

LEGAL AND SOCIAL MEASURES RELATED TO EMPLOYEES AT THE TIME OF THE CORONAVIRUS PANDEMIC

On 2.4.2020, the National Council of the Slovak Republic approved an amendment to Act no. 311/2001 of the Labour Code, which introduces changes to the legislation on labour relations during a declared emergency, as well as the following 2 months after its termination. The aim of the adopted changes is to enable employers to respond more flexibly to the situation, so that they are not forced to lay off employees and destroy existing jobs. Specifically:

- the right of the employer to order the employee to work at home (so-called home office) if the nature of the work allows, work at the workplace is not necessary resp. presence in the workplace is at risk due to the spread of communicable disease. The employer has the right to order the employee to work from home even if the employee does not agree with it. On the other hand, the amendment also grants the right in this respect to an employee who is entitled to work from home, unless there are serious operational reasons on the employer's side to prevent work from home.
- According to the amendment, the employer is obliged to notify the employee of the working time schedule at least two days in advance and valid for at least a week. The amendment leaves the possibility of an agreement between the employer and the employee on a shorter period of time reporting. In this context we would like to point out that the competence of employees' representatives within the meaning of § 90 para. 4 of the Labour Code, i. the agreement with the employer to determine the start and end of working time and the schedule of work changes was not affected in any way by this amendment.
- Reduction of the period for determining the holiday during an emergency, namely the employer is obliged to notify the employee of the holiday at least 7 days in advance, if it is an unused holiday for the previous calendar year, even 2 days before the start of holiday.
- Employee protection
The employer is obliged to justify the absence of an employee at work because of an important personal obstacle to work, such as quarantine, isolation or full-time care for a sick family member. The employee is not entitled to wage compensation during this time. An employee who has been quarantined or has taken advantage of an important personal impediment to childcare is considered to be temporarily incapacitated. For that reason, he is subject to a ban on dismissal during an emergency. The aim of this measure is to provide these workers with the same protection as that granted to an employee who is at sick leave.
- Compensation of an employee's wage in the amount of 80% of his / her average monthly earnings, but at least in the amount of the minimum wage in case the employer's business was closed due to the decision of the state authority, resp. Declarations of Emergency (an obstacle to work on the part of the employer) and the employee cannot therefore carry out work.
This provision shall be without prejudice to § 142 para. 4 of the Labour Code, according to which the employer can agree with the employees' representatives on serious operational reasons and related wage compensation for the duration of these serious operational reasons, but at least 60% of the average earnings.
- Reducing the employer's obligations in the field of H&S during an emergency situation where, where this is not objectively possible, the employer is not obliged to inform the employee when recruiting, transferring or introducing a new work procedure with H&S

legislation, safe work principles, danger and danger. These obligations are postponed, but the employer is obliged to fulfil the obligations as soon as possible, and at the latest within one month of the recall of the crisis situation.

Amendment to **Act no. 461/2003 Coll. on Social Insurance**, introduced the following changes:

- Prolongation of nursing payments (taking care of the family member), for the entire period of child care during the closure of schools and pre-school facilities. This measure applies to parents of children under 11 years of age, respectively until the age of 18 for parents in case of long-term adverse health condition of the child. In these cases, no medical confirmation is required. The use of the nursing care is also possible for the parents of children up to the age of 16, ie. 11 to 16 years of age. In this case, it is necessary to ask the paediatrician for confirmation of the child's unfavourable health condition. The paediatrician can be contacted by telephone.
- Persons providing care for family members receiving social services are also entitled to nursing care if the social services facility (whether outpatient or residential) has been closed by decision of the competent authorities. The following are considered to be family members in this case: offspring (child, grandson, great-grandson), ancestors (parent, grandparent, grandparent), sibling, husband, wife, parent of the spouse.
- The benefit will be paid throughout the closure of schools, i. not only 10 days, at 55% of gross wage. Parents may be able to change between nursing.
- Entitlement to sickness benefits paid by the Social Insurance Agency from the first day in the amount of 55% of the daily assessment base. From day 1, the benefit will be paid by the Social Insurance Agency, the entitlement to this benefit will be confirmed by a doctor. According to the Social Insurance Agency, a telephone or email confirmation is also acceptable.

Amendment to **Act no. 5/2004 Coll. on Employment Services**, allows citizens to file an application for inclusion in the job seekers register electronically without a qualified electronic signature.