

News Flash

March 3, 2021



**Amendment to the Labour Code
effective from March 1, 2021
in Slovakia**

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The President of the Slovak republic signed an amendment to the Labour Code on Wednesday, February 17, 2021. The amendment brings more changes to labour relations. We have already discussed one of the most important changes related to the meal vouchers and financial contribution [here](#). In this article, we will focus on two more significant changes that the amendment brings.

Housework and telework

The amendment to the Labour Code introduced clarification of the conditions for housework and telework. According to the amendment, if the employee performs work that could be performed at the employer's workplace, regularly and within specified weekly working time or its part in his/her household, it is considered as a housework, respectively a telework, **if he performs work using information technologies, in which electronic data transmission at a distance takes place on a regular basis**. The household is considered a place of work that is different than the workplace of the employer and which is selected by the employee himself. Such performance of work and its conditions must be agreed directly in the employment contract.

According to the new version of this amendment, the employer and employee can agree on whether the employee may set his working time on his own or the work will be carried out in flexible working hours. In case when the employee sets his working time on his own, the employee is not entitled to certain benefits provided to ordinary employees who have working time set by the employer. These **deviations** include:

- the provisions on the schedule of specified working time, continuous daily rest and continuous rest during week do not apply,
- the provisions on the downtimes do not apply, except for downtimes for which the employer is responsible,
- the employee is not entitled to the compensation of wage in case of important personal obstacles at work, apart from compensation of wage in case of the death of a family member,

- the employee is not entitled to wage for overtime, wage advantage for work on a holiday, on Saturday, Sunday or nightwork and wage compensation for difficult work performance, unless the employee agrees otherwise with the employer.

The amendment also specified obligations of the employer regarding the measures to be taken by employees in such a form of work and extended them to housework. These measures include in particular:

- to provide, install and regularly maintain technical and software equipment necessary for the performance of telework, except when employee performing telework uses own technical and software equipment upon agreement with the employer,
- to provide data protection that are processed and used during telework, especially when using software equipment,
- to pay for increased expenses of the employee under conditions agreed in the collective or employment contract associated with the use of his own equipment, device, and items necessary for the performance of telework or housework,
- to inform the employee of all restrictions on the use of technical and software equipment, as well as the consequences of violating these restrictions,
- to prevent the isolation of the employee performing housework or telework from other employees and allow him to enter the workplace, if possible, for the purpose of meeting other employees,
- to enable the employee to deepen the qualification in the same way as in case of employee with the place of work at the employer's workplace.

The word “in particular” in the given provision of Labour Code indicates that in individual cases, the employer will be obliged to accept even other measures if he identifies that they are needed.

On the employee side, **a new obligation** for employee performing housework or telework is **to immediately inform the employer** about technical issues associated with malfunction of technical or software equipment, malfunction of internet connection or other similar causes that prevent him from performing work.

On the other hand, the amendment also ensures a certain degree of protection for the employee so that the employer doesn't perceive this way of performing work as such, when the employee is available "non-stop".

The employee performing housework or telework **is entitled not to use work equipment** for housework or telework **during** continuous daily rest and continuous weekly rest, unless he is ordered an on-call work or overtime at that time, during leave or a holiday for which the work has fallen out and during obstacles at work.

In case, when one of these situations occurs, the employer may not consider the refusal of the employee to perform the work as a breach of his obligation to follow the employer's instructions.

-As housework or telework is still not considered a work performed from home by the employee

occasionally or in exceptional circumstances with consent of the employer or upon agreement with him if the form of work allows it.

In this case, it is so called home-office, on which the employer and employee don't need to agree in the employment contract. Even in this case, the employer is obliged to ensure data protection which are processed or used during the employee's work and to respect the refusal of the employee to perform a work, if any of the conditions listed in the previous paragraph is met. On the other hand, the employee is obliged to inform his employer about all technical issues that prevent him to perform work.

Employment termination with an employee older than 65

From January 1, 2022, employer may terminate the employment relationship with an employee who reaches the age of 65 and at the same time the age for entitlement to a retirement pension. These two conditions must be both met at the same time. The employee is in such case entitled to compensation in the amount corresponding to the number of years worked for the employer.

If employer decides to conclude an agreement on employment termination with the employee due to this reason, he is obliged to state in it the use of this provision as a reason for termination of employment.

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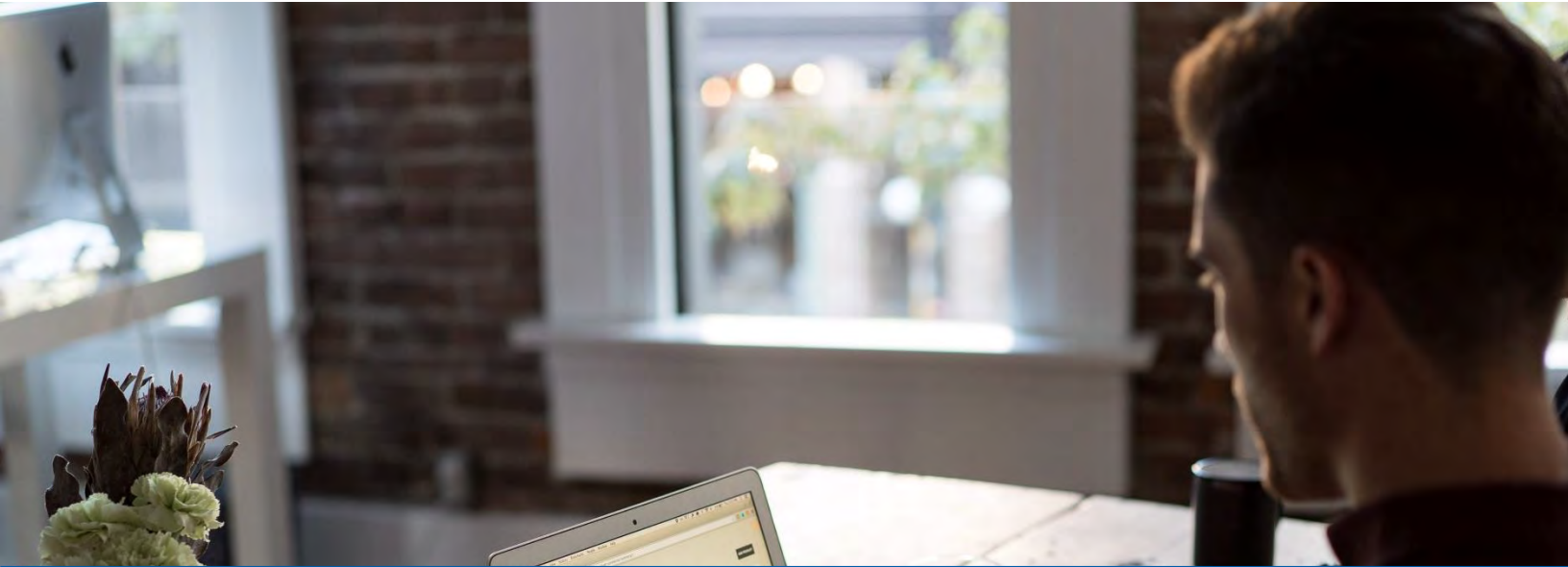
Contact

Simona Klučiarová

Senior Associate

E-mail: Simona.Kluciarova@accace.com

Tel: +421 2 325 53 000



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