

RECALL FROM ANNUAL LEAVE IN POLAND

ANIA IS ON HOLIDAY. HER EMPLOYER WANTS HER TO RETURN TO WORK IMMEDIATELY AND SENDS HER AN EMAIL ON HER PRIVATE ACCOUNT



- Each employee is entitled to an annual paid holiday leave. However, the employer may recall employees from leave only when their presence in the establishment is necessary due to unforeseen circumstances.
- Any declaration by the employer to recall an employee must be clear and unambiguous. The employee is not obliged to make assumptions about the employer's intention.
- As a rule, in addition to being not required to work, the employee does not need to stay in contact with the employer on a daily basis and is not subordinated to the employer during the leave. The employee is also not obliged to check his/her email account during leave, in particular, the private account. Not returning to work based on the employer's request sent to the employee's private account does not justify an immediate termination of an employment contract.
- For the purpose of recalling an employee from leave, the employee's private email account should not be used, unless agreed otherwise with the employee. An appropriate action would be a phone call requesting the immediate return to work.

At Wolf Theiss, we advise clients in particular on all legal aspects of employment termination, and inform our clients by newsletters on relevant new case law.

BACKGROUND CHECKS IN SLOVENIA

MATEJ HAS JUST REVIEWED A CANDIDATE'S CV AND IS DOING HIS BACKGROUND CHECK USING FACEBOOK



- Employers may obtain information on candidates on websites that are publicly available; however, not on private Facebook profiles unless some of the employees who have access to such profiles voluntarily provide information to the employer.
- Future employers may not check a candidate's references by contacting his current or past employer. If any information is relevant to the future employment, the employer must ask the candidate to submit a letter of recommendation or a certificate of work experience.
- Any security restraints for certain jobs and requirements to submit criminal record certificates must be included already in the job advertisement.
- Employers may only collect personal data on candidates when it is needed to assess whether the candidate possesses the required skills and experience to fulfil the job requirements. At this stage, information such as number of children or clothes size for the uniform are not to be collected; they may be obtained after the candidate has signed the employment contract.

At Wolf Theiss, we understand the employers' needs to get as much information on future employees as possible within the scope of the legally allowed and we offer legal support to employers at all stages of employment by providing advice, preparing different types of employment contracts, internal regulations based on a best practice approach and, in the end, by leading employers through termination process and representing them in litigation.

WOLF THEISS UNDERSTANDS THAT EMPLOYMENT LAW HAS ITS SPECIAL CHALLENGES.

With Wolf Theiss you receive advice not just from local lawyers,
but local employment law specialists.

Competent, coordinated experts covering 13 unique jurisdictions
are just one click from you.

STAY TUNED!

More exciting country specific cases will come through the region.



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