

The possibility of providing information in electronic form

Labour Code Amendment 2022, Slovakia

1 November 2022

At the outset, it should be stressed that prior to the amendment, the Labour Code explicitly regulated only the delivery of documents, as well as the basic rule according to which the employer delivers documents relating to the establishment, change and termination of the employment relationship, or the establishment, change and termination of obligations arising from the employment contract to the employee in the employee's own hands. Similarly, the Labour Code provides that such documents shall be delivered by the employee to the employer at the workplace or by registered mail.

Although the amendment does not change the above-mentioned legal regulation, it is **supplemented by the regulation of the form of providing information contained in the new § 38a of the Labour Code**, i.e. in the provision following the provision regulating the institute of delivery.

This new provision generally states that if an employer is obliged under the Labour Code or other employment law to provide an employee with certain information in written form (e.g. in connection with information on working conditions and conditions of employment), this means that it is obliged to do so in written form. There is thus an interpretative clarification that 'to provide information in writing' means 'on paper' - in paper form.

However, in order to bring the performance of this obligation closer to the current practice of at least some employers, the **new provision of the Labour Code also specifies the conditions under which information may be provided to the employee in electronic form. It is unconditional that the employee must have access to the electronic form of the information and must be able to save it, print it out and, unless otherwise provided, it is the employer's responsibility to keep proof of sending or receiving the information in question.**

The above newly introduced rule also applies to situations in which the employer is obliged to provide the employee with a written answer, e.g. when the employee files a complaint in connection with a violation of the principle of equal treatment, or when a pregnant employee or an employee permanently caring for a child under 15 years of age requests shorter working hours or other appropriate adjustment of the designated weekly working time pursuant to Section 164(2) of the Labour Code.

Text in force until 31 October 2022	Version effective from 1 November 2022
<p>The employer's information obligation is introduced into the Labour Code by the amendment in question. For this reason, the regulation of information provision is also added to the Labour Code as a new provision, which does not affect the existing provisions of the Labour Code.</p>	<p>(New) § 38a - Form of provision of information</p> <p>The employer shall provide the employee with the information which is provided under this Act or any other labour law regulation in written form, in paper form; the employer may provide the information in electronic form if the employee has access to the electronic form of the information, may save and print it, and the employer shall keep a record of its sending or receipt, unless otherwise provided by this Act or a special regulation. The same shall apply to the employer's written reply if the employer is obliged to reply to the employee in writing.</p>

WHAT WILL THESE CHANGES BRING TO YOUR PRACTICE?

EXISTING EMPLOYMENT CONTRACTS/CURRENT STAFF

In the context of this change in the legislation, it will not be necessary to make any special amendments or additions to the employer's existing contracts of employment with employees. However, it is important to note that the new legislation will apply equally not only to new employees, but also to employees in existing employment relationships with the employer, i.e. the possibility of electronic provision of information will also apply in relation to existing employees working for the employer.

NEW EMPLOYMENT CONTRACTS/NEW STAFF

In general, informing employees and responding to their suggestions electronically will facilitate future communication between the employee and employer. Overall, electronic information appears to be more flexible, e.g. in relation to informing employees about changes in their working conditions, etc. On the other hand, however, the employer must make sure that they comply with all the conditions for the use of electronic means, in particular the employer must make sure that the employee has access to an electronic mailbox and can print out the relevant information. In this respect, it is worth considering that employers (who have not yet done so and have the means to do so) should take the necessary technical steps to ensure that the necessary access and conditions are provided and created for employees in the workplace.

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