

The second important amendment to the Labour Code at the time of the corona crisis strengthens the employer's rights

On 02.04. 2020, the National Council of the Slovak Republic approved an amendment to the Labour Code, which substantially strengthens the employer's rights in relation to some necessary rapid measures during a pandemic emergency and other employment and social security laws.

The amendment to the Labour Code should be effective during an emergency situation, the state of emergency or the state of alarm and within two months of their withdrawal.

Below is a brief summary of the amendment:

1. Can the employer already direct the employee to do the „Home Office“?

From the effective date of the amendment to the Labour Code, the employer is entitled to order work from the employee's household if the agreed type of work permits it and if there are no serious operational reasons on the side of the employer that do not allow to work from home.

2. Notification of work time schedule may be minimized

The employer is obliged to notify the employee of the new work time schedule at least two days in advance, unless he agrees with the employee for a shorter period of time, and the new work schedule shall be valid for at least a week. According to the law that has been in force so far, the employer is obliged to notify the employee of the work schedule at least a week in advance and it shall be valid for at least a week.

3. Holiday no longer needs to be announced 14 days in advance

The employer is obliged to notify the employee of the draw of paid holiday at least seven days in advance and at least two days in advance if it is an unused holiday from the previous calendar year. This period may be shortened again with the consent of the employee.

4. Notice protection of employees in quarantine and those who day-long care of a natural person (mostly children)

The Labour Code extends the range of employees who are protected against notice by the employer.

The amendment to the Labour Code extends this heading and provides that the following employees will be protected against notice by the employer under the same conditions as

employees during sick leave:

1. employees in quarantine and isolation;
2. employees personally caring of the sick family member day-long;
3. employees personally and day-long caring of a natural person.

If employees are absent at work for the above mentioned reasons, the employer cannot give notice to them. They are subject to a prohibition of notice.

5. Wage compensation during an obstacle to work without the consent of employees' representatives of 80% of the average wage

Under the amendment to the Labour Code, if an employee cannot perform work entirely or partially due to reducing or closing down of the employer's operations at the discretion of the competent authority or reducing or closing down of the employer's operations as a result of an emergency situation, the state of emergency or the state of alarm, it is considered to be the obstacle on the side of the employer and in this case the employee is entitled to a wage compensation of 80% of his average earnings, but at least in the amount of the minimum wage.

In the course of observations, when the draft law was discussed in the government of the Slovak Republic, the provision was added that this case does not apply if employers have concluded agreements with employees' representatives on serious operational reasons, on the basis of which the employer can provide a wage compensation of 60% of the average earnings. Thus, these agreements remain effective. In practice, this means that if an employer does not have employees' representatives, he shall provide the employee with a wage compensation of 80% of his average earnings from the effective date of the amendment to the Labour Code.