

# Changes to the Labour Code

November 2022

**As of 1 November 2022, new amendments to the Labour Code entered into force, which concerns 1) the protection of the honour and dignity of workers (mobbing), the prohibition of violence and harassment, and 2) the amount of compensation for workers whose work is mobile or performed in the field, or involves traveling or commuting. The amendments are relevant both for employees seeking to protect their violated rights and for employers, as they set out requirements in the company's internal documents that must be implemented.**

## Amendments relating to the prohibition of mobbing, violence, and harassment:

1. The definition of mobbing, violence, and harassment, including gender-based violence and harassment, is introduced. Such violence includes any unacceptable conduct or threat thereof, whether the unacceptable conduct is intended to have a physical, psychological, sexual, or economic impact, whether the unacceptable conduct has or is likely to have that impact, whether the conduct violates a person's dignity or creates an intimidating, hostile, degrading humiliating or offensive environment, and/or whether it has caused, or is likely to cause, physical, pecuniary and/or non-pecuniary damage (Art. 30(2) LC).
2. Clearly state in which places mobbing, violence, and harassment are prohibited. The Labour Code stipulates that violence and harassment are prohibited: 1) in workplaces, including public and private places, when the employee is at the employer's disposal or performing duties under the contract of employment; 2) during rest and meal breaks or when using domestic, sanitary and hygiene facilities; 3) during work-related outings, trips, training, events or social activities; 4) during work-related communication, including communication using information and communication technologies; 5) in the employer's accommodation, and 6) while on the way to or from work.
3. The employer must take measures to eliminate and/or control potential risks of violence and harassment, taking into account the potential hazards of such risks.
4. The obligation for the employer to establish in the internal documents of the workplace a procedure for reporting and dealing with reports of violence and harassment and to make it known to employees.
5. The employer shall be obliged to provide training to employees on the risks of violence and harassment, prevention measures, and the rights and obligations of employees about violence and harassment.
6. An employer with an average number of employees of more than fifty shall be obliged to adopt a policy on the prevention of violence and harassment and to publish and implement it in the usual way in the workplace, following information and consultation procedures. The policy on the prevention of violence and harassment shall set out: ways of recognizing violence and harassment, possible forms of violence and harassment, procedures for introducing violence and harassment prevention measures, procedures for reporting and dealing with reports of violence and harassment, measures for the protection of, and assistance to, persons who report and are harassed, rules of conduct/work ethics for workers and other information relevant to the prevention of violence and harassment.



## Amendments concerning compensation for workers whose work is mobile or in the open air, or involves travel or commuting:

**1.** Reduction of compensation for workers whose work is mobile or outdoor or involves traveling or commuting. Staff members whose work is mobile or is carried out in the open air or involves traveling or commuting shall be reimbursed for the increase in expenses relating thereto in respect of the time worked in that capacity. The amount of this reimbursement may not exceed 30 % of the basic salary (tariff rate) and shall be paid if the staff member is not reimbursed for travel expenses.

The version of the Labour Code in force until 1 November 2022 stipulated that compensation of 50 % of the basic (tariff) wage could be paid for work of this nature.

**2.** As of 1 June 2023, this type of compensation is to be abolished altogether for work under the above conditions.

**3.** In light of the above changes, employers will have to review their agreements with employees and change the amounts of compensation paid to employees from 1 November 2022 to 1 June 2023, or, as of 23 June 2023, cease to pay such compensation altogether.

In summary, the amendments to the Labour Code, which entered into force on 1 November 2022, aim to provide greater protection for workers against mobbing, violence, and harassment in employment relationships.