

Employment CEE - Comparative Guide on

Remote Work,

Sobriety Checks, and

EU Directives Implementation

(For Czech Republic, Hungary, Romania, Slovakia)

December, 2024



INTRODUCTION

The pandemic of recent years has pushed employers to embrace remote work in our region as well. Our CEE Comparative Guide on Remote Work, Sobriety Checks, and EU Directives Implementation provides a concise and accessible summary of the related regulations in key countries, including the Czech Republic, Hungary, Romania, and Slovakia. This side-by-side comparison shows how remote work has evolved in this part of the world since the outbreak of the pandemic. We also look at how the issue of sobriety control is handled by these countries in the CEE, with new provisions allowing sobriety checks to be carried out by employers in the workplace. We also demonstrate the status of EU Directives Implementation throughout these jurisdictions. We encourage you to consult this guide for a comprehensive insight, equipping you to navigate employment rules confidently across CEE countries, regardless of whether you are a business owner or an individual.

Sincerely,

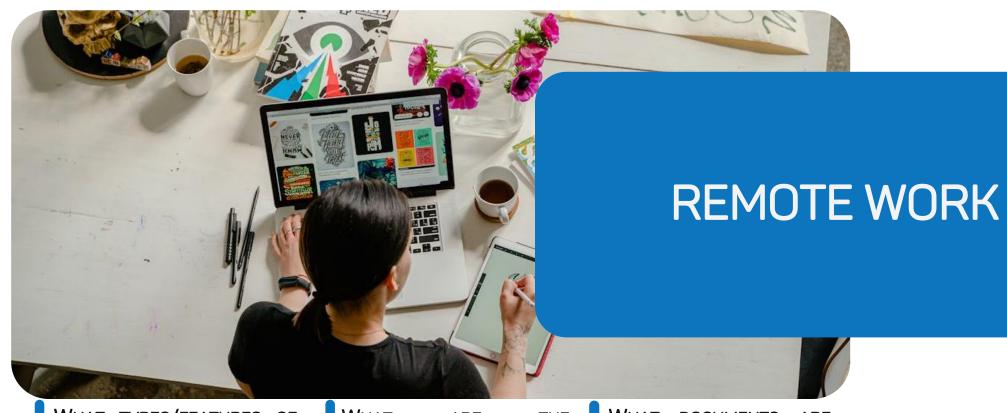


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WHAT TYPES/FEATURES OF REMOTE WORK ARE POSSIBLE IN YOUR JURISDICTION?

What ARE THE EMPLOYER'S DUTIES CONNECTED WITH REMOTE WORK?

WHAT DOCUMENTS ARE NECESSARY TO IMPLEMENT REMOTE WORK? (IF ANY)



WHAT TYPES/FEATURES OF REMOTE WORK ARE POSSIBLE IN YOUR JURISDICTION?

Czech Republic

Hungary

Romania

Slovakia

The remote work is possible either:

- i. on the basis of a written agreement between the employer and the employee.
 Agreement is concluded before or during employment, either on employer's initiative or at employee's request, remote work agreed, or
- upon the issuance administrative decision in I specific situations (e.g. during an epidemic OΓ pandemic) the ! employer is allowed to order remote work to employees (only for a necessary period of time and if the nature of work and the workplace of the employee allows it) - remote work ordered.

- Remote work shall be expressly

 agreed in the employment
 agreement before or during the employment.
- In case of remote work, the employee works partially or all of the time at a place separate from the employer's premises (i.e. at home).
- Remote work may be introduced in all suitable jobs.

If the remote work is not performed using computing devices, the parties shall agree in writing on the place of work. Remote work may also be carried out using work equipment provided by the employee.

- Law 81 on remote work provides that the employees may work remotely either full-time or only partially, temporary or on a permanent basis, as agreed with the employer. Thus, remote work is subject to parties' consent and negotiations, as a rule
- exceptionally during special circumstances (state of war, pandemics etc.) State authorities may impose remote work for certain categories of employees (i.e. where the type of works allows it)

There are **3 types** of remote work:

(I) Regular work from home

When an employee regularly works entirely or partially from home during their usual working hours, instead of at the employer's workplace.

(II) Regular Telework (aka Homeoffice)

Similar to regular work from home, but specifically involves using information technology to perform tasks and share data electronically.

(III) Occasional remote work (temporary home office)

This applies when an employee temporarily works from home, either by agreement or during exceptional circumstances, as long as the nature of its job allows for it.

WHAT ARE THE EMPLOYER'S DUTIES CONNECTED WITH REMOTE WORK?

The legal regulation of remote work is I .

brief, but sets out a default obligation to

reimburse employees for expenses

incurred in connection with the

performance of remote work or provide

a lump sum of the reimbursement of

expenses. The employer may agree

with the employee in advance that the

Besides the agreement is highly

recommended for the employers to

implement their own remote work

policy. Especially the following topics

reimbursement.

should be addressed:

employees shall not be entitled to the . •

work as provided to

Hungary

The employer exercises the right of I inspection at the place of the remote work.

employees.

In case of an employee using computing devices for remote work, the employer shall inform the worker in writing of the rules on safe and healthy working conditions. If the remote work is not performed computing devices, the employer shall regularly check that the working conditions at the place! of the remote work meet the health and safety requirements and that! Also, all other general obligations employees are aware of and comply i with the provisions applicable to them.

employer shall provide all I Most specific duties relate to health and I. information to employees in remote safety at work and providing the other I necessary equipment as follows:

Romania

- To make sure the worker receives. proper training regarding occupational risks;
- To provide the necessary tools/ I. equipment/ software related to information and communications technology and provide maintenance for such equipment;
- To make sure the worker is not isolated from the rest of the Employees and that he/she has the opportunity to meet with his/her colleagues regularly.

incumbent to the employers for normal work apply.

- Provide, set up, and maintain the necessary equipment and software for remote work, unless the employee agrees to use their own.
- Ensure data security while employees work remotely.
- Cover any costs employees incur for tools or equipment used for remote work.
- Explain restrictions on using workrelated tools or software, including the consequences of any misuse.
- Prevent remote workers from feeling isolated by encouraging interaction with colleagues and giving them access to the office if possible.
- Offer remote employees the same opportunities for training as those working on-site.

- health safety occupational and protection at the home workplace - the employer shall ensure that the employee's workplace complies with all HSE prerequisites,
- the distribution of working hours and the manner of assigning work

WHAT ARE THE EMPLOYER'S DUTIES CONNECTED WITH REMOTE WORK?

	Czech Republic	Hungary	Romania	Slovakia
	to the employee.	In case the remote work is carried out!		
•	overtaking and checking of the employee's work ,	using work equipment provided by the employee, the employer shall ensure that		
•	non-disclosure undertaking,	 the work equipment is in a safe and healthy condition by carrying out a 		
•	data protection.	risk assessment.		
		 Unless otherwise agreed in the employment agreement: 		
		the employer shall provide access to the employee for entering its premises and to communicate with other employees,		
		the employer's right to give instructions covers the definition of the tasks to be performed by the employee,		
		the employer exercises its right of inspection remotely by way of electronic means.		

WHAT DOCUMENTS ARE NECESSARY TO IMPLEMENT REMOTE WORK? (IF ANY)

•	In cases of remote work agreed the
	employer and employee must conclude
	an agreement.

Czech Republic

- The agreement must have a written form. Be careful whether the agreement does not make changes to some employment contract provisions (esp. place of work).
- However, due to the above mentioned and the fact that the Czech legal regulation of remote work is brief, it is highly recommended for the employers to implement their own remote work policy (also in written form).

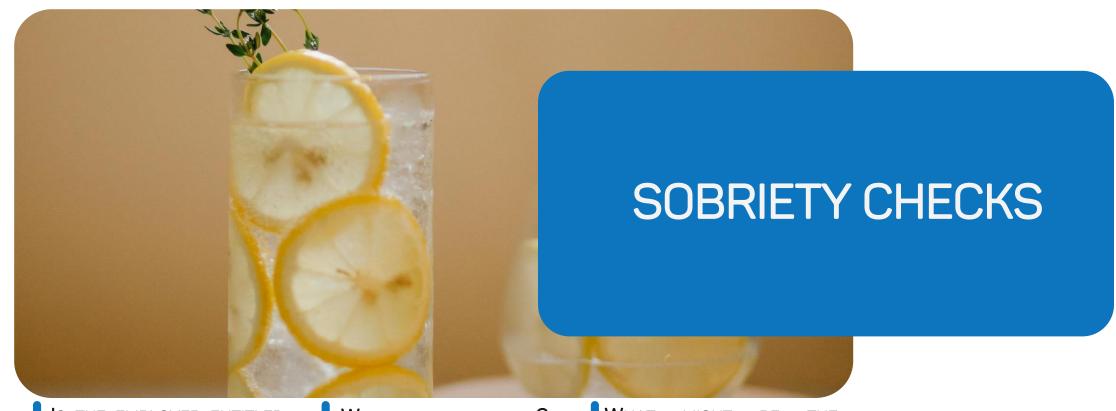
Hungary

- The provisions on remote work shall be included in the employment agreement.
- An internal policy adopted by the employer on remote work regulations is usual as well.

Romania

- The parties must execute an addendum to the existent employment agreement whereby they agree upon the remote work and the parties' rights and obligations.
- The employer is obliged to declare with the labor authorities the agreement on remote work.

- Work from home and telework must be agreed upon in the employment contract;
- Occasional remote work (work from home or telework/temporary home office) requires the employer's consent or agreement in the employment contract (the law neither defines nor specifies the requirements for the form of those);
- It's recommended to establish internal rules to manage the practicalities of temporary remote work.
- pandemic, employers can ask employees to work from home if feasible. Similarly, employees can request to work remotely if their role allows it, and the employer has no critical operational concerns.



IS THE EMPLOYER ENTITLED TO IMPLEMENT SOBRIETY CHECKS IN THE WORKPLACE? IF YES, DOES THE EMPLOYER HAVE TO PROVIDE FOR SUCH A SITUATION IN ITS INTERNAL REGULATIONS?

WHAT CAN BE CHECKED?

WHAT MIGHT BE THE CONSEQUENCES OF THE CHECK FOR THE EMPLOYEE?



COMPARATIVE GUIDE - SOBRIETY CHECKS

IS THE EMPLOYER ENTITLED TO IMPLEMENT SOBRIETY CHECKS IN THE WORKPLACE? IF YES, DOES THE EMPLOYER HAVE TO PROVIDE FOR SUCH A SITUATION IN ITS INTERNAL REGULATIONS?

Czech Republic

Hungary

Romania

Slovakia

- It is possible for employer to do sobriety checks in the workplace.
- The employer should indicate (in writing) the employee (or employees), who carry out the sobriety check (according to the Czech Labor Code: The employee shall undergo a test if instructed to do so bu superior, who authorized in writing by the employer to give such instruction, for the purpose of establishing whether the employee is not under the influence of alcohol or other addictive substances).
- It is advised to determine in internal regulation, i.e. work rules, the manner in which the sobriety check is carried out,

- The Employee shall appear at the workplace in a fit state for work, and the employer shall ensure safe and healthy working conditions. The employee may only work in a condition suitable for safe work, in compliance with the rules and instructions on occupational safety.
- To ensure the above, the employer shall regularly check that the working conditions meet the health and safety requirements and that the employees comply with the provisions applicable to them.
- Thus, the employer has the right and the obligation to regularly do sobriety checks.

- There is no specific legislation on the matter, hence it is not forbidden to perform sobriety checks, but in lack of proper documentation the employees may refuse to comply with the checks;
- As a general rule, it is expected that the employees do not attend work under the influence of alcohol or other substances, and customary this is written in the Staff Handbook and is also mentioned during the safety & health trainings, but it is most helpful if the rules related to sobriety checks are collectively agreed upon through a collective bargaining agreement;
- However, in lack of any specific provisions performing sobriety checks falls under the data privacy rules,

The employer must continuously monitor and enforce compliance with legal regulations to ensure a safe and healthu workina environment, the principles of safe work, and occupational health. During working hours, the employer can verify that alcohol, drugs, or other psychotropic substances do not influence the employee. Furthermore, the employee must submit to a test administered by the employer to determine whether he or she is under the influence of the substances mentioned above.

COMPARATIVE GUIDE - SOBRIETY CHECKS

IS THE EMPLOYER ENTITLED TO IMPLEMENT SOBRIETY CHECKS IN THE WORKPLACE? IF YES, DOES THE EMPLOYER HAVE TO PROVIDE FOR SUCH A SITUATION IN ITS INTERNAL REGULATIONS?

including	the	type	of	
equipment	used	for	such	
checks,	the	time	and	
frequency with which they are				
to be carried out.				

Czech Republic

 An internal policy adopted by the employer on sobriety checks is usual as well.

Hungary

since it implies processing health data and it is generally advisable for employers to consult with data protection specialist before implementing a procedure on sobriety checks in order to abide by the GDPR principles.

Romania

COMPARATIVE GUIDE - SOBRIETY CHECKS

WHAT CAN BE CHECKED?

Czech Republic	Hungary	Romania	Slovakia
The employer will have the right to control: • the sobriety of employees (i.e. the presence of alcohol), as well as • the presence of other addictive substances, e. g. opioids, amphetamine and its analogues, cocaine, etc. The general prohibition of consumption of alcoholic beverages shall not apply to those employees working in unfavorable microclimatic conditions provided that they consume beer with a reduced alcohol content and to those employees, whose consumption of alcoholic drinks is an integral part of their performance of working tasks or is usually associated with performance of these task.	The employer has the right to check the sobriety of the employees.	Depends on the employer's needs and how they can justify the necessity to process health data in accordance with the GDPR principles.	The employer has the right to control the presence of: alcohol; narcotics; drugs; or other psychotropic substances. The scope, content, and periodicity of such examinations are not stipulated by law. It is at the employer's discretion how often to examine the employees. It is recommended that the employer's internal regulations specify the examination's manner, scope, and conditions.

COMPARATIVE GUIDE – SOBRIETY CHECKS

WHAT MIGHT BE THE CONSEQUENCES OF THE CHECK FOR THE EMPLOYEE?

Czech Republic

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- The employer shall not allow the employee to work if the sobriety test reveals the presence of alcohol or other addictive substances.
- The consequence is also loss of the right to remuneration for the time when the employee is not allowed to work.
- The employer may also apply other sanctions, such as disciplinary penalty (e.g. warning letter, reduce the annual leave entitlement, reduce or not to grant a variable [performance related] part of wages or salary).
- The most serious consequence may also be termination of the employment contract.

- If the employee refuses to undergo or cooperate in the sobriety check, or if the sobriety check reveals the presence of alcohol indicating a state above the 0.00 milligrams per liter in thousandths, an employee will be in breach of employees' employment obligations.
- In the event of breach of an from obligation arising the employment relationship, the employment agreement may provide for adverse legal consequences proportionate the seriousness of the breach. such as loss of the right to remuneration, prohibition from work.
- If the conditions are met, the employer may terminate the employment agreement as well.

- Customary attending work under the influence of alcohol or other substances is considered **severe misconduct** and might result in dismissal, or other disciplinary sanction;
- In lack of any specific legislation the consequences, as well should be provided in the Staff Handbook or collective bargaining agreement.

The employer is required to ensure the safety and health of the workplace; therefore, an employee under the influence of drugs or alcohol should not be permitted to work.

In most cases, this would be considered a violation of work discipline, which could lead to:

- reduction in vacation days;
- various financial sanctions, most often in the form of nonawarding of bonuses or, variable pay; or
- termination of employment being either immediate termination in the case of a severe violation of work discipline

COMPARATIVE GUIDE – SOBRIETY CHECKS

WHAT MIGHT BE THE CONSEQUENCES OF THE CHECK FOR THE EMPLOYEE?

Czech Republic Hungary Slovakia Romania • If the employee does not accept i (use of psychoactive substances is usually considered to be a severe the result of the sobriety check, a violation of work discipline) or blood alcohol test may be initiated. termination by giving notice in the case of repeated minor violations of work discipline.



HAS YOUR GOVERNMENT IMPLEMENTED THE DIRECTIVE ON WORK LIFE BALANCE FOR PARENTS AND CARERS AND THE DIRECTIVE ON TRANSPARENT AND PREDICTABLE WORKING CONDITIONS IN THE EUROPEAN UNION? IF NOT - WHAT STAGE IS THE IMPLEMENTATION AT?

WHAT WOULD CHANGE IN YOUR JURISDICTION AFTER IMPLEMENTATION OF THE DIRECTIVE ON TRANSPARENT AND PREDICTABLE WORKING CONDITIONS?

WHAT WOULD CHANGE IN YOUR JURISDICTION AFTER IMPLEMENTATION OF THE DIRECTIVE ON WORK LIFE BALANCE FOR PARENTS AND CARERS?



HAS YOUR GOVERNMENT IMPLEMENTED THE DIRECTIVE ON WORK LIFE BALANCE FOR PARENTS AND CARERS AND THE DIRECTIVE ON TRANSPARENT AND PREDICTABLE WORKING CONDITIONS IN THE EUROPEAN UNION?

Czech Republic

Hungary

Romania

- Yes, the Czech legislation implemented both of the Directives by amending the Czech Labor Code. The amending legislation came into force as of October 1, 2023, and January 1, 2024.
- Yes, the Hungarian legislation implemented both directives. Key provisions have been incorporated into Hungarian labor law, with significant amendments effective from January 1, 2023.
- Yes, the Romanian legislation Yes, Slovakia implemented both directives by:
 - significantly amending the Romanian Labor Code.
 The amending legislation came into force as of October 22, 2022.
 - Amending the Equal Opportunities & Fair Treatment Act the amending legislation came into force on May 3, 2022.
- Yes, Slovakia adopted these directives by updating various laws, including the Labour Code and regulations on social insurance and civil service. The amendments took effect on 1 November 2022.

WHAT CHANGED IN YOUR JURISDICTION AFTER IMPLEMENTATION OF THE DIRECTIVE ON TRANSPARENT AND PREDICTABLE WORKING CONDITIONS?

Czech Republic

Hungary

Romania

Slovakia

- Information on the content of an employment relationship: The informational obligations of the employer towards the employee have been broadened. Moreover, the employees must be informed within days after the establishment of an employment relationship. The employee also must be informed about any change without further due.
- Uninterrupted daily rest: The implementation of the Directive amends the provisions governing daily rests and set clear rules on the rest in order for the employees to get at least 11 hours of rest within a day.
- There have been also changes regarding the Agreements on work performed outside an employment relationship (Agreements) raising level of transparentness:
- Employers are required to provide I detailed written information about the key terms of employment contracts within 7 days (previously 15 days) of the start of the employment relationship. This i includes the precise job title and description, the amount and frequency of salary payments, regular and overtime working hours, as well as the terms of probation and notice periods. Such information must be shared with employees no later than seven i. days after the start of their employment to ensure transparency.
- Probation period: For fixed-term employment contracts lasting up to twelve months, the length of the probationary period must be proportionate to the duration of the contract.

- related Changes to mandatory information to be available made for employees prior to executing the employment agreement, namely there are more elements to be provided such as the procedures on e-Signature, professional training policies, details all the benefits (in kind and money), precise indication of the applicable collective bargaining agreement;
- The frame employment agreement was amended;
- Probation period: no new probation period shall be established between the same parties for the same job if a new individual employment agreement is concluded within 12 months as of the termination of the previous one;

The aim of the amendment to the Labour Code, based on the objective of Directive (EU) 2019/1152, is to ensure transparent and predictable working conditions for workers (employees). In this context, the amendments are e.g.:

- addition of selected provisions of the Labour Code concerning the employment contract and the provision of information on working conditions and terms and conditions of employment,
- extending or specifying the information to be provided to the employee in order to ensure the requirement of transparency and predictability of the work performed,

WHAT CHANGED IN YOUR JURISDICTION AFTER IMPLEMENTATION OF THE DIRECTIVE ON TRANSPARENT AND PREDICTABLE WORKING CONDITIONS?

Czech Republic

Hungary

Romania

- The employer is newly obliged to schedule the employees' working hours in advance in a written working time schedule for both types of Agreements. According to the Labor Code, the employer shall inform the employee of this schedule three days before the start of the shift or period for time which the working is scheduled. unless agreed otherwise.
- Informational obligations of the employer are hereby extended to the employees based on these Agreements. Moreover, the employees have to be informed within days after the establishment of an employment. The employee also must be any change informed about without further due.
- Modification of the Employment I Contract: The employer previously been required to inform the employee about the options for full-time or part-time, remote, and indefinite-term employment. under the However, new regulation, the employer is also required to respond the employee initiates a request in writing, with justification, for a modification of the employment contract (except for the first six months of the employment). The employer must respond in writing within 15 days, and if the request is rejected, the employer must provide a clear, reasonable, and truthful explanation. If the employer fails to provide an adequate explanation
- Multiple employment with the same employer or with different employers is allowed, but without overlapping the work schedule;
- New rights for employees, e.g.:
 - the right to request a transfer to a vacant position offering more favorable conditions if they have completed the probation period and has worked within the company for more than 6 months;
 - right of the employee who considers to have been unfairly dismissed (for the exercise of rights such as the right to prior information, leave, pay, professional training, participation in collective actions etc.)

- establishing the right of the employee to request a change to another form of employment (e.g. from a fixed term to an indefinite term),
- providing information in electronic form, etc.

What changed in your jurisdiction after implementation of the Directive on transparent and predictable working conditions?

Czech Republic	Hungary	Romania	Slovakia
 Other new provisions are: paid holidays: Employees working on Agreements are newly entitled to a paid holiday. impediments to work on the side of employee: Employees working on Agreements are entitled to an excuse from the employer in case of impediments to work laid down by the law. extra pay: Employees working on agreements on work are newly entitled to extra pay if they work e.g. during public holidays, at night or on the weekend. 	or does not respond, the court is authorized to modify the employment contract.		

WHAT CHANGED IN YOUR JURISDICTION AFTER IMPLEMENTATION OF THE DIRECTIVE ON WORK LIFE BALANCE FOR PARENTS AND CARERS?

Czech Republic

Hungary

Romania

Slovakia

The directive brought many changes to the jurisdiction, such as:

- <u>obligational reasoning</u> of a denial of <u>shorter working hours for care-</u> givers:
 - Following the Labor Code the caregivers taking care of children younger than 15-years old or looking after a disabled person can ask for a reduction of working hours. The employer is obligated to satisfy the employee, unless they have a serious operational reason that would legitimize the refusal of application. After the implementation there is a new obligation for the employer, as they must justify such a refusal in writing. These writings can be an open door for lawsuits.
- home office:
- The remote work newly has a legal frame and can be done only on
- Employees with Young Children: I Since January 2020, if the employee requests a modification of their employment contract to part-time work until their child reaches the age of 4 (or 6 for employees raising three or more children), the employer is obligated to grant this request, reducing the 8-hour workday to 4 hours. As of January 1, 2023, employees can request a modification of their workplace, work schedule, remote work arrangement, or part-time employment until their child reaches the age of 8. The request must be submitted in writing, and the employer is required to respond in writing within 15 days, providing justification if the request is rejected.
- Paternity and Parental Leave: Under the amendment, paternity leave increases from 5 days to

• New types of leaves/ days off were adopted:

Caregiver's leave - 5 working days / calendar year; granted to employees who provide personal care or support to a relative or to persons living with them in the same household who have serious medical problems

Days off for unforeseen circumstances - maximum 10 working days / calendar year; Granted for unforeseen circumstances caused by family emergencies due to illness or accident, which make the immediate presence of the employee indispensable

Paternity leave – was extended from 5 to 10 days

The aim of the amendment to the Labour Code, based on Directive (EU) 2019/1158, is to supplement and clarify provisions relating to work-life balance for parents and persons with caring responsibilities, e.g. the institute of paternity leave, the possibility to request flexible forms of work when it comes to persons who, for example, take care of children.

The amendment amends the Act No 461/2003 Coll. on social insurance in connection with the transposition of Directive (EU) 2019/1158, in such a way that it allows the simultaneous use of maternity benefit by both the father and the mother of the child for two weeks within six weeks from the birth of the child.

WHAT CHANGED IN YOUR JURISDICTION AFTER IMPLEMENTATION OF THE DIRECTIVE ON WORK LIFE BALANCE FOR PARENTS AND CARERS?

Czech Republic

Hungary

Romania

Slovakia

grounds of a written agreement of the employer and the employee. This new provision governs reimbursements and renumeration of employees that are working from home.

- Newly a pregnant woman, a caregiver taking care of a child younger than 9 years or looking after a disabled person is entitled to home office. The employer is obligated to satisfy the employee, unless he has a serious operational reason that would legitimize the refusal of the application. After the implementation there is also an obligation that the employer must justify such a refusal in writing.
- 5+5 working days, and it can be requested by the father or adoptive father no later than 2 months after the child's birth or adoption. During the paternity leave, the employer is not allowed to terminate the employee's contract. The first 5 days are paid at 100% of the usual salary, but from the 6th day onwards, it is only 40%.
- Another affected type of leave is called parental leave, which lasts for 44 working days. The employer is required to grant it at the employee's request, but it can be delayed by up to 60 days in exceptional cases. During parental leave, only a minimal payment equal to 10% of the usual salary is provided, from which the GYED (childcare allowance) or other childcare benefits are deducted.

- The employment cannot be terminated during such leaves and they also will not be deducted from the annual vacation leave;
- The employer cannot refuse the employees' claims for the abovementioned leaves / days off and it is forbidden to impose sanctions or retaliate against them for taking such leave;
- The flexible work program was clearly defined.

The amendment amends the Act No 571/2009 Coll. on parental contribution and on amending and supplementing certain acts in connection with the transposition of Directive (EU) 2019/1158, in such a way that it allows the simultaneous provision of parental allowance and maternity allowance to be paid to the father of the child during the duration of the so-called paternity leave.

It is also proposed that specific laws in the relevant parts be amended in connection with the transposition of the directives in question (the list of specific laws is stated above).