer is obliged to reply to the employee within one month.

The European legislation implemented in the national legal system through this amendment places a greater emphasis on employees' rights, in order to improve the working environment and employees' work and family lives. It is very probable that similar trends will prevail also in the coming future. Employers will therefore need to take legislative developments into account and continue to adapt to the ongoing changes in the labour market.

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