

New Regulation on the Content and Method of Keeping Records of Employees Employed by the Employer

Legal Updates

The Ministry of Labour, Pension System, Family and Social Policy has issued a new **Regulation on the content and method of keeping records of employees employed by the employer** (hereinafter: the "Regulation") to align the method of keeping employee records and their content with current laws, particularly the Labour Act, the Maternity and Parental Benefits Act, the Pension Insurance Act, and the Act on the Implementation of the General Data Protection Regulation.

The Regulation comes **into force on October 1, 2024**, and all employers are required to align the content and method of keeping records of their employees by that date.

The new Regulation has generally reduced the number of data points that employers are required to maintain in employee records. However, it introduces the requirement to **record the date of submission registration (start, change, termination) for mandatory insurance registrations of employees as insured persons under an employment relationship, including voluntary pension insurance, if the employer contributes to it, as well as mandatory health insurance during work abroad.**

Employers are required to keep records under the new Regulation for **ALL employees, not just those hired after the Regulation takes effect.**

Another new requirement is the **Written summary of data** that employers must create for each employee. This written summary will become an integral part of employee records and provide an easier and more direct view of employee information.

According to the opinion of the Personal Data Protection Agency (AZOP), employers are no longer required to and are prohibited from, storing employee records permanently. Therefore, Article 9 of the new Regulation **now precisely stipulates the retention periods and methods for storing employee data contained in documents, records, and files, depending on the type of data and document.**

The record of employee working hours essentially remains unchanged by the new Regulation. Instead, the Regulation **aligns the relevant provisions with the latest amendments to the Labour Act.**

Non-compliance with the new Regulation constitutes a serious offense for employers. According to Article 229 of the Labour Act, legal entities may be fined between EUR 8,090 and EUR 13,270 if **they fail to keep records of employees and working hours or do not maintain them as required**, or if do not provide employee and working hours data upon request from a labour inspector. Individual employers and responsible persons of legal entities may face fines ranging from EUR 920 to EUR 1,320.

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