



# Implementation of the EU Directives on Work-Life Balance and on Transparent and Predictable Working Conditions across Central Europe

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## Table of contents

<i>2</i>	Introduction
<i>3</i>	Bulgaria
<i>6</i>	Croatia
<i>11</i>	Czech Republic
<i>15</i>	Hungary
<i>19</i>	Latvia
<i>23</i>	Lithuania
<i>26</i>	Poland
<i>30</i>	Romania
<i>35</i>	Slovakia
<i>38</i>	Slovenia



# Introduction

## The EU Work-Life Balance and Transparent and Predictable Working Conditions Directives

### What do they mean for your business?

Welcome to this special Deloitte Legal report on the implications for businesses across 10 Central European countries arising from the introduction to their national legislatures of EU labour-law directives on:

- Work-life balance; and
- Transparent and predictable working conditions.

With the key aim of improving work-life balance for employees with caring responsibilities outside work, the first of these involves significant changes to labour law in these countries. The changes it introduces include several new entitlements for employees, particularly those with children aged under 8.

The directive has the secondary aim of encouraging working fathers to make greater use of their parental rights.

While they theoretically have the same rights as mothers, they only rarely take advantage of them. Now, with a new 'use-it-or-lose-it' right to at least 2 months parental leave, we anticipate greater uptake.

The second piece of legislation aims to underpin more predictable and stable working conditions for employees.

Both new entitlements require employers to revise certain internal regulations, documentation and policies. Some may find implementation challenging without incurring substantial impact on their working practices.

This report is designed to help you to understand the new requirements and how they are being implemented. We hope you find it useful.



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1

# Bulgaria



# Implementation of EU Directive on Work-Life Balance (EU Directive 2019/1158)

## Has the directive been implemented in the jurisdiction?

Yes.

## What is the status of the implementation or draft implementation?

The Bulgarian National Assembly has adopted a new law amending and supplementing the Bulgarian Labour Code. The law was published in State Gazette No. 62/05 August 2022 and came into effect on 01 August 2022.

Amendments and supplements to the Bulgarian Ordinance on Working Time, Rest and Leave have also been adopted. These were published in State Gazette No. 78/30 September 2022, and also came into effective on 01 August 2022.

## What are the key changes for employers and employees?

### 1. Paternity leave

- New rules in the Labour Code have introduced 2 months' leave for fathers (including adoptive fathers) for raising a child up to the age of 8 (under certain conditions).
- The Ordinance also regulates the order and method of using the new type of leave for raising a child up to the age of 8 by the father (or adoptive parent). The Ordinance regulates the necessary documents, the deadlines for their submission, the conditions for termination of use and the obligations of the employer.

### 2. Rights of employees relating to work-life balance

- An employee who is a parent (or adoptive parent) of a child of up to 8 years of age has the right to propose (in writing): a change to the duration and distribution of his/her working hours within a certain period; to work remotely; and to make other changes to the employment relationship that better facilitate work-life balance.
- An employee will also have the right to propose the changes specified above if for serious medical reasons they care for a parent, child, spouse or sibling, a parent of the other spouse, or other direct relatives.

## What are the main actions for HR departments in preparing for the changes?

### **Review and revise internal documentation including:**

- Internal rules;
- Off-boarding procedure (if this exists);
- Other employment policies and practices applicable to employees regarding their parental entitlements;
- Application forms required to apply for new leave periods.

### **Training to acquaint HR colleagues with the new rules.**

# Implementation of EU Directive on Transparent and Predictable Working Conditions (EU Directive 2019/1152)

## Has the directive been implemented in the jurisdiction?

Yes.

## What is the status of the implementation or draft implementation?

The Bulgarian National Assembly has adopted a new Law amending and supplementing the Bulgarian Labour Code. The law was published in State Gazette No. 62/05 August 2022 and came into effect on 01 August 2022.

## What are the key changes for employers and employees?

### 1. Probationary Period

- When the employment contract for the work assigned to the employee is for a period of up to 1 year, the agreed probationary period cannot exceed 1 month. The amendment therefore modifies the existing general rule that probationary periods of up to 6 months can be included in all Bulgarian employment contracts.

### 2. Fixed-term contracts

- The employee now has the right to propose amendments (in writing) to an employment contract: to switch from a fixed term to an indefinite employment contract; to switch from a part-time to a full-time contract. If the employer refuses, they must provide a reasoned written justification.

### 3. Parallel employment

- The employee has the right to work for another employer outside the working hours specified in his/her main employment contract unless there is a prohibition in the main contract to protect the employer's trade secret and/or a conflict of interest. A complete ban on additional work for another employer can therefore no longer be included in employment contracts.

### 4. Employer's obligation to provide information to the employee

- For every amendment made to the employment relationship, the employer is now obliged to give the employee written information on the change no later than when the amendments come into force. (Until now, the

employer had to provide the information as soon as possible or no later than 1 month, after making the amendment.)

- There are newly introduced obligations on employers to provide employees with information on: internal salary rules; terms and conditions for the labour contract to be terminated under the Labour Code; training opportunities the employer provides that relate to professional qualifications and competencies.

### 5. Professional qualifications

- If an employer is obliged (either by the law or by a collective/ individual agreement) to maintain and increase employees' professional qualifications, the time spent on training is considered to be working time. Whenever possible, such training has to be conducted within established working hours, and all related costs are at the expense of the employer.

## What are the main actions for HR departments in preparing for the changes?

- Review and update labour documentation such as internal policies and templates of labour agreements etc.**

## Key contacts



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2

# Croatia



# Implementation of EU Directive on Work-Life Balance (EU Directive 2019/1158)

## Has the directive been implemented in the jurisdiction?

Yes.

## What is the status of the implementation or draft implementation?

Directive 2019/1158 was implemented by the Amendments to the previous Maternal and Parental Benefits Act (Official Gazette no. 85/2022) which entered into force on 01 August 2022, as well as by the new Maternal and Parental Benefits Act (Official Gazette no. 152/2022) which entered into force on 01 January 2023. The rest of the key changes have been implemented by the Amendments to the Labour Act, which also entered into force on 01 January 2023.

## What are the key changes for employers and employees?

### 1. *Paternity leave ("očinski dopust") (under the Maternal and Parental Benefits Act)*

- This lasts for 10 days in the case of 1 child being born, and for 15 days in the event of twins, triplets or other multiple births.
- The leave can be taken before a child reaches 6 months of age.
- The leave is paid by the state budget at 100% of the employee's compensation rate for the period.
- The father is obligated to inform the employer at least 15 days in advance of the intended use of paternity leave.

### 2. *Parental leave (paid) ("roditeljski dopust")*

- Most of the requirements on parental leave in Directive 2019/1158 were already reflected in previous legislation.
- Parents are entitled to a maximum of 8 months of parental leave (provided that both parents take a period of parental leave) for the first and second child, and for a maximum of 30 months (provided that both parents take a period of parental leave) for twins, a third child and for every additional child thereafter.
- Each parent is entitled to 4 months (or to 15 months in case of twins, third child and every additional child thereafter) of parental leave, with the provision that each

parent retains 2 months of parental leave that cannot be transferred to the other parent. If only one parent uses parental leave, its maximum duration can be 6 months (or 28 months in case of twins, third child and every additional child thereafter). The recent amendments to the maternal and parental benefits legislation have introduced more flexibility to the use of parental leave, which parents can now use individually, simultaneously or alternately, according to personal agreement.

- Leave can be granted at once or in parts, provided that if used in parts it is used at most twice a year for a minimum duration of 30 days.
- The leave is paid up to a maximum amount of EUR 995.44 per month.
- It can be used when the child is aged between 6 months and 8 years.

### 3. *Carers' leave ("dopust za pružatelje skrbi") (Amendments to the Labour Act)*

- This leave to take care of a family member or other person living in the same household is a new right.
- It is unpaid.
- It allows up to 5 days' leave in a calendar year.

### 4. *Protection (Amendments to the Labour Act)*

- During periods of leave or while using rights related to parenthood, employees are protected from their employment being terminated.
- In a case of a court dispute, if the employee makes it probable that the use of rights related to parenthood was the reason for a termination of employment, the burden of proof falls on the employer.

### 5. *Time off from work due to force majeure (Amendments to the Labour Act)*

- This allows leave of 1 working day, once in a calendar year, in cases of unforeseen circumstances.
- It can be used when, due to a particularly important and urgent family reason caused by illness or accident, the employee's immediate presence is absolutely necessary.



**6. Flexible working arrangements, additional rights  
(Amendments to the Labour Act)**

- A pregnant woman, a parent with a child aged up to 8 years and an employee who works part-time due to the use of rights related to parenthood, may upon their written voluntary consent, work irregular hours that are subject to change.
- An employee with a child of up to 8 years of age and an employee who provides personal care to an immediate family member or a person living in the same household, provided that this employee has spent 6 months with the employer in an employment relationship, can request from the employer a temporary amendment to the employment contract that changes the contracted full-time working hours to part-time, i.e. request a change or adjustment of the working time schedule, due to his/her personal needs. The employer is obligated to consider such request and answer in writing within 15 days.
- Due to harmonising work and family-related personal needs, an employee may request remote work due to (i) health protection due to a diagnosed illness or established disability, (ii) pregnancy or parental obligations to children up to the age of 8 and (iii) providing personal care that, due to serious health reasons, is needed by a member of the immediate family or is needed by a person who lives in the same household. The employer is obligated to consider such request and answer in writing within 15 days.

**What are the main actions for HR departments in preparing for the changes?**

- ✓ **Review and revise internal labour documentation such as:**
  - Work Regulations and Remuneration Regulations;
  - Offboarding procedure (if such exists);
  - Other employment policies and practices applicable to employees with relation to their parental entitlements;
  - Templates of other documentation concerning e.g. consents to work in overtime or to be sent on business trips;
  - Application forms required to apply for new leaves/releases.
- ✓ **Training to acquaint HR colleagues with the new rules.**

# Implementation of EU Directive on Transparent and Predictable Working Conditions (EU Directive 2019/1152)

## Has the directive been implemented in the jurisdiction?

Yes.

## What is the status of the implementation or draft implementation?

Some of the requirements of the Directive 2019/1152 were already reflected in the previously existing legislation, whereas the remaining were implemented by the Amendments to the Labour Act which entered into force on 1 January 2023.

## What are the key changes for employers and employees?

### 1. Probationary period

- The probationary period may last no longer than 6 months.
- In exceptional circumstances, the probationary period may last longer if during its duration the employee was temporarily absent (especially due to temporary incapacity for work, use of maternity and parental rights and use of the right to paid leave). In this case, the probationary period can be extended correspondingly, in relation to the duration of the absence, so that the total duration of the probationary period cannot be longer than 6 months.
- If the employment contract is concluded for a fixed term, the duration of the probationary period must be proportionate to the expected duration of the contract and the nature of the work.
- After the termination of the concluded employment contract in which the probationary period was agreed, the parties cannot recontract the probationary period when entering into a new employment contract for the performance of the same work.

### 2. Obligation to provide information

- Before work starts, the employer is obliged to provide the employee with a copy of the employment contract when it is concluded in writing and with a copy of the application for mandatory pension and health insurance

within 8 days of the deadline for applying for mandatory insurance according to a special regulation.

### 3. Additional employment

- An employee who is employed and works full-time with 1 main employer or works part-time with several employers so that his or her total working time is 40 hours per week, can work additionally for another employer with some exceptions (e.g. jobs with special working conditions).
- The main employer can ask the employee to stop additional work, provided there are objective reasons for such a request, especially if it is contrary to competition law or if it is performed within the employee's working hours at the main employer.

### 4. Cross-border work

- The employer may send the employee to undertake work abroad for a limited time.
- If this work lasts longer than 4 consecutive weeks, the written employment contract or written confirmation of the concluded employment contract before going abroad must also contain additional information specified in the Labour Act.

### 5. Transition to another form of employment

- An employee who has spent more than 6 months with the same employer based on a fixed-term employment contract, provided that the probationary period (if contracted) had ended, may request the conclusion of an indefinite-term employment contract. If the conclusion of a permanent employment contract is not possible, the employer is obliged to provide written justification within 30 days. The same is applicable to a request for full-time working hours made by an employee who works part time.

### 6. Mandatory training

- The employer is obliged to provide the employee with training in accordance with the needs of performing the contracted work and at its own expense. The time spent on training will be included in the working hours and, if possible, take place during the employee's established working schedule.

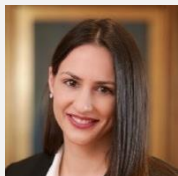
### 7. *Protection from dismissal and burden of proof*

- The employee must not be placed in a disadvantageous position due to exercising his or her employment rights.

What are the main actions for HR departments in preparing for the changes?

- ☑ *Review employment policies and practices (especially those concerning the probationary period, additional employment, mandatory training and the provision of information).*

### Key contact



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3

# Czech Republic



# Implementation of EU Directive on Work-Life Balance (EU Directive 2019/1158)

## Has the directive been implemented in the jurisdiction?

No.

## What is the status of the implementation or draft implementation?

An amendment to the Czech Republic's Labour Code made by the Ministry of Labour and Social Affairs was published in September 2022 and consequently submitted to Parliament in April 2023. The wording on the key changes described below was finalised based on remarks and comments made by the public. However, it may yet be subject to change as a result of amendment proposals made during discussion of the proposal in Parliament.

It is expected that the amendment will be implemented in the months ahead and come into effect in the second half of 2023 (although certain exceptions will become effective on 1 January 2024).

## What are the key changes for employers and employees?

### 1. *Working conditions for female and male employees who care for children or anybody who is dependent on the assistance of another individual*

- Parents with children aged under 9 or caregivers can make a request to work remotely.
- If the request is rejected, the employer must justify the decision in writing.

### 2. *Parental leave*

- Parental leave must be requested in writing. Requests for parental leave must be submitted at least 30 days before the beginning of the leave period. A shorter notice period can be applied under special circumstances.
- The request must specify the duration of the parental leave.
- Such a request can be submitted repeatedly.

### 3. *Agreements on works performed outside an employment relationship*

- In the event of termination of employment law relationship established based on the agreement, the employee will be able to ask the employer to justify the decision.
- The employer will have to inform the employee in writing about the reason for the employment law relationship being terminated.

## What are the main actions for HR departments in preparing for the changes?

- ✓ *Review internal guidance and documentation on working from home, and decide on the appropriate solution for parents and carers.*
- ✓ *Review or draft the form for requesting parental leave.*
- ✓ *Prepare a template for responding to a request for the justification of termination of employment law relationship established based on the agreement on performance of work/agreement on working activity.*
- ✓ *Deliver training to acquaint HR staff with the new rules.*

# Implementation of EU Directive on Transparent and Predictable Working Conditions (EU Directive 2019/1152)

## Has the directive been implemented in the jurisdiction?

No.

## What is the status of the implementation or draft implementation?

An amendment to the Czech Republic's Labour Code made by the Ministry of Labour and Social Affairs was published in September 2022 and consequently submitted to Parliament in April 2023. The wording on the key changes as described below was finalised based on the remarks and comments of the public. However, it may yet be subject to change as a result of amendment proposals made during discussion of the proposal in Parliament.

It is expected that the amendment will be implemented in the months ahead and come into effect during the second half of 2023 (although certain exceptions may become effective on 1 January 2024).

## What are the key changes for employers and employees?

### 1. *Information on the terms of an employment relationship*

- There will be a shorter period (reduced from 1 month to 7 days) for informing the employee of the terms of the employment relationship.
- There will be new rules for informing employees electronically.
- A wider range of information will have to be provided to the employee, including information about the probationary period, social security authority, procedures for terminating employment and opportunities for professional development.
- Information about weekly working hours and how they and rest periods are distributed must also be provided to employees working under an agreement on works performed outside an employment relationship.
- There will be a new obligation to inform employees posted abroad about the terms and conditions of a secondment to another country.

### 2. *Agreements on works performed outside an employment relationship*

- The employer must schedule an employee's working hours as part of the weekly schedule of working hours.
- The schedule of working hours must either be submitted to the employee 3 days in advance of work starting, or at a time agreed by both parties.
- The employee is entitled to paid leave. The amount of paid leave is calculated based on a 20-hour working week.
- The employee will be able to ask the employer to justify the termination of employment, and the employer will have to inform the employee in writing about the reason.
- An employee who has worked for an employer based on such agreement at least 180 days during the previous 12 months can ask to be employed in a standard employment relationship (i.e. under a contract of employment).

## What are the main actions for HR departments in preparing for the changes?

- ✓ ***Review and amend the template of information for employees. If relevant, prepare a template of information for employees posted abroad.***
- ✓ ***Review and amend any agreements on work performed outside an employment relationship and HR processes related to the respective employment law relationships established based on these agreements.***
- ✓ ***Prepare a template with an answer to the request to be employed in a standard employment relationship (i.e. under a contract of employment).***
- ✓ ***Deliver training to acquaint HR staff with the new rules.***

## Key contacts



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4

# Hungary





# Implementation of EU Directive on Work-Life Balance (EU Directive 2019/1158)

## Has the directive been implemented in the jurisdiction?

Yes.

## What is the status of the implementation or draft implementation?

The Hungarian Parliament has adopted the amendment to the Hungarian Labour Code (Act I of 2012 on the Labour Code) and that is implementing the directive. The amendment came into force on 01 January 2023.

## What are the key changes for employers and employees?

### 1. *Paternity leave ("apasági szabadság")*

- The leave is to be used by a father (birth or adoptive) to care for a child.
- The leave lasts up to 2 weeks (10 working days).
- It can be taken at the latest up until the end of the second month following the birth of the child, or in the case of adoption, after the decision authorising the adoption becomes final.
- It qualifies as service period.

The leave will be paid:

- a. From day 1 to 5: 100% of the remuneration
- b. From day 6 to 10: 40% of the remuneration.

### 2. *Parental leave ("szülői szabadság")*

- This is a new type of leave.
- Both parents are entitled to it.
- Its length is 44 days.
- Conditions: the employee shall have a service period of at least 1 year, and it can be taken until the child's 3rd birthday.
- It qualifies as service period.
- It is paid at a rate of 10% of the employee's remuneration.

### 3. *Release from work for caregivers*

- Employees shall be released from work for 5 days per year to care for or support a relative in need of significant care or support, or a person living in the same household as the employee, for a serious health reason.
- This leave is unpaid.
- It qualifies as service period.

### 4. *Flexible working arrangements*

- Parents of children aged up to 8 years and caregivers who have a service period of at least 6 months can request flexible working conditions relating to the place of work and working schedule, or they can request telework or part-time work.
- The employer's decision concerning the requests outlined above cannot be discriminatory and must be objectively justified. The court may provide the consent of the employer.

### 5. *Protection*

- The employer - at the employee's request - even in the absence of the obligation to provide reasons, shall provide reasons for the termination of the employment relationship, if, according to the employee's reference, the termination of the employment relationship occurred, because the employee exercised his/her right to: (i) take days off to care for or support a relative in need of significant care or support, or to a person living in the same household as the employee, for a serious health reason; (ii) take paternal or parental leave; (iii) go on unpaid leave to care for his/her child; or (iv) request flexible employment.
- The employers are not allowed to terminate the employment relationship with ordinary dismissal during the periods of paternity leave, parental leave and release from work for caregivers.
- For a child born after 02 August 2022, the father may also be entitled to additional paternity leave, and if the employee's child turns 3 between 02 August 2022 and 30 June 2023, parental leave shall be allocated at a time that corresponds to the employee's request during the period preceding 30 June 2023 at the latest.

## What are the main actions for HR departments in preparing for the changes?

### ✓ *Review, revise and prepare HR documentation such as:*

- Policies, processes and forms;
- Objective criteria for granting flexible working conditions;

- Job descriptions, to assess whether flexible working conditions can be applied.

### ✓ *Training to acquaint HR colleagues with the new rules.*

# Implementation of EU Directive on Transparent and Predictable Working Conditions (EU Directive 2019/1152)

## Has the directive been implemented in the jurisdiction?

Yes.

## What is the status of the implementation or draft implementation?

The Hungarian Parliament has adopted the amendment to the Hungarian Labour Code (Act I of 2012 on the Labour Code) and that is implementing the directive. The amendment came into force on 01 January 2023.

## What are the key changes for employers and employees?

### 1. *Probation period*

- In the case of a fixed-term employment relationship being extended, or the re-establishment of a fixed-term employment relationship within 6 months of its termination, no probation period shall be stipulated for the employment in the same or a similar position.
- The duration of the probation period shall be proportionate in the case of an employment relationship that is established for a maximum of 12 months.

### 2. *New elements of the information on employment terms which should be provided to the employee within 7 days of work starting*

- Start date and term of the employment relationship;
- Place of work;
- Days of the week on which working time can be scheduled;

- Possible start and end time of the scheduled daily working time;
- Possible duration of overtime work;
- Specific nature of the employer's business activity;
- Number of vacation days;
- Rules relating to the termination of employment, in particular those rules for determining the notice period;
- Employer's training policy and the amount of time available for training the employee;
- The name of the authority to which the employer pays public charges relating to the employment relationship.

### 3. *Information regarding posts abroad*

- New elements of information that the employer is obliged to provide:
  - a. Remuneration applicable at the place of work, as well as the rules and conditions relating to the reimbursement of travel, food and housing expenses.
  - b. The availability of the single official national website that contains important information relating to the rights and obligations of the employer that is providing cross-border services and of the employee that it sends to do the work.

### 4. *Cost reimbursement*

- Employers must provide employees free of charge with all training required to perform their tasks that is requested by the laws of the EU, national laws or collective bargaining agreements.
- The employer shall bear the necessary and reasonable cost of the mandatory training required to perform the job, and its duration is included in the employee's working time.

What are the main actions for HR departments in preparing for the changes?

- ✓ *Harmonisation of the employee notification letter, employment agreement and other documents with the new rules.*
- ✓ *Preparation of the training policy.*
- ✓ *Amendment of the letter informing the employee that they are being posted abroad and about the terms of the posting.*

## Key contacts



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5

# Latvia



# Implementation of EU Directive on Work-Life Balance (EU Directive 2019/1158)

## Has the directive been implemented in the jurisdiction?

Yes.

## What is the status of the implementation or draft implementation?

Amendments to Latvia's Labour Law were adopted on 16 June 2022. They came into effect on 01 August 2022.

## What are the key changes for employers and employees?

### 1. *Paternity leave ("atvaļinājums bērna tēvam")*

- A father now has the right to paid leave of 10 working days. (Previously it was 10 calendar days.)
- This leave can be used within 6 months of the birth of a child.
- Leave pay is financed by social insurance.

### 2. *Parental leave (bērna kopšanas atvaļinājums)*

- If the leave is taken in increments, these may not be shorter than 1 calendar week without interruption.
- Parents may apply for flexible parental leave.
- The employer is obliged to assess such a request and notify the employee within 1 month of the application of the options for the flexible use of parental leave.

### 3. *Carer's leave (aprūpētāja atvaļinājums)*

- This new entitlement is for leave to care for a family member or other person living in the same household.
- It allows up to 5 working days of unpaid leave in a calendar year.
- It may be used in increments.

### 4. *Employment rights*

As additional protection for employees, exercising the right to annual paid leave may not serve as the basis for a notice to terminate the employment contract.

### 5. *Flexible working arrangements*

- An employee who has a child aged under 8 years, or who has to personally care for a close family member or a person living in the same household who requires substantial care or support due to a serious medical condition, has the right to request the employer to adapt how working hours are organised.
- The employer is obliged to assess the employee's request and, not later than within 1 month, notify the employee of opportunities for adapting his or her working hours.

## What are the main actions for HR departments in preparing for the changes?

### *Review, revise or create internal labour documentation such as:*

- Work Regulations and other employment policies and practices applicable to employees regarding their parental entitlements;
- Application forms required to apply for new types of leave or releases.

### *Training to acquaint HR colleagues with the new rules.*

# Implementation of EU Directive on Transparent and Predictable Working Conditions (EU Directive 2019/1152)

## Has the directive been implemented in the jurisdiction?

Yes.

## What is the status of the implementation or draft implementation?

Amendments to Latvia's Labour Law were adopted on 16 June 2022. They came into effect on 01 August 2022.

## What are the key changes for employers and employees?

### 1. Probationary period

The maximum length of a probationary period is linked as follows to the length of the contract which is expected to follow the probationary period:

- If the employment agreement is supposed to be for a fixed term and shorter than 6 months, then the probationary period should not exceed 1 month. If the employment agreement is supposed to be for a fixed term of at least 6 months but less than 12 months, then the probationary period cannot exceed 2 months.
- A probationary period exceeding these terms but not exceeding 3 months may be agreed upon in a collective agreement concluded with a trade union representing the employee.
- If the employment agreement is supposed to be for a fixed term of at least 12 months or for an indefinite term, then the probationary period will usually last for 3 months. However, a probationary period exceeding 3 months but not exceeding 6 months may be agreed upon in a collective agreement concluded with a trade union representing the employee.

### 2. Time of performance of work

- If the work schedule of an employee is not completely or mostly predictable, then the employee may only be employed to conduct work within set reference hours and days set in advance of which the employer has duly notified the employee.
- An employee has the right not to perform work if the employer has not duly notified the employee of the specific time for the work to be carried out.

- If the employer has failed to give notice of the cancellation of the performance of the work within the period specified in the employment contract, then the employee is entitled to receive such remuneration as they would have received if they had performed the work.

### 3. Employment contract

An employment contract shall include elements indicating:

- That the employee may freely determine their workplace;
- The daily or weekly working hours agreed upon, provided the work schedule of the employee is completely or mostly predictable.
- If part-time work is agreed upon and the work schedule is not completely or mostly predictable, elements in the employment contract shall indicate:
  - a. That the work schedule is variable;
  - b. The working hours agreed upon, which are the guaranteed paid working hours within the framework of a month;
  - c. The time when the employee may perform work or be obliged to perform work;
  - d. The minimum notice period before the commencement of the work or its cancellation.

### 4. Timing and means of information

The employer shall ensure that the following information is available free of charge to employees of the undertaking, that it is comprehensible, complete and easy to access (including via the use of electronic means such as online portals and information systems):

- The amount of remuneration and time of payment.
- The daily or weekly working hours.
- The length of annual paid leave.
- The period of and procedures for giving notice of termination of the employment contract.
- The probationary period and its duration (if such a probationary period is set).
- The right of the employee to training (if the employer provides training).
- The social security institutions which receive social contributions relating to the employment relationship, and any protection provided by the employer (if applicable).

The employer shall notify an employee in writing of any changes to the collective agreement or to the working procedure regulations which directly affect the employee before the day when the changes enter into effect but not later than on the day when they enter into effect.

#### 5. *Collective agreements*

Specific provisions in a collective agreement which erode the legal status of an employee are permitted provided they do not reduce the overall level of protection for employees.

#### 6. *Obligation to provide information*

A work placement service provider as an employer shall notify the employee of the recipient of the work placement service in writing as soon as this becomes known. In any event, this must be before the expected appointment of the employee to perform work for the benefit and under the management of the recipient of the work placement service.

#### 7. *Modification of the employment relationship*

- An employer who posts an employee on an official trip or work trip abroad must notify the employee in writing, in good time before the posting, of the country or countries in which the work is intended to be performed, and the anticipated duration of the time to be spent working abroad.
- If the official trip or work trip is longer than 4 weeks without interruption, an employer also has to notify the employee of the following:
  - a. The currency in which remuneration will be disbursed.
  - b. The cash benefits or benefits in kind in relation to the work tasks, if such are provided.
  - c. The possibility of and procedures for repatriation, if such are provided.

## What are the main actions for HR departments in preparing for the changes?

### **Review and revise internal labour documentation such as:**

- Templates of additional information in employment agreements relating to the new rules;
- Employment policies and practices (especially those concerning an employee's probationary period, new appointments and working schedule);
- Templates of documentation concerning business trips.

### **Training to acquaint HR colleagues with the new rules.**

## Key contacts



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6

# Lithuania





# Implementation of EU Directive on Work-Life Balance (EU Directive 2019/1158)

## Has the directive been implemented in the jurisdiction?

Yes.

## What is the status of the implementation or draft implementation?

Some changes to the Labour Code of the Republic of Lithuania came into force on 01 August 2022, with the remainder following on 01 January 2023.

Amendments to the Law on Sickness and Maternity Social Insurance came into force on 01 January 2023.

## What are the key changes for employers and employees?

### 1. Paternity leave

- Now, the 30-calendar day period of paternity leave can be split into 2 parts of 15 calendar days or used non-interruptedly until the child reaches 12 months of age.
- Paternity leave benefit is set at 77.58% of compensatory earnings.

### 2. Childcare leave

- Each parent is eligible for 2 months of childcare leave until the child is 18 or 24 months old; this leave cannot be transferred to another person.
- The balance of the childcare leave period may be used by either parent, grandparents, or other relatives (as chosen).
- The 2 non-transferable months can be used all at once or split into parts.
- Both parents may not be simultaneously on childcare leave.
- In a case where a parent decides not to use his/her share of non-transferable leave, the total period of childcare leave is decreased accordingly.

### 3. Unpaid leave

- An employee is entitled to unpaid leave for a period recommended by a healthcare institution when taking care of a sick member of the family or household.

- The employer must grant time off if the employee's request is related to a family emergency in the event of sickness or accident in which the employee is required to be directly present.

### 4. Flexible working arrangements

- An employee who is caring for a family member or person living with him/her, is raising a child of up to 8 years old or is a single parent to a child of up to 14 years old, will receive more flexibility to work under part-time arrangements. (They are exempt from any requirement related to length of employment.)
- An employer must agree to allow an employee to work remotely who is raising a child of under 8 years of age or who is caring for a family member or a person living with him/her. There is an exception when the employer can prove that remote working would not be cost effective due to the specific nature of the work involved.
- Employees are entitled to choose a preferred working schedule if they:
  - a. Are pregnant;
  - b. Have recently given birth or are breastfeeding;
  - c. Are raising a child of under 8 years;
  - d. Are a single parent to a child of under 14 years;
  - e. Are caring for a family member or household member.

The above rules apply unless the employer can prove that such a regime would not be cost effective due to the specific nature of the work involved.

### 5. Discrimination

Any discrimination based on nationality, religious beliefs, state of health, marital and family status is prohibited in all cases (hiring, termination of employment, etc.).

## What are the main actions for HR departments in preparing for the changes?

- ✓ **Review internal documents (policies, regulations) relating to the abovementioned areas, and update them accordingly in any cases of non-compliance.**

# Implementation of EU Directive on Transparent and Predictable Working Conditions (EU Directive 2019/1152)

## Has the directive been implemented in the jurisdiction?

Yes.

## What is the status of the implementation or draft implementation?

Part of the amendments relating to the Labour Code of the Republic of Lithuania came in force on 01 August 2022. The remainder came into force on 01 January 2023.

## What are the key changes for employers and employees?

### 1. Providing information

Before the employee starts work, the employer must provide the employee with information on the:

- Probationary period (if applicable);
- Procedure on termination of the employment contract;
- Payment system for overtime;
- Right to training (if the employer provides it);
- Rights relating to social security benefits from social security institutions in connection with the employment.

### 2. Secondments

Before sending the employee on a secondment for a period of more than 28 days, the employer must provide the employee with the following information:

- The country and duration of the secondment;
- The currency in which remuneration will be paid;
- Any allowances to be granted during the posting, if applicable;
- Any conditions relating to the return to the permanent employer.

In a case where the employee is posted to another EU member state, the following information must also be provided:

- The remuneration to which the employee is entitled according to the local laws of the host country;
- Any daily allowances granted during the posting, if applicable;

- A link to the official website of the host country, which provides information on posted workers.

### 3. Probationary period

A probationary period cannot exceed 3 months. If a fixed-term employment contract for 6 months or less is signed, then the probationary period must be reduced proportionately (i.e. to be less than 3 months).

## What are the main actions for HR departments preparing for the changes?

- Review internal documents (policies, regulations, templates of onboarding documentation etc.) relating to the areas mentioned above and update any cases of incompliance accordingly.**

## Key contacts



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7

Poland



# Implementation of EU Directive on Work-Life Balance (EU Directive 2019/1158)

## Has the directive been implemented in the jurisdiction?

Yes.

## What is the status of the implementation or draft implementation?

The new law amending the Labour Code enters into force on 26 April 2023.

## What are the key changes for employers and employees?

### 1. *Paternity leave ("urlop ojcowski")*

- The leave is for use by a father to care for a child.
- It lasts for up to 2 weeks.
- The leave can be taken before a child reaches 12 months (currently 24 months).
- Preparation to terminate employment during a period of leave is forbidden.
- Remuneration for the period of leave will be 100% financed by the Social Insurance Agency.

### 2. *Parental leave (paid) ("urlop rodzicielski")*

- The length of parental leave is to be extended from 32 to 41 weeks following the birth of 1 child, and from 34 to 43 weeks if more than 1 child was born.
- Additional 9 weeks of leave must be taken by the other parent or will be lost (i.e., one parent cannot use the total amount of leave).
- Leave can be granted as one period or in up to 5 parts.
- Leave must be taken before the end of calendar year in which a child reaches 6 years of age.
- In general, additional leave is paid at 70% of an employee's remuneration.

### 3. *Carers' leave (unpaid) ("urlop opiekuńczy")*

- This is a new entitlement involving leave to care for a family member or other person living in the same household.
- It allows up to 5 days' leave in a calendar year (they are lost if not used).

### 4. *Protection*

- During a period of leaves related to parenthood, employees are protected from their employment being terminated.
- The employer should take no action intended to prepare for the termination of employment.

### 5. *Time off from work due to force majeure*

- Leave amounting to 2 days or 16 hours may be used in the event of unpredicted circumstances (force majeure).
- It is eligible for 50% of remuneration (financed by the employer).

### 6. *Flexible working arrangements, additional rights*

- Parents of children aged up to 8 may not, without their approval, work overtime, work at night, have "interrupted working time" or be sent on a business trip. (Similar entitlements are currently for parents of children aged up to 4.)
- Parents may apply for flexible working conditions, which consist of decreased working time or remote work, "interrupted working time", an individual working time schedule or flexible working time arrangements.
- The employer's decision concerning the above requests may not be discriminatory and must be objectively justified.

## What are the main actions for HR departments in preparing for the changes?

### *Review and revise internal labour documentation such as:*

- Work regulations and remuneration regulations;
- Off-boarding procedure (if this exists);
- Other employment policies and practices applicable to employees with relation to their parental entitlements;

- Templates of other documentation concerning, for example, consents to work overtime or to be sent on business trips;
- Application forms required to apply for new leave/ time off.

☑ *Training to acquaint HR colleagues with the new rules.*

## Implementation of EU Directive on Transparent and Predictable Working Conditions (EU Directive 2019/1152)

### Has the directive been implemented in the jurisdiction?

Yes.

### What is the status of the implementation or draft implementation?

The new law amending the Labour Code enters into force on 26 April 2023.

### What are the key changes for employers and employees?

#### 1. Probationary period

The maximum length of a probationary period is linked with the length of the agreement that is expected to follow the probationary period:

- If the agreement that follows is supposed to be for a fixed term of shorter than 6 months, then the probationary period should not exceed 1 month;
- If the agreement that follows is supposed to be for a fixed term of at least 6 months but less than 12 months, then the probationary period cannot exceed 2 months;
- If the agreement that follows is supposed to be for a fixed term of at least 12 months or an indefinite term, then the probationary period can last for – 3 months (the same as before).

A probationary period shorter than 3 months can be prolonged once by no more than 1 month if the employment contract allows this.

#### 2. Fixed-term contracts

- The terms of termination for a fixed-term contract will be the same as for an indefinite contract – the employer will need to indicate an up-to-date, real and detailed justification for terminating the employment and consult on it with a trade union (if it operates at the company); such obligations are not currently applicable to fixed-term agreements.
- The employee involved will be entitled to reinstatement at the company (which was not previously the case for those employed on fixed-term contracts).

#### 3. Information on employment terms, which should be presented to an employee within 7 days as of starting work, must be supplemented by detailed information including:

- Daily and weekly working schedules;
- Breaks during work;
- Daily and weekly rest periods;
- Rules regarding overtime work and related compensation;
- The rules for switching from shift to shift;
- If the employee works in several places, the rules regarding movement between those places;
- Remuneration components other than those specified in the employment contract, as well as cash and in-kind benefits;
- Terms of contract termination: formal requirements, length of notice, date of appeal to the labour court;
- The right to training, if the employer guarantees such, and other rules resulting from the training policy.

4. *An employee with at least 6 months spent at the company will once a year be entitled to request a change to more stable working conditions (e.g. to be hired full time, or to be hired based on a contract for an indefinite term)*

- If possible, the employer should accept such a request.

What are the main actions for HR departments in preparing for the changes?

- ✓ *They should review their template of additional information and their employment policies and practices (especially those concerning the usage of probationary periods and fixed-term contracts).*

## Key contacts



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8

# Romania



# Implementation of EU Directive on Work-Life Balance (EU Directive 2019/1158)

## Has the directive been implemented in the jurisdiction?

Yes.

## What is the status of the implementation or draft implementation?

- Emergency ordinance no. 117/2022, for the amendment and completion of the Law on Paternity Leave no. 210/1999, entered into force on 29 August 2022;
- Emergency ordinance no. 57/2022, for the amendment and completion of Law no. 202/2002 regarding equal opportunities for and treatment of women and men and for the amendment of art. 3 paragraph 21 of the Government Emergency Ordinance no. 121/2021 regarding the establishment of measures at the level of the central public administration and for the modification and completion of some normative acts, entered into force on 05 February 2022;
- Law no. 283/2022, for the amendment and completion of Law no. 53/2003 on the Labour Code, as well as Government Emergency Ordinance no. 57/2019 regarding the Administrative Code, or carers leave, force majeure leave, flexible working arrangements, entered into force on 22 October 2022.
- Emergency ordinance no. 164/2022, for the amendment and completion of the Government Emergency Ordinance no. 111/2010 regarding leave and monthly allowance for raising children, entered into force on 05 February 2023.

## What are the key changes for employers and employees?

### 1. *Paternity leave ("Concediu paternal")*

- Fathers of new-born children can use this type of leave in order to care for them;
- The leave lasts 10 working days and can be extended by 5 more working days for fathers who have completed a child-rearing course;
- The period of paternity leave is included in the time spent in employment;

- If the employer does not grant paternity leave once it has been requested, a fine of between RON 4,000 and RON 8,000 can be applied.
- It is prohibited to dismiss employees during a period of paternity leave.
- The employer will pay the employee 100% of remuneration during the period of leave.
- At the end of paternity leave, the employees will benefit from any improvement in working conditions to which they would have been entitled had they not taken the leave.

### 2. *Child-rearing leave (Concediu de creștere copil)*

- This extends the non-transferable period of parental leave from at least 1 month to at least 2 months of the total leave period in the case of a parent who did not initially request this right, provided both parents meet the legal conditions.
- It ensures the employment conditions and salary rights the employee had at the beginning of the leave or acquired along the way are maintained until the end of the parental leave.

### 3. *Carers' leave (concediu de îngrijitor)*

- This is a new type of leave granted to enable an employee to care for a family member or other person living in the same household who needs support/care as a result of a severe medical problem;
- The leave can be granted for maximum of 5 working days in a calendar year, upon the employee's written request;
- Not granting this leave will lead to a fine for the employer of between RON 4,000 and RON 8,000.
- This type of leave is unpaid.

### 4. *Force majeure leave*

- The employee has the right to be absent from the workplace due to unforeseen situations, determined by a family emergency caused by illness or accident, which makes the immediate presence of the employee indispensable. This is provided that the employer is informed in advance and the time the employee is absent may be recovered in full.
- Force majeure leave amounts to 10 working days in a calendar year.



- The employer and the employee establish by mutual agreement how to recover the period of absence, within the limit of 10 working days.

##### 5. Flexible working arrangements, additional rights

- The employer can establish individualised work schedules, which may have a limited duration, for all employees, including those who benefit from carer's leave, with their consent or at their request.
- Individualised work programmes are a flexible way of organising working time.
- The individualised work programme can function only in compliance with the provisions regarding normal working time and overtime.
- The employer must justify in writing any refusal of a request to benefit from an individualised work schedule within 5 working days of receiving the request.
- When the individualised work schedule has a limited duration, the employee has the right to return to the original work schedule at the end of the agreed period. The employee also has the right to return to the initial schedule prior to the end of the agreed period, in the event of a change in the circumstances that led to the individualised schedule being established.

- The flexible way of organising working time makes it possible for employees to adapt their work schedule, including remote work, flexible work schedules, individualised work schedules or part-time work schedules that lead to reduced work.

## What are the main actions for HR departments in preparing for the changes?

### **Review and revise internal labour documentation such as:**

- Internal regulation;
- Templates of other documentation concerning factors such as consents to work overtime;
- Other employment policies and practices that are applicable to employees in relation to their parental entitlements;
- Application forms required to apply for new types of leaves/releases.

### **Training to acquaint HR colleagues with the new rules.**

## Implementation of EU Directive on Transparent and Predictable Working Conditions (EU Directive 2019/1152)

### Has the directive been implemented in the jurisdiction?

Yes.

### What is the status of the implementation or draft implementation?

- Law no. 283/2022, for the amendment and completion of Law no. 53/2003 on the Labour Code, as well as Government Emergency Ordinance no. 57/2019 regarding the Administrative Code, or carers leave, force majeure leave, flexible working arrangements, entered into force on 22 October 2022.
- Order no. 2171/2022 of the Ministry of Labour and Social Solidarity, for the approval of the framework model of the

individual employment agreement, entered into force on 09 December 2022.

- Law no. 172/2020, for the amendment and completion of Law no. 16/2017 regarding the posting of employees in the framework of the provision of transnational services, entered into force on 16 August 2020

### What are the key changes for employers and employees?

#### 1. **Victimisation and additional associated rules**

- Adverse treatment is now prohibited in cases where the employee files a complaint with competent public authorities regarding the breach of any legal rights (not only relating to discrimination, as in the past).

- Adverse treatment is also prohibited in relation to employees, trade unions and employee representatives who initiate complaints or any type of procedure with the purpose of ensuring the protection of rights regulated under the Labour Code;
- The right is enshrined for an employee who considers him or herself to be a victim as per the above points to file a court complaint and request damages, the annulment of the adverse treatment and the reinstatement of the conditions as they were prior to victimisation. .

### **2. New information obligations relating to:**

- Place of work, or in the absence of a fixed place of work, the opportunity for the employee to work in different places. In the event of a trip organised and paid for by the employer, whether the costs are covered upfront by the employer or are initially borne by the employee and reimbursed by the employer.
- Method and schedule of payments of base salary and other constitutive elements of remuneration evidenced separately.
- Normal duration of working time, hours per day and week, rules for overtime performance and compensation and the implementation of the shifts schedule.
- Duration and conditions of the probation period, if such exists.
- Professional training offered by the employer.
- The conditions under which the employer covers private medical insurance, occupational pension contributions/private pensions. Also any other rights granted at the employer's initiative that represent financial benefits in recognition of the employee's professional services.
- The employer's obligation to inform employees who are required to travel abroad about the country or countries where work is to be performed.

### **3. Probationary period**

- It is now prohibited to enforce a new trial period if within a 12-month term, a new employment agreement is concluded between the same parties, for the same job position and with the same attributes.
- Following the probationary period, employees have the right to ask to be moved to a vacant position with more favourable working conditions if he/she has spent more than 6 months with the same employer.

### **4. Right of employees to have multiple employment agreements**

- There is an express provision stating that the employee must ensure that there is no overlap between the working

schedules when working under more than one employment agreement;

- There is also a prohibition in place against applying adverse treatment to employees with multiple employment agreements.

### **5. Additional evidence in case of dismissal**

If an employee argues that he or she has been dismissed for reasons pertaining to: the enforcement of the information obligation; the enforcement of employees' rights during the trial period; the trial period for fixed-term agreements; taking carer leave; or absence due to force majeure or paternal leave, then they are entitled to ask the employer for additional grounds in writing upon which the dismissal is based.

### **6. New contents of the internal regulation**

- New sections need to be included in the employer's internal regulation that contain:
  - a. Information regarding the notice period;
  - b. Information on the general training policy, if such exists.

### **7. Information obligation for employees posted abroad**

Romanian companies that post their employees to other EU countries or Switzerland have the obligation to inform the employee in writing and prior to the posting, about:

- a. The constituent elements of the remuneration package to which the worker is entitled, in accordance with the legislation applicable in the host Member State, and their amount;
- b. The total amount of remuneration granted to the employee during the secondment period, with the secondment-specific allowance clearly highlighted, when it is granted;
- c. The expenses actually generated by the posting, such as transport, accommodation and meals, as well as the methods of providing or reimbursing them, respectively the method of providing transport, accommodation or meals, as the case may be;
- d. The link to the unique official national website created by the host member state in accordance with art. 5 para. (2) of Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on ensuring compliance with the application of Directive 96/71/EC on the posting of workers in the provision of services and amending Regulation (EU) no. 1.024/2012.
- e. Companies must also include the information on working abroad that is listed in the Romanian Labour code (the country or countries, as well as the duration of the work period to be performed abroad, the currency in which salary rights will be paid, as well as the methods of payment, benefits in money and/or in kind related to

carrying out the activity abroad, likely climatic conditions, the main regulations of the labour legislation of that country, the customs of the country, the non-compliance with which would endanger the worker's life, freedom or personal safety, the conditions for the repatriation of the worker etc.).

Providing any posted employees with the above information is not mandatory if the duration of the secondment is less than or equal to 7 consecutive days.

## What are the main actions for HR departments in preparing for the changes?

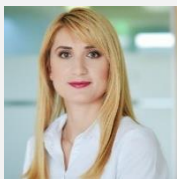
### **Review:**

- The template used for individual employment agreements for new employees;
- The internal regulation;
- Secondment letters.

## Key contacts



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9

# Slovakia



# Implementation of EU Directives on Work-Life Balance (EU Directive 2019/1158) and on Transparent and Predictable Working Conditions (EU Directive 2019/1152)

## Have the directives been implemented in the jurisdiction?

Yes.

## What is the status of the implementation or draft implementation?

The directives have been implemented into the Slovak Labour Code. The National Council of the Slovak Republic accepted the Amendment of the Labour Code on 04 October 2022, and the President signed it on 21 October 2022.

The new Labour Code came into force on 01 November 2022.

## What are the key changes for employers and employees?

### 1. *Paternity leave ("otcovská dovolenka")*

- Paternity leave shall be granted for the purpose of caring for the new-born child by the father.
- In practice, this amounts to the transformation of the current parental leave granted to the man/father into paternity leave.
- The leave shall last for up to 2 weeks (14 calendar days), and can be taken in the first 6 weeks following the birth of the child.
- The leave will be paid by the Social Insurance Agency.

### 2. *Probationary period*

- For an employee with a fixed-term employment relationship (and only for these employees), the agreed probationary period shall not be longer than half of the agreed duration of the employment relationship itself.
- The maximum length of the probationary period - 3 months, or 6 months for senior employees - remains unchanged.

### 3. *Information on working conditions*

- The employer is obliged to inform the employee in writing about certain working conditions and any changes to them if these are not specified in the employment contract.

- The deadline for providing such information is 4 weeks from the date of commencement of the employment (or 7 days in certain cases).
- The employer has the right to choose whether the information about working conditions will be provided to the employee separately in written form (when an electronic form can be used), or if they should agree on them as additional working conditions in the employment contract.
- Employers are subject to new information obligations, namely to inform the employee:
  - a. About the deadline for filing a lawsuit to determine the invalidity of the termination of the employment relationship; and,
  - b. On the right to and scope of any professional training provided by the employer.

### 4. *Right to request a change to more stable working conditions*

- The amendment introduced the opportunity for an employee who works part-time and for a fixed period, and whose employment relationship is longer than 6 months, to submit a request for transition to an employment relationship with more stable working conditions (e.g. to full-time working or to a fixed weekly working time for an indefinite period).
- The employer is obliged to provide a written, reasoned response to such a request within 1 month. This one-month period also applies to every subsequent application by the employee, which he or she submits no sooner than 12 months after the previous application.

## 5. Essential elements of an employment contract

The amendment introduced new essential elements of an employment contract, namely:

- The identification data of the employer and the employee (such as the name of the company and its registered office or place of business, and data on the employee, such as name, date of birth and place of permanent residence).
- The change also affects employees with a place of work outside the territory of the Slovak Republic. It introduces the essential elements of such contracts.

## 6. Freedom to carry out other gainful activities

- The amendment explicitly introduces a ban to prevent employers from restricting employees from performing other gainful activities in their free time.
- The ban does not apply to competitive activities, where the employee still needs to request the employer's permission.
- Consent will not be required to carry out scientific, educational, journalistic, lecturing, literary or artistic activities.

## 7. Employee rights and protection against termination of employment

- In the event that the employee testifies in a court case that the termination of his or her employment occurred because he or she exercised their rights (e.g. filed a complaint with the National Labour Inspectorate), the employer will have to prove that the termination occurred for other reasons.

## 8. Changes in the regulation of agreements conducted outside the employment relationship

- Employers are required to provide written information about the days and time periods during which they may require an employee to perform work.
- If the employer cancels the performance of the work less than 24 hours before it was due to be carried out, the employee is entitled to compensation of at least 30% of the remuneration he or she would have received for carrying out the work.

## 9. Delivery

- For the first time, the Slovak Labour Code establishes a general minimum storage period of 10 days for the delivery by post of parcels (i.e. labour documents).

## 10. Greater space for unions

- Following the amendment, the right of a trade union to approach an employee in an appropriate manner with the purpose of offering membership in it has been modified.
- Trade unions should agree with the employer on the method of approaching employees.
- If no such agreement is reached, the employer is obliged to provide the employee with written information about the existence of trade unions.
- Trade unions are allowed to publish reports about their activities, including in the employer's electronic information system.

## What are the main actions for HR departments in preparing for the changes?

### **Review and revise internal labour documentation, such as:**

- The HR policy or similar work regulations;
- Remuneration regulations or other employment policies and practices;
- Templates, application forms etc.;
- On- and off-boarding procedures (if these exist) etc.

### **Training to acquaint HR colleagues with the new rules and new obligations for employers.**

## Key contacts



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10

Slovenia



# Implementation of EU Directive on Work-Life Balance (EU Directive 2019/1158)

## Has the directive been implemented in the jurisdiction?

Yes.

## What is the status of the implementation or draft implementation?

The Act Amending Parental Protection and Family Benefits Act ("The Act") has been adopted to implement in Slovenia the provisions of EU Directive 2019/1152. The Act was adopted on 24 November 2022, and applies from 01 April 2023.

## What are the key changes for employers and employees?

### 1. Paternity leave ("očetovski dopust")

- The new law changes the way paternity leave is taken.
- The duration of paternity leave – which a father can take between the child being born and reaching 3 months of age – was reduced from 30 to 15 days. However, this difference of 15 days was included into an increase of the non-transferable element of parental leave (point 2. below).

### 2. Parental leave ("starševski dopust")

- The new law changes the number of days of parental leave and how it is divided and allocated.
- The length of parental leave for each parent is extended from 130 days to 160 days; although 100 days of the parental leave can be transferred from one parent to another, the remaining 60 days are non-transferable.
- The non-transferable element may be used until the child is 8 years old at the latest.

### 3. Reimbursement for full absence from work ("nadomestilo za polno odsotnost z dela")

- The maximum amount of parental allowance continues to be limited to 2.5 times the average monthly salary. However, the Act takes a new approach in calculating the

average salary, which the legislator expects to result in an increase of the actual maximum amount of the parental allowance.

### 4. Part-time work due to parenthood ("delo s krajšim delovnim časom zaradi starševstva")

- The period of part-time work for the care and protection for at least two children is being extended until the youngest child reaches the age of 8 (previously until the end of Year 1 of primary school). For one child, the period remains the same as before the adoption of the Act, i.e. until the child is 3 years old.
- Both parents will now be able to work part time to care for their children at the same time, up to a combined maximum of 20 hours per week. Previously, only one parent could exercise this right, not both at the same time.

### 5. Partial payment for loss of income ("delno plačilo za izgubljeni dohodek")

- If the child is in an institution where he or she receives free all-day care, one of the parents will now also be entitled to proportional partial payments for lost income for 10 / 20 / 30 hours respectively a week for a period of one year if the child has been at home for at least 90 / 180 / 270 days and, in all cases, the parents have actually cared for him or her in the last year before the application is made. Until now, the proportional partial payment for loss of income was limited to ¼ of the full amount (i.e. only for 10 working hours a week) if the child was cared for at home for at least 90 days within the last year before the application.

## What are the main actions for HR departments in preparing for the changes?

- ✓ **Review and revise internal labour documentation, especially those employment policies and practices that are applicable to employees with relation to their parental entitlements and employment contracts.**
- ✓ **Training to acquaint HR colleagues with the new rules.**



# Implementation of EU Directive on Transparent and Predictable Working Conditions (EU Directive 2019/1152)

## Has the directive been implemented in the jurisdiction?

No.

## What is the status of the implementation or draft implementation?

The provisions of EU Directive 2019/1152 will be transposed into the legal order of the Republic of Slovenia by the adoption of the Act Amending the Employment Relationships Act (ZDR-1). Both the adoption date and the content of the act are as yet unknown. Nevertheless, please note that many provisions of the Directive are already included in the current ZDR-1.

## What are the key changes for employers and employees?

### 1. *Information about the employment relationship and minimum requirements relating to working conditions:*

- Major changes to existing legislation are not foreseen, since under the current legislation the employer must already give the employee a written proposal of the employment contract containing employment terms (e.g. place of work, duration and conditions of the probationary period, amount of paid leave etc.) at least 3 days before it is due to be concluded. Moreover, any changes to the work conditions have to be made in written form already under the current legislation (either with an annex to the employment contract or even an obligatory conclusion of a new employment contract).
- Slovenian legislation already contains provisions on factors including probationary period (a maximum duration of 6 months), parallel employment, predictability of the working schedule and work assignments, on-demand contracts (for agency workers), permissible absence for educational purposes etc.

### 2. *Amendments are required in the following areas:*

- The regulation of the potential for the employee to request a form of employment following a 6-month probationary period with more predictable and secure working conditions (i.e. the transition to another form of employment).
- The proportionate limitation of the probationary period in the case of a fixed-term contract, and the prohibition of a probationary period in the case of a new successive contract of employment.
- To some degree, regarding (i) the regulation of employee training and (ii) the protection of those employees who exercise their rights under the Directive.

## What are the main actions for HR departments in preparing for the changes?

- ✓ *Review and update labour documentation such as employment contracts, templates for additional information, employment policies and practices etc.*

## Key contacts



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