

# HANDLING WORKPLACE MISCONDUCT AND DISCIPLINARY INVESTIGATIONS



\*AI-assisted illustration created via generative modeling.

# COMPARATIVE GUIDE FOR

Croatia, Czech Republic, Hungary,  
Montenegro, Poland, Romania, Serbia,  
Slovakia



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# INTRODUCTION

**Workplace misconduct** can arise in any organization, and handling it effectively is key to protecting both your people and your business. For companies operating internationally, the challenge is greater: legal requirements for disciplinary investigations, employee suspensions, and sanctions differ across jurisdictions.

This comparative guide addresses three essential questions for HR professionals, executives, and business owners: **what legal procedures must be followed**, whether **suspension is allowed**, and **which disciplinary measures are permitted**. By highlighting these differences, the guide helps organizations manage misconduct fairly, efficiently, and in full compliance with the law.

We invite you to consult this cross-jurisdictional overview for practical insights to help you confidently navigate the evolving HR landscape in Central and Eastern Europe.

*Sincerely,*



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# SUMMARY

## Comparative Procedural Requirements for Disciplinary Investigations

Jurisdiction	Formal Procedure Required?	Key Procedural Safeguards
Croatia	No formal statutory procedure.	Right of defense (oral/written statement) before termination.
Czech Republic	No codified procedure for private sector.	Prompt fact-finding; employee must have an opportunity to respond.
Hungary	No detailed codified procedure.	Principles of fairness and equal treatment; opportunity for explanation.
Montenegro	Yes (Detailed statutory process).	Warning letter required; 15 days for employee to respond; optional oral hearing.
Poland	No formal statutory procedure.	Mandatory "hearing" of the employee before imposing any penalty.
Romania	Yes (Formal preliminary process).	Mandatory written summons; right to be assisted by legal counsel/union.
Serbia	Yes (Initiated by warning letter).	Warning must have evidence; 8-day deadline for employee response.
Slovakia	No formal "disciplinary investigation".	Fact-finding must align with general Labour Code rights and obligations.

**Note:** General summary only. Does not include exceptions for special cases (e.g., whistleblowers or public sector). For specific guidance and complete legal requirements, refer to the full jurisdictional chapter.

## Jurisdictional Matrix: Process Formality & Sanction Limits

Jurisdiction	Strict Statutory Process	Principle-Based / Flexible	Salary Deductions Allowed?
Croatia	No formal procedure.	Focus on right of defense.	Only via bonus eligibility.
Czech Republic	No codified procedure.	Focus on fairness and promptness.	No fines/deductions.
Hungary	No detailed procedure.	Focus on "Right to be heard".	Only if in contract/collective agreement.
Montenegro	High (Mandatory steps).	Strict 15-day response window.	Yes (Up to 20-30%).
Poland	Low.	Mandatory employee "hearing".	Limited (Health & Safety only).
Romania	Very High (Preliminary process).	Requires summons and report.	Yes (5-10% reduction).
Serbia	High.	Warning letter + 8-day response.	Yes (Up to 20%).
Slovakia	Low.	Focus on burden of proof.	No direct fines.

**Note:** General summary only. Does not include exceptions for special cases (e.g., whistleblowers or public sector). For specific guidance and complete legal requirements, refer to the full jurisdictional chapter.

## Suspension Protocols & Wage Protections

Jurisdiction	Suspension Allowed?	Pay During Suspension	Key Legal Condition
Croatia	Generally No	Full Pay (if work is prevented)	Only allowed for specific safety risks (e.g., alcohol).
Czech Republic	Yes (as an obstacle)	100% of average wage	Must be based on objective, non-punitive reasons.
Hungary	Yes (precautionary)	Full wages	Prohibited as a sanction; must not be arbitrary.
Montenegro	Yes (explicitly)	1/3 or 1/2 of monthly salary	Discretionary for serious breach; mandatory for custody.
Poland	Restricted	Full remuneration	Unjustified suspension is a breach of employer duty.
Romania	Strictly No	100% (Suspension is null)	Employer must find "alternative administrative solutions".
Serbia	Yes (up to 3 months)	1/3 or 1/4 of basic salary	Only if the breach prevents continued work.
Slovakia	Yes (for serious breach)	Minimum 60%	Requires discussion with employee reps (if any).

**Note:** General summary only. Does not include exceptions for special cases (e.g., whistleblowers or public sector). For specific guidance and complete legal requirements, refer to the full jurisdictional chapter.

# OUR CEE JURISDICTIONS



# CROATIA

## 1. WHAT ARE THE LEGAL REQUIREMENTS FOR CONDUCTING DISCIPLINARY INVESTIGATIONS IN CROATIA?

Croatian labor law **does not formally regulate a specific “disciplinary investigation” procedure** as a mandatory legal institute. However, in practice employers often carry out internal fact-finding procedures in order to establish the relevant circumstances before deciding on measures, and they may be required to carry out some form of investigation, particularly when it comes to the termination of employment.

The **key statutory procedural guarantees** arise primarily in the context of termination of employment. In particular:

- **Right of defense:** Before terminating an employee due to misconduct, the employer must give the employee the opportunity to present their defense (e.g. through a written or oral statement), unless exceptional circumstances justify immediate termination without prior warning. This is a procedural safeguard under the Labor Act, aimed to: (i) provide the employee with the opportunity to present his/her defense before any formal decision on termination has been taken, and to (ii) ensure the employer collects and takes into account all the relevant facts of the case before deciding on termination. Unjustified refusal by the employer to grant the employee the right of defense may result in the termination decision being declared unlawful if challenged by the employee before a court.
- **Prior written warning:** In the case of ordinary termination based on employee misconduct, the employer must generally first issue a written warning informing the employee of the breach and the possibility of termination if the misconduct continues, unless exceptional circumstances justify immediate termination without prior warning. Termination before the prior written warning may result in the termination decision being declared unlawful if challenged by the employee before a court.



- **Consultation with the works council/trade union:** Where a works council exists, or where a trade union operates at the employer, the employer must consult the works council/trade union prior to termination by providing information on the intended decision and allowing the council to give its opinion.

Therefore, while a formal disciplinary investigation is not legally required, employers must ensure that decisions affecting the employee, particularly termination due to a employee's misconduct, are based on verified facts and that the employee's right to be heard is respected.

## 2. IS THE SUSPENSION OF EMPLOYMENT ALLOWED DURING AN INVESTIGATION OR IN CONNECTION WITH DISCIPLINARY PROCEDURES?

Croatian labor law **does not provide a general possibility for employers to suspend employees** during an internal disciplinary investigation. There are certain exceptions – for instance, the employer is required to prohibit work for employees who are under the influence of alcohol or other addictive substances and remove them from the workplace.

Temporary suspension from work is regulated **only** in a specific situation provided by the Labor Act and **linked to extraordinary termination of employment**.

Namely, an employee who receives **extraordinary termination** is generally laid off immediately following the delivery of termination decision and he/she may challenge the termination before the court. However, if the works council has opposed the extraordinary termination, and the employee initiates court proceedings and requests to remain employed during the dispute, the employer must temporarily reinstate the employee. In that situation, however, the employer may temporarily remove the employee from work until the court proceedings on the legality of the termination are concluded, provided that the employer pays the employee compensation amounting to 50% of the employee's average salary during the previous three months. If the works council's opposition to the extraordinary termination is manifestly unfounded or contrary to the provisions of the Labour Act, the employer may request the court to provisionally relieve it from the obligation to reinstate the employee and to pay salary compensation until the final resolution of the court proceeding.

In other cases, a **unilateral suspension of employment** and restriction of employee's employment right (such as salary) is not regulated and is therefore **not allowed** as employers cannot generally introduce broader suspension powers solely through internal policies if this would circumvent the statutory framework. Therefore, even in cases where the employer prevents the employee from work during certain investigation, it could not suspend his/her employment rights.

## 3. WHAT SANCTIONS CAN AN EMPLOYER APPLY, AND ARE THEY REGULATED BY LAW OR LEFT TO THE EMPLOYER'S DISCRETION?

Croatian labor law does not provide a comprehensive statutory list of disciplinary sanctions applicable in the private sector. Instead, the available measures derive from the Labor Act and internal employer regulations.

The most typical measures include:

- **Written warning (warning prior to termination)** – commonly used as a disciplinary measure and usually required by law before ordinary termination due to misconduct.
- **Termination of employment** – either ordinary termination for misconduct or extraordinary termination in cases of serious breaches of obligations.

Other disciplinary measures (such as reprimands or internal warnings) may be introduced through internal employer policies, collective agreements or employment contracts. However, such measures must comply with the general principle of the Labor Act that employees' rights may not be reduced or worsened unless explicitly permitted by law.

In particular, **measures that significantly affect the employee's position generally require a clear legal basis and cannot be imposed purely at the employer's discretion.** Specifically, an employer cannot unilaterally reduce a base salary; legally, they are prohibited from offsetting claims against an employee by withholding any portion of their wages or compensation without prior employee's consent. On the other hand, employers in practice often structure the variable (incentive, performance-based) portion of the salary so that disciplinary actions either negatively impact the achievement of performance targets or directly reduce the employee's eligibility for such bonuses. If the reduction of the incentive portion is seen as a disguised disciplinary fine rather than a failure to meet performance targets, it may still be subject to legal challenge.

Consequently, while employers have some discretion in defining internal disciplinary rules, this discretion is limited by statutory labor law protections and general principles of employee protection.



# CZECH REPUBLIC

## 1. WHAT ARE THE LEGAL REQUIREMENTS FOR CONDUCTING DISCIPLINARY INVESTIGATIONS IN THE CZECH REPUBLIC?

With a few exceptions, for example those concerning whistleblowers, **Czech labor law does not prescribe a detailed or codified procedure for conducting disciplinary investigations** in the private sector. However, employers are obligated to act in accordance with fundamental labor law principles, including fairness, promptness, good faith, and equal treatment. These principles inform both the investigation process and any subsequent decision-making regarding disciplinary action.

When misconduct is suspected, the employer should promptly initiate an internal review to ascertain the relevant facts. While the law does not mandate a hearing or formal interview, the employer is expected to gather relevant evidence, such as witness statements or internal documentation, and to give the employee an opportunity to explain or respond to the allegations. Employers are not required to maintain a formal investigation file, but thorough internal documentation is strongly recommended, particularly if disciplinary action leads to termination.

**Strict time limits apply to disciplinary dismissals.** The employer must serve a notice of termination (or an immediate termination) within three months of learning about the employee's breach of duty, and no later than fifteen months from the date of the incident. Where termination is based on repeated minor breaches,

the employer must have previously delivered a written warning (a "warning letter") in relation to the breach within the last six months; otherwise, termination on this ground is not available. In some cases, particularly concerning breaches of medical leave rules, shorter deadlines may apply. If these timeframes are not respected, the employer loses the legal basis to terminate the employment for that particular misconduct. Where a trade union is present, the employer is required to consult the union prior to dismissal, and in the case of elected union representatives, the union's prior consent may be required.

## 2. IS THE SUSPENSION OF EMPLOYMENT ALLOWED DURING AN INVESTIGATION OR IN CONNECTION WITH DISCIPLINARY PROCEDURES?

Although Czech labor law does not explicitly provide for suspension in the context of internal investigations, **employers may legally prevent an employee from working during an inquiry** by invoking the legal concept of a work-related obstacle on the employer's side. In such cases, the employee remains employed and is entitled to full wage compensation for the duration of the suspension.

This de facto suspension is used in cases **where the employee's continued presence in the workplace could jeopardize the investigation**, affect witnesses, compromise internal systems, or disrupt operations. The suspension should be formally communicated in writing and should be based on objective and demonstrable reasons. While there is no maximum duration established by law, the suspension must not be arbitrary or used as a punitive tool.

**Suspension without pay is not permitted** under Czech law. Any attempt to force unpaid leave or to unilaterally suspend the employee's salary during the investigation would constitute an unlawful wage deduction and a breach of employment law. Similarly, reassigning an employee to a different job, workplace or duties as a precautionary measure is permissible only under specific statutory conditions—such as following the delivery of a dismissal notice or in connection with ongoing criminal proceedings.

In contrast, **certain categories of public sector employees**, such as civil servants or police officers, **may be formally suspended under specific statutory frameworks**. These regimes, however, do not apply to standard employment relationships governed by the Labour Code. In the private sector, the only legally compliant way to remove an employee from the workplace during a disciplinary investigation is through paid release from duties.

## 3. WHAT SANCTIONS CAN AN EMPLOYER APPLY, AND ARE THEY REGULATED BY LAW OR LEFT TO THE EMPLOYER'S DISCRETION?

Czech labor law permits **only a limited and strictly regulated range of disciplinary sanctions**. Employers may not impose monetary penalties, suspend wages, or enforce financial sanctions unless explicitly allowed by law. This means that employers cannot fine employees for misconduct, withhold remuneration as a form of punishment, or unilaterally impose deductions, except in cases authorised by the Labour Code (e.g., liability for damage, tax withholding, enforcement orders).

The main legally recognized sanctions are as follows:

- **Written warning:** This is a critical step in managing repeated minor misconduct. A written warning serves as both a disciplinary record and a precondition for lawful termination based on repeated breaches. The warning must be delivered in writing and should include a clear description of the misconduct, reference to the breached obligation, and a statement that further violations may lead to dismissal.
- **Termination with notice:** This may be applied in cases of either a serious single breach or persistent minor breaches. The notice must be served within three months of the employer learning about the breach, and no later than fifteen months from the date the breach occurred. For repeated minor violations, a prior written warning is required and must have been delivered to the employee within the last six months, and there must be evidence that the employee failed to improve. The termination letter must specify the factual reasons for dismissal.
- **Immediate termination:** This is reserved for particularly serious breaches of duty that make the continuation of the employment relationship objectively impossible. The employer must describe the misconduct clearly in the termination document and demonstrate that the breach was of sufficient intensity. The courts evaluate such cases with particular scrutiny and apply a high threshold for justifying this measure.

**In specific cases**, the Labor Code further permits the application of additional measures, for example **a reduction of annual leave** in the case of unexcused absence.

In all of the above cases, the courts are empowered to review whether the employer acted lawfully, whether the chosen sanction was proportionate to the nature of the breach, and whether the procedure was correctly followed. Courts are not bound by internal employer classifications of misconduct and make independent assessments based on the totality of the circumstances, including the employee's intent, past conduct, the seriousness of the breach, and its consequences.

**Other consequences**, such as exclusion from discretionary bonuses, denial of benefits, or changes to non-contractual arrangements, **may be used in response to misconduct**, but only if permitted under internal policies or employment agreements and must comply with applicable legal regulations. These measures must not be disguised sanctions or serve as a substitute for formal disciplinary action. Claims for damages caused by an employee must follow statutory procedures for liability and may not be enforced unilaterally by the employer.

Overall, **any disciplinary action must be lawful, proportionate, and substantiated**. Employers bear the burden of proof in litigation and must ensure that their internal processes, documentation, and rationale align with legal requirements to ensure enforceability.

# HUNGARY

## 1. WHAT ARE THE LEGAL REQUIREMENTS FOR CONDUCTING DISCIPLINARY INVESTIGATIONS IN HUNGARY?

**Hungarian labor law**, governed by Act I of 2012 on the Labor Code, **does not prescribe a detailed codified procedure for disciplinary investigations** in the private sector, except in specific cases like whistleblowers (where special rules apply).

Employers must adhere to **principles of fairness, good faith, and equal treatment** when suspecting misconduct, promptly gathering evidence such as witness statements and, in line with such principles, giving the employee an opportunity to provide oral or written explanations before imposing sanctions.

**Strict time limits apply:** the investigation should be closed within **30 days (statutory time limit for gardening leave)**; disciplinary sanctions must be imposed or, alternatively, the notice of termination with immediate effect must be issued, within 15 days of the person exercising employer's rights becoming aware of the breach, but no later than one year (or statute of limitations for criminal offenses) after the breach occurs. Thorough documentation is recommended, especially for terminations, and trade union consultation may be required for representatives.

## 2. IS THE SUSPENSION OF EMPLOYMENT ALLOWED DURING AN INVESTIGATION OR IN CONNECTION WITH DISCIPLINARY PROCEDURES?

**Suspension as a precautionary measure is permitted** during investigations to remove the employee from the workplace if their presence could jeopardize the process, but it is not a sanction and must be paid. Maximum permitted term of such gardening leave is 30 days.

**The employee remains entitled to full wages during suspension**, which should be communicated in writing (with objective reasons, if the employee so requests).



**Unpaid suspension or wage withholding is unlawful**, even during investigations potentially leading to damage claims; reassignment is possible only under specific conditions.

### **3. WHAT SANCTIONS CAN AN EMPLOYER APPLY, AND ARE THEY REGULATED BY LAW OR LEFT TO THE EMPLOYER'S DISCRETION?**

**Oral or written warning can be issued at the employer's discretion**; a written warning must include a reasoning and information on the options of the employee for seeking legal remedy against the warning.

**Formal sanctions** are limited and regulated: such sanctions (termed "detrimental legal consequences") are **prohibited unless explicitly allowed by a collective bargaining agreement or**, in the absence of the former, **an agreement between the employer and the employee**. Such detrimental legal consequences (e.g., monetary fine, temporary reduction of benefits, bonus suspension, home office withdrawal, salary increase postponement) must be proportionate to the breach, not violate the dignity of the employee and any financial sanction is capped at one month's base wage.

**Termination with notice (30-90 days based on tenure**, reasoned for employer-initiated) for behavior, skills, or operational reasons; **immediate termination for grave breach** of duties committed intentionally or by gross negligence or for conduct making continuation impossible, within strict deadlines and with strict requirements pertaining to the mandatory reasoning.

Courts review proportionality, procedure, and lawfulness independently, considering circumstances like intent and consequences; employees can challenge written sanctions or terminations.

**Discretionary measures** like bonus denial **must** align with policies/contracts and **not substitute formal sanctions**; damage claims follow separate statutory processes.



# MONTENEGRO

## 1. WHAT ARE THE LEGAL REQUIREMENTS FOR CONDUCTING DISCIPLINARY INVESTIGATIONS IN MONTENEGRO?

Montenegrin Labor Code prescribes a **detailed procedure for conducting disciplinary investigations** in the private sector. Disciplinary proceedings for a breach of duty may be initiated by the director upon obtaining knowledge of such breach or based on an initiative submitted by any employee. Within 15 days of obtaining knowledge of the breach, or upon accepting an employee's initiative, the director shall serve the employee with a written warning stating the grounds for imposing a disciplinary measure. The employee shall have the right to respond to the warning within 15 days of the date of service. Failure to respond within the said period shall be deemed as the employee's concurrence with the allegations and facts contained in the warning. Within 5 days of service, the employee may request an oral hearing. In such a case, the director is obliged to provide the employee with the opportunity to address the allegations no later than 15 days from the date the warning was originally served. At the employee's request, an authorized representative of their trade union and/or legal counsel may attend the hearing. The director may authorize another person to conduct the proceedings.

The **decision on the disciplinary measure shall be rendered by the director**. The decision may result in the dismissal of proceedings, the acquittal of the employee, or a finding of liability with the imposition of a disciplinary measure.

The **director is obliged to make the decision within 15 days of the expiry of the deadline for the employee's response**, or within 15 days from the date of the hearing. Exceptionally, the deadline may be extended to 30 days if an on-site investigation or expert evaluation is required to establish the facts. The decision is final and must be served to the employee, their counsel, and the union representative within eight days of being rendered.

Proceedings shall be stayed or dismissed if: (i) the statute of limitations has expired; (ii) the employee's employment is terminated on other grounds; (iii) the conduct does not constitute a breach of duty; (iv) there is insufficient evidence; (v) final decision has already been rendered regarding the same breach.

The **employee may initiate proceedings against a final decision within 15 days of service** before the Agency for Peaceful Settlement of Labor Disputes, the Centre for Alternative Dispute Resolution, or a court. The initiation of such proceedings shall not stay the execution of the decision.

**Statute of limitations:** (i) for initiation of proceedings - three months from the date of discovery of the breach and the perpetrator; (ii) for conduct of proceedings - three months from the date of initiation; (iii) if the breach constitutes a criminal offense - six months from discovery, or the expiry of the statutory limitation period for said criminal offense.

## **2. IS THE SUSPENSION OF EMPLOYMENT ALLOWED DURING AN INVESTIGATION OR IN CONNECTION WITH DISCIPLINARY PROCEDURES?**

**Temporary suspension** of an employee from work **is explicitly prescribed** by Montenegrin Labor Code, and it may be either discretionary or mandatory. Discretionary suspension implies that an employee may be temporarily removed from work if: (i) circumstances indicate that the employee has committed a serious breach of duty; or (ii) criminal proceedings have been initiated against the employee for a criminal offense committed at work or in connection with work. Discretionary suspension may last, at most, until the conclusion of the disciplinary proceedings. On the other hand, mandatory suspension shall be imposed when an employee is placed in custody, and such suspension shall remain in effect for the entire duration of custody.

The temporary suspension is executed via a reasoned decision on temporary suspension **issued by the director within three days of obtaining knowledge of the grounds for suspension** or upon receipt of the detention order. During the period of temporary suspension, the employee is entitled to salary compensation in the amount of one-third, or one-half if they support a family, of the monthly salary earned in the month preceding the suspension. Salary compensation during custody shall be borne by the authority that ordered the detention. The employer shall submit a request for reimbursement for the amount of salary compensation, including related taxes and contributions, to the authority that issued the detention order.

The employee shall be **entitled to the difference between** the aforementioned **compensation** (one-third or one-half) **and the full amount of the salary earned** in the month preceding the suspension, adjusted for the average salary increase at the employer's during the suspension period, provided that: (i) the criminal proceedings are stayed by a final and binding decision, or if the employee is acquitted by a final judgment, or if the charges are dismissed (except on grounds of lack of jurisdiction); (ii) the employee is exonerated from liability or the disciplinary proceedings for the breach of duty are stayed.

### 3. WHAT SANCTIONS CAN AN EMPLOYER APPLY, AND ARE THEY REGULATED BY LAW OR LEFT TO THE EMPLOYER'S DISCRETION?

Breaches of duty are established by law, the collective agreement, and the employment contract. Breaches of duty may be classified as minor or serious and may arise from an employee's act or omission. Conversely, the measures that may be imposed upon an employee for such breaches are prescribed by the Labor Code. **For minor breaches of duty, the employee may be subject to a reprimand or a fine in an amount of up to 20% of the employee's monthly salary** earned in the month the decision was rendered, for a duration of one to three months. **For serious breaches of duty, one of the following measures may be imposed:** (i) a fine in an amount of 20% to 30% of the employee's monthly salary earned in the month the decision was rendered, for a duration of one to four months; (ii) conditional termination of employment (implying the possibility of termination should the employee commit a serious breach of duty within six months from the date the measure was imposed); (iii) unconditional termination of employment.

When imposing a measure, the following shall be considered: the severity and consequences of the breach, the employee's degree of responsibility, past performance and conduct, prior disciplinary record, and other mitigating or aggravating circumstances. An imposed measure cannot be executed if 30 days have elapsed since the decision on imposing the measure became final without execution having commenced. The employer shall maintain records on imposed measures. If the employee does not commit a new breach within two years from the finality of a fine, reprimand, or conditional termination, the measure shall be expunged from the records.

Procedural rules for imposing disciplinary measures are described in Section 1.

# POLAND

## 1. WHAT ARE THE LEGAL REQUIREMENTS FOR CONDUCTING DISCIPLINARY INVESTIGATIONS IN POLAND?

**With a few exceptions**, for example those concerning whistleblowers, **Polish labor law does not provide for a procedure for conducting disciplinary investigations**. However, employers are obligated to act in accordance with fundamental labor law principles when investigating employee misconduct. Employers cannot abuse their powers in a manner contrary to their socio-economic purpose and principles of social coexistence. Additionally, they are required to respect dignity and personal rights of the employees during the process. Moreover, employers must ensure equal treatment and prohibit discrimination, meaning that disciplinary investigations must be conducted in fair and objective manner.

**When an employee fails to comply with the established organizational work process**, occupational health and safety regulations, fire safety rules or the employer's procedures concerning attendance or justification of absences, **the employer might impose disciplinary penalties**. However, the employer is required to undertake appropriate steps to establish the relevant facts before imposing any disciplinary penalty. Before imposing such a penalty, the employer must hear the employee and give them an opportunity to respond to the allegations. A disciplinary penalty cannot be imposed later than two weeks from the date on which the employer became aware of the breach of employee obligations and no later than three months from the date on which the breach occurred. In addition, the employer must notify the employee of the disciplinary measure in writing, specifying the nature of the breach and informing the employee of their right to object the penalty.

**Strict statutory requirements apply when the employer terminates employment without notice through the fault of the employee**. Such termination is permitted only in cases of serious breach of fundamental employee basic duties, commission of a criminal offence preventing further employment in the current position, or culpable loss of license required to perform work in the current position. The termination can only happen within one month from the date on which the employer became aware of the circumstances justifying the termination.



**The employer must also provide the employee with a written statement** specifying the reason for termination. When the employee is represented by a workplace trade union, the employer is required to notify the union of the intended termination and its justification and consider the union's opinion before making a final decision. Although Polish law does not require a formal investigation procedure prior to termination, the employer must have sufficient factual grounds and supporting evidence to justify the decision. This is particularly important in the event of a potential court dispute, as the burden of proof rests with the employer. Furthermore, the written termination notice must specify a concrete and specific reason for termination, rather than a general or vague justification.

## **2. IS THE SUSPENSION OF EMPLOYMENT ALLOWED DURING AN INVESTIGATION OR IN CONNECTION WITH DISCIPLINARY PROCEDURES?**

As a rule, **Polish labor law does not provide for a formal legal institution of suspension of employment** in the private sector during disciplinary investigations. There is no general statutory provision expressly authorizing the employer to unilaterally suspend an employee from performing work while maintaining the employment relationship.

However, under Article 81 of the Labor Code, **an employee who is ready and willing to perform work but is prevented from doing so for reasons attributable to the employer retains the right to remuneration.** In such cases, the employee remains in employment and in a readiness to perform work, while the employer temporarily refrains from assigning duties. The employee's right to remuneration in such circumstances is based on their personal pay rate, understood as their fixed basic remuneration and, where applicable, function-related components directly linked to their position.

At the same time, Polish Supreme Court stands on a position that **the employer's obligation to employ includes the duty to allow the employee to perform the agreed work**, and that the employer may not, at its own unilateral discretion and without a specific statutory basis, release the employee from the obligation to work. According to this approach, unjustified suspension (without strong arguments) from duties may constitute a breach of the employer's obligations and may expose the employer to legal claims. Only in certain circumstances, temporarily relieving an employee from the obligation to perform work with continued remuneration may be permissible, provided that it is justified by legitimate and objectively substantiated reasons.

Therefore **suspension of an employee from active duties should be handled with caution**, as it carries legal risk and may be subject to challenge if not properly justified. It should not be treated as a standard measure and is generally not considered a common nor recommended practice in Poland.

### 3. WHAT SANCTIONS CAN AN EMPLOYER APPLY, AND ARE THEY REGULATED BY LAW OR LEFT TO THE EMPLOYER'S DISCRETION?

1. Polish labor law permits only a strictly regulated range of disciplinary sanctions and other than those cannot be imposed. Employers may not impose financial penalties, fines, or salary deductions as a form of punishment unless explicitly authorized by statute.

The main legally recognized sanctions are as follows:

- **Warning (kara upomnienia):** A warning constitutes the least severe disciplinary penalty under Polish labor law and may be imposed when an employee breaches workplace organization rules, internal procedures, attendance obligations, or other employment-related duties. It serves as a formal notice that the employee's conduct was improper and as a disciplinary record. The employer must notify the employee of the warning in writing, specifying the nature and date of the breach and informing the employee of their right to object.
- **Reprimand (kara nagany):** A reprimand is a more severe disciplinary penalty than a warning and may be imposed in cases of more serious breaches. Just like a warning, it constitutes a formal disciplinary sanction and becomes a part of the employee's employment record. The employer must notify the employee of the reprimand in writing, specifying the nature and date of the breach and informing the employee of their right to object. The key difference between a warning and a reprimand lies in their severity and disciplinary significance, with a reprimand reflecting a more serious assessment of the employee's fault.
- **Financial penalty:** A financial penalty may be imposed only in specific circumstances expressly provided for by law, including breaches of health and safety regulations, fire safety rules, unjustified absence, or arriving at work under the influence of alcohol or similar substances. The Polish Labor Code establishes a closed catalogue of disciplinary penalties, and employers are not permitted to impose any other financial sanctions or disciplinary measures not expressly provided for by law. A financial penalty for a single breach, as well as for each day of unjustified absence, may not exceed the employee's daily remuneration. Furthermore, the total amount of financial penalties imposed may not exceed one-tenth of the employee's remuneration payable after statutory deductions. Any amounts collected from financial penalties must be allocated exclusively to improving occupational health and safety conditions in the workplace, and employers may not use such funds for other purposes.
- **Termination with notice:** The employer may terminate employment with notice whenever justified by legitimate reasons related to the employee's conduct or performance. The termination must be made in writing and must specify the concrete and genuine reason for termination. The validity and lawfulness of such termination may be subject to review by a labor court.
- **Termination without notice due to the fault of the employee:** This measure is reserved for serious violations, including serious breaches of fundamental employee obligations, commission of a criminal offence preventing continued employment, or culpable loss of required qualifications. This form of termination is subject to strict statutory requirements, including procedural safeguards and time limits. The employer must clearly specify the reasons for termination in writing, and the decision may be reviewed by a labor court.

Labor courts are empowered to review the legality of disciplinary sanctions and termination decisions. Courts assess whether the employer complied with statutory requirements, whether the employee's conduct justified the action taken, and whether procedural safeguards were respected. Courts conduct an independent assessment of the facts and are not bound by the employer's internal characterization of the employee's conduct.

Other employment-related consequences, such as **exclusion from discretionary bonuses or other non-guaranteed benefits, may occur where** this results from **applicable employment contracts, remuneration policies, or internal regulations governing the granting of such benefits**. Whenever an employee causes damage to the employer, liability must be pursued in accordance with statutory provisions governing employee liability.



# ROMANIA

## 1. WHAT ARE THE LEGAL REQUIREMENTS FOR CONDUCTING DISCIPLINARY INVESTIGATIONS IN ROMANIA?

Disciplinary investigation is a formal process through which an employer investigates and evaluates an employee's alleged violations of internal rules, regulations, or contractual obligations. **The purpose of this procedure is to determine whether the employee has committed a disciplinary violation** and, depending on the severity of the offense, to determine the appropriate sanction.

According to Romanian labor law, **before applying a disciplinary sanction, the employer is required to conduct a preliminary investigation**, thus ensuring the employee's right to provide explanations and present evidence in their defense.

The disciplinary investigation procedure must be established by internal regulations and must comply with the provisions of the Labor Code. The law does not describe the stages of the procedure in detail, but they may be as follows:

<b>1. Reporting of the alleged disciplinary offense by an employee / third party</b>	<i>The report must be made in writing.</i>
<b>2. Appointment of the persons / committee who will conduct the preliminary investigation</b>	<i>The employer shall appoint a person or a committee to conduct the preliminary investigation. The investigation may be outsourced to a lawyer or an expert in labor law.</i>

<b>3. Summoning the employee</b>	<i>The appointed person / committee must summon the employee indicating the date, time and location of the disciplinary investigation and the topic (alleged misconduct). The employee must be allowed a reasonable time to prepare (customarily 3-5 business days)</i>
<b>4. The preliminary investigation itself</b>	<i>During the preliminary investigation, the employee has the right to defend themselves and, at their request, to be assisted by an external consultant specializing in labor law, by an attorney or by a representative of the union of which they are a member. The disciplinary committee will hear the employee and question any person who has knowledge of the act allegedly committed by them.</i>
<b>5. Preparation of the disciplinary investigation report</b>	<i>Where it is determined whether the act committed constitutes a disciplinary offense and which provision of the staffing regulations, internal regulations, applicable collective labor agreement, or job description has been violated, and the appropriate sanction is recommended</i>
<b>6. Issuance of the sanctioning decision</b>	<i>Based upon the report, the management / director of the company decides on the applicable sanction and issues the relevant decision to this end. The final decision to apply a sanction must be issued in writing within 30 calendar days of the employer becoming aware of the misconduct, and no later than six months from the date the act occurred</i>

## 2. IS THE SUSPENSION OF EMPLOYMENT ALLOWED DURING AN INVESTIGATION OR IN CONNECTION WITH DISCIPLINARY PROCEDURES?

No, presently, the **employers are not allowed to suspend the employment** pending the result of the disciplinary investigation and any such measure will be deemed null.

While the Labor Code originally included a provision under Article 52, paragraph (1), letter a) that allowed for such a measure, this was definitively overturned by the Constitutional Court of Romania through Decision no. 261/2016. As a result, this legal mechanism is no longer valid.

This means that **the disciplinary investigation must be conducted while the employment relationship remains in full effect**. The employer is legally obligated to continue paying the employee's salary and all associated benefits throughout the entire duration of the procedure. The employee maintains the right to access the workplace and perform their duties. If their presence is deemed problematic for the investigation, the employer must find alternative administrative solutions as a unilateral suspension of the contract would be legally void.

### 3. WHAT SANCTIONS CAN AN EMPLOYER APPLY, AND ARE THEY REGULATED BY LAW OR LEFT TO THE EMPLOYER'S DISCRETION?

The **sanctions are strictly regulated by law and not discretionary**. According to the law, there are **only five categories of disciplinary sanctions** that can be imposed:

- the written warning, which is the most common and least severe measure
- demotion from the current position for a maximum duration of 60 days, with the corresponding salary for that lower position
- the reduction of the basic salary for a period of one to three months with 5% - 10 %
- the reduction of the basic salary and/or management allowance for one to three months
- the disciplinary termination of the employment contract, effective immediately (without notice).

It is a critical rule of Romanian labor law that **monetary fines are strictly prohibited**, and an employer may only apply a single sanction for any specific instance of misconduct.

The employer must justify the chosen sanction by considering:

- the circumstances in which the act was committed
- the degree of the employee's guilt
- the consequences of the misconduct
- the employee's general behavior at work
- any previous disciplinary record.

**Romanian courts are entitled to change the applied sanction if they find it was disproportionate** (example: disciplinary termination may be replaced by reduction of the base salary for 2 months with 10%).

# SERBIA

## 1. WHAT ARE THE LEGAL REQUIREMENTS FOR CONDUCTING DISCIPLINARY INVESTIGATIONS IN SERBIA?

Disciplinary proceedings may be conducted against an employee who breaches work duties or violates work discipline. Under Serbian Labor Law, such **proceedings are initiated by delivering a warning letter to the employee**, containing a detailed explanation of the reasons for termination. The warning must be supported by relevant evidence. Therefore, before initiating proceedings, the employer should collect all relevant information and documents establishing the facts of the incident.

The employee must be given **a deadline of 8 days to respond to the warning letter**. If a trade union is present, the employee may submit the union's opinion, which the employer is required to consider, although the employer is not obliged to follow it. Once the employee submits a response or the deadline expires, the employer may issue a reasoned decision on termination of employment. Alternatively, depending on the circumstances and if deemed appropriate, one of the sanctions described in Section 3. below may be imposed.

It is important to note that **the statute of limitations for termination of employment** or imposing an alternative sanction **is 6 months** from the date the employer became aware of the reason for termination, and in any case no later than 1 year from the date the breach or violation occurred.

## 2. IS THE SUSPENSION OF EMPLOYMENT ALLOWED DURING AN INVESTIGATION OR IN CONNECTION WITH DISCIPLINARY PROCEDURES?

**Temporary suspension of an employee from work is expressly provided for** under Serbian Labor Law. Once disciplinary proceedings have been initiated, i.e., simultaneously with the delivery of the warning letter, the employee may be served a separate decision on suspension from work until a decision regarding their employment status is made, for a maximum period of 3 months. Such suspension may be imposed if the nature of the breach or violation is such that the employee cannot continue working for the employer while the disciplinary proceedings are pending.



During the period of temporary suspension, the employee is entitled to salary compensation in the amount of 1/3 or 1/4 of their basic salary, depending on whether the employee has a family to support.

### **3. WHAT SANCTIONS CAN AN EMPLOYER APPLY, AND ARE THEY REGULATED BY LAW OR LEFT TO THE EMPLOYER'S DISCRETION?**

Breaches of duty and violations of discipline are established by the Labor Law, the applicable collective agreement or employment rulebook, and the employment contract. Conversely, the measures that may be imposed on an employee for such breaches are prescribed by the Labor Law, meaning that employers cannot introduce new sanctions through internal bylaws.

Depending on the nature of the incident, **if termination of employment is not warranted, the employee may be subject to one of the following measures:**

- **temporary suspension** from work without pay for up to 15 working days;
- **monetary fine** of up to 20% of the basic monthly salary for a period of up to 3 months; or
- **warning** that the employee's employment contract will be terminated without further notice if the same breach occurs within the next 6 months.

As a final note, **the legality of any decision** regarding an employee, whether suspension, termination, or alternative sanction, **is subject to judicial review**, which the employee may initiate by filing a lawsuit within 60 days of receiving the decision. In litigation, the employer's position and likelihood of success depend on the validity and sustainability of the reasons for the disciplinary action.

**If a decision on termination is rescinded, the employer must reinstate the employee to their previous position** and compensate for unpaid salaries from the date of termination until reinstatement. If the employee does not request reinstatement, in addition to lost earnings, they may claim damages of up to 18 monthly salaries, taking into account the employee's tenure, age, and number of dependents. Any compensation is reduced by income earned from subsequent employment.



# SLOVAKIA

## 1. WHAT ARE THE LEGAL REQUIREMENTS FOR CONDUCTING DISCIPLINARY INVESTIGATIONS IN SLOVAKIA?

The Slovak legal system, particularly the Act No. 311/2001 Coll., the Labor Code, as amended (the “**Labor Code**”), **does not recognize a formal “disciplinary investigation” as a separate statutory procedure.** Rather, it provides a framework of rights and obligations governing how an employer and an employee must proceed where a breach of work discipline is suspected or established. Any investigation is therefore a fact-finding process which must comply with the Labor Code and the rules derived from it; failure to do so may render the measure imposed, including termination, invalid.

**Compliance with work discipline is a core element of the employment relationship.** The employee’s obligations arise not only from the Labor Code, but also from the employment contract, work rules and other internal regulations, collective agreements, and generally binding legal regulations with which the employee has been duly familiarized. In practice, this includes the duty to perform work properly, follow lawful instructions, use working time efficiently, and protect the employer’s property.

A breach of those obligations constitutes a breach of work discipline. The Labor Code distinguishes between a less serious breach and a serious breach, but does not define these categories exhaustively. The assessment is case-specific. Slovak case law usually considers the employee’s position, previous attitude to work duties, degree of fault, the manner in which the breach occurred, and its consequences, including any damage caused.

**For a less serious breach, the employer cannot ordinarily proceed directly to termination.** As a rule, the employee must first receive a written warning of the possibility of termination by notice. Notice for a less serious breach is possible only if, within the previous six months, the employee was warned in writing of such possibility and subsequently commits another less serious breach, even of a different kind.

**For a serious breach of work discipline, the employer may terminate employment either by notice or, in exceptional cases, by immediate termination.** Notice may be used even for a single serious breach and does not require prior warning. Immediate termination is reserved for conduct so serious that the employer cannot reasonably be expected to continue the employment even during the notice period; **typical examples include theft, workplace violence, or working under the influence of alcohol where life or property may be endangered.**

In any dispute concerning disciplinary action or termination for breach of work discipline, the employer bears the burden of proving both the underlying facts and compliance with all statutory conditions.

## **2. IS THE SUSPENSION OF EMPLOYMENT ALLOWED DURING AN INVESTIGATION OR IN CONNECTION WITH DISCIPLINARY PROCEDURES?**

Under Slovak labor law, suspension during the examination of alleged misconduct is possible, but only under the statutory mechanism of “temporary interruption of work performance”. It is not a discretionary measure.

**This measure may be used only where the employee is reasonably suspected of a serious breach** of work discipline and the employee’s continued work would jeopardize an important interest of the employer, for example by enabling interference with evidence, influence over witnesses, continuing damage, or obstruction of the fact-finding process. Suspicion of a less serious breach is insufficient.

If those substantive conditions are met, the employer must also comply with the formal procedure. In particular, the measure must first be discussed with employee representatives, if any; where no employee representatives operate, the employer may proceed without such discussion. The interruption may last for no more than one month.

**During such period the employee** does not perform work, but **is entitled to wage compensation of at least 60% of average earnings.** If a serious breach is ultimately proved, compensation remains at 60%. If it is not proved, the employer must pay the balance up to 100% of average earnings and resume assigning work in accordance with the employment contract.

**If the employer prevents the employee from working without satisfying these statutory conditions,** this constitutes an obstacle to work on the employer’s side and **the employee is entitled to full wage compensation.**

## **3. WHAT SANCTIONS CAN AN EMPLOYER APPLY, AND ARE THEY REGULATED BY LAW OR LEFT TO THE EMPLOYER’S DISCRETION?**

Under Slovak labor law, sanctions for breach of work discipline are regulated by law and are not left to the employer’s unfettered discretion. Financial penalties, wage deductions outside the statutory framework, forced unpaid leave, or other ad hoc punishments are unlawful.

**The Labor Code does not establish a general system of disciplinary penalties.** The relevant measures are essentially a written warning, termination by notice, and immediate termination, depending on the seriousness of the breach and fulfilment of the statutory conditions. The chosen measure must be proportionate and properly substantiated, and the courts will review both proportionality and procedural compliance.

It is also necessary to distinguish direct disciplinary measures from other adverse consequences that may arise under different legal principles.

**Direct disciplinary measures:** The mildest formal measure is a written warning of the possibility of termination. A more severe measure is termination by notice, under which the employment ends only after expiry of the notice period. The strictest measure is immediate termination, which may be used only exceptionally, in particular where the employee seriously breaches work discipline or has been convicted of an intentional criminal offence.

For notice and immediate termination, the employer must comply with the statutory form and procedure: the act must be in writing, duly delivered, and the reason must be stated with sufficient precision and may not be changed later. The employer must also observe the statutory time limits - generally within two months of learning of the reason and no later than one year after it arose - and must discuss the proposed termination with employee representatives, if any; otherwise, the termination is invalid by operation of law. The employee must bring a court claim within two months to have the invalidity declared and to seek reinstatement or compensation. Where the conduct in question becomes the subject of proceedings before another body (e.g., a criminal investigation or labor inspection), the two-month period runs from the date the employer learns of the outcome of those proceedings, always subject to the one-year outer limit..

**Other adverse legal consequences:**

In addition to formal disciplinary measures, the employee's conduct may have other adverse consequences which are not sanctions in the strict sense.

First, **the employee may be liable for damages caused** through culpable conduct. This is not a punishment, but a liability claim. The employer must prove fault and causation. In cases of negligence, compensation is generally capped at four times the employee's average monthly earnings; the cap does not apply where the damage was caused intentionally.

Second, **the employer may**, in accordance with pre-existing rules in the employment contract, an internal policy, or a collective agreement, **reduce or withhold discretionary pay components**, such as bonuses or premiums, where entitlement is linked not only to performance but also to compliance with work discipline. This is not a financial penalty, but the non-award of a benefit to which the employee has no legal entitlement.

In summary, while the employer has some discretion in assessing the seriousness of the conduct, **the available disciplinary measures are strictly limited by law** and must be proportionate, evidence-based, and procedurally compliant.

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