SK Legal Alert

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CHANGES BROUGHT BY THE AMENDMENT OF THE LABOUR CODE

On February 5, 2021 the National Council of the Slovak Republic approved an amendment to Act no. 311/2001 Coll. Labour Code as amended ("**Amendment**") which shall **enter into the force on March 1, 2021**. The amendment brings changes in the field of work from home and telework, in the provision of food allowances, agreements on student work, trade unions and temporary assignment of personnel between related parties.

WORK FROM HOME AND TELEWORK

According to the new legislation, work from home and telework is work which could be performed at the employer´s workplace but is regularly performed from the employee's household within the scope of established weekly working hours or part thereof on the basis of agreement in the employment contract ("**teleworking**").

However, work performed by an employee from the employee´ s household on an occasional or exceptional basis with the consent of the employer or based on the agreement between the employer and employee (home-office) is still not considered to be teleworking.

Contrary to the previous regulation a definition of an employee´s household, defined as an agreed place of work outside the employer´s workplace, was introduced as part of the amendment.

While according to the previous regulation, the employee could have scheduled the working hours himself, the new regulation provides the employee and the employer with the opportunity to decide whether the employee:

- will schedule the working time throughout the week himself, or
- will work flexible working hours.

If an employee schedules working hours himself, the provisions on determined weekly working hours, continuous daily rest and continuous rest during the week and the provisions on downtime, except for downtime for which the employer is responsible, do not apply. In such a case, the employee is no longer entitled to compensation for wage in the event of significant personal obstacles to work, wage for working overtime, wage benefits for work on public holidays, Saturdays or Sundays, night work or wage compensation for difficult work performance (if the employee and the employer do not agree otherwise).

As a result of the amendment, the employer is obliged to reimburse the employee´s costs incurred in connection with the use of his own technical means.

The amendment specifies the employer's obligations in relation to prohibition of disadvantaging the teleworking employee compared to a comparable employee at the employer's workplace, namely the employer's obligation to provide the employee with equal access to deepening qualifications, allow the employee to enter the workplace in order to meet other employees and the right of an employee to disconnect outside working hours, during obstacles to work and during leave.

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On the other hand, the employee is obliged to inform the employer about any technical issues connected with malfunction of hardware and software or internet connection disabling him from work performance.

OTHER CHANGES

Apart from the aforesaid, the amendment also brings the following changes:

- an employee´s right to choose between meal vouchers and financial meal allowances,
- the employer will have a chance to provide additional meal or to provide the employee with additional financial allowance for meals, if a work shift lasts more than 11 hours.
- the status of a secondary school pupil and the status of an university student will last until 31 October of the year of studies completion,
- confirmation of the status of a high school pupil and university student will become a mandatory part of the agreement on students' part time work
- specification of the body authorized to act on behalf of the trade union organization – the competent trade union body designated in its statutes,
- introduction of the obligation of the trade union organization to inform the employer about the persons authorized to act in its name and the condition for the operation in the trade union organisation – employment relationship of all members of the relevant trade union body with the employer (unless the trade union organization and the employer agree otherwise),
- Regulation of dispute resolution concerning the operation of a trade union organization,
- In case of temporary free of charge assignment of an employee to perform work between related parties, the condition of the existence of objective operational reasons and the duration of the employment relationship with the employer for three months before the temporary assignment to the user employer are eliminated.

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