

An excerpt of the Labour Law:

Section 7. Principle of Equal Rights

(4) It is the duty of the work placement service as the employer to ensure the same working conditions and apply the same employment regulations to an employee who has been appointed for a specified time to perform work in the undertaking of the recipient of the work placement service as would be ensured and applied to an employee if employment legal relationships between the employee and the recipient of the work placement service had been established directly and the employee was to perform the same work.

(5) The working conditions and employment regulations referred to in Paragraph four of this Section shall apply to work and recreation time, work remuneration, to pregnant women, women during the period following childbirth up to one year, women who are breastfeeding, to the protection assigned to children and adolescents, as well as to the principle of equality and the prohibition of differential treatment.

Section 29. Prohibition of Differential Treatment

(5) Direct discrimination exists if in comparable situations the treatment of a person in relation to his or her belonging to a specific gender is, was or may be less favourable than in respect of another person. Less favourable treatment due to granting of a prenatal and maternity leave, or a leave to the father of a child shall be considered as direct discrimination based on the gender of a person.

Section 37. Prohibitions, Restrictions and Liability of Employment

(1) It is prohibited to employ children in permanent work. Within the meaning of this Law, a child shall mean a person who is under 15 years of age and who until reaching the age of 18 continues to acquire a basic education.

(2) In exceptional cases children from the age of 13, if one of the parents (guardian) has given written consent, may be employed outside of school hours doing light work not harmful to the safety, health, morals and development of the child. Such employment shall not interfere with the education of the child. Work in which children may be employed from the age of 13 shall be determined by the Cabinet. The provisions regarding the employment of adolescents specified in Paragraph four of this Section shall apply to children aged above 15 years of age who continue to acquire a basic education.

(3) In exceptional cases if one of the parents (guardian) has given written consent and a permit from the State Labour Inspectorate has been received, a child as a performer may be employed in cultural, artistic, sporting and advertising activities if such employment is not harmful to the safety, health, morals and development of the child. Such employment shall not interfere with the education of the child. The procedures

for issuing permits for the employment of children as performers in cultural, artistic, sporting and advertising activities, as well as the restrictions to be included in such permits with respect to working conditions and employment conditions, shall be determined by the Cabinet.

(4) It is prohibited to employ adolescents in jobs in special conditions which are associated with increased risk to their safety, health, morals and development. Within the meaning of this Law, an adolescent shall mean a person between the ages of 15 and 18 who is not to be considered a child within the meaning of Paragraph one of this Section. Work in which the employment of adolescents is prohibited and exceptions when employment in such jobs is permitted in connection with occupational training of the adolescent shall be determined by the Cabinet.

(5) An employer has a duty, prior to entering into an employment contract, to inform one of the parents (guardian) of the child or adolescent regarding the assessed risk of the working environment and the labour protection measures at the relevant workplace.

(6) Persons under 18 years of age shall be hired only after a prior medical examination and they shall, until reaching the age of 18, undergo a mandatory medical examination once a year.

(7) An employer, after receipt of a doctor's opinion, is prohibited from employing pregnant women and women for a period following childbirth not exceeding one year, but if the woman is breastfeeding – during the whole period of breastfeeding if it is considered that performance of the relevant work poses a threat to the safety and health of the woman or her child. In any case, it is prohibited to employ a pregnant woman two weeks prior to the expected birth and a woman two weeks after childbirth. The time of the expected birth and the fact of birth shall be certified by a doctor's opinion.

Section 46. Specification of a Probation Period

(1) When entering into an employment contract, a probation period may be specified in order to assess whether an employee is suitable for performance of the work entrusted to him or her. If an employment contract does not specify a probation period, it shall be regarded as entered into without a probation period. A probation period shall not be determined for persons under 18 years of age.

Section 53. Place of Discharge of Work

(2) A person under 18 years of age may be sent on official travel or a work trip if one of the parents (guardian) has given his or her written consent.

(3) A pregnant woman, a woman for a period following childbirth up to one year and a woman breastfeeding may be sent on official travel or a work trip if she has given her written consent.

Section 62. Organisation of Work Remuneration

(3) If a piecework salary has been specified for a pregnant woman, for a woman during a period following childbirth up to one year, but if a woman is breastfeeding then during the whole period of breastfeeding, but not longer than until the child reaches two years of age, and in accordance with a doctor's opinion her work norms have been reduced, the employer has a duty to pay the employee for such period the previous average earnings.

Section 63. Work Remuneration for Persons Under 18 Years of Age

(1) The monthly salary for adolescents employed within the limits of the working time set out in Paragraphs one and three of Section 132 of this Law shall not be less than the minimum monthly salary within the scope of normal working time as specified by the Cabinet.

(2) If an adolescent also works, in addition to pursuing secondary or occupational education, the adolescent shall be paid for the work done in conformity with the time worked. In such case, the hourly wage rate specified for the adolescent may not be less than the minimum hourly wage rate specified by the Cabinet for work within the scope of normal working time.

(3) Children shall be paid for work in conformity with the work done.

Section 99. Duty of Employers to Amend Provisions of Contracts of Employment

(1) In order to prevent any risk, which may negatively affect the safety and health of a pregnant woman, an employer, after receipt of a doctor's opinion, has a duty to ensure such working conditions and working time for the pregnant woman as would prevent her exposure to the risk referred to. If it is not possible to ensure such working conditions or working time for a pregnant woman, the employer has a duty to temporarily transfer the pregnant woman to a different, more appropriate job. The amount of work remuneration after making amendments to the employment contract may not be less than the previous average earnings of the woman.

(2) If such transfer to another job is not possible, the employer has a duty to grant the pregnant woman leave. During the period of such granted leave the previous average earnings of the pregnant woman shall be maintained.

(3) The provisions of this Section shall also apply to a woman following the period after birth up to one year, but if a woman is breastfeeding, during the whole period of breastfeeding.

Section 109. Prohibitions and Restrictions on a Notice of Termination by an Employer

(1) An employer is prohibited from giving a notice of termination of an employment contract to a pregnant woman, as well as to a woman following the period after birth up to one year, but if a woman is breastfeeding – during the whole period of breastfeeding, but not longer than until the child reaches two years of age, except in cases set out in Section 101, Paragraph one, Clauses 1, 2, 3, 4, 5 and 10 of this Law.

Section 115. Requests by Third Parties, Court Judgement and Non-compliance with the Legal Requirements

(1) Parents (guardians) or the State Labour Inspectorate may request in writing the termination of employment legal relationships with a person who is under 18 years of age if such person performs work which jeopardises his or her safety, health or morals or negatively affects his or her development or education.

Section 132. Working Time for Persons Under 18 Years of Age

(1) For persons who are under 18 years of age a working week of five days shall be specified.

(2) Children who have reached the age of 13 years may not be employed:

1) for more than two hours a day and more than 10 hours a week if the work is performed during the school year; and

2) for more than four hours a day and more than 20 hours a week if the work is performed during a period when there are holidays at educational institutions, but when a child has already reached the age of 15 years – for more than seven hours a day and more than 35 hours a week.

(3) Adolescents may not be employed for more than seven hours a day and more than 35 hours a week.

(4) If persons who are under 18 years of age continue to, in addition to work, acquire primary education, secondary education or an occupational education, the time spent on studies and work shall be summed and may not exceed seven hours a day and 35 hours a week.

(5) If persons who are under 18 years of age are employed by several employers, the working time shall be summed.

Section 136. Overtime Work

(6) It is prohibited to employ in overtime work persons who are under 18 years of age.

(7) A pregnant woman, a woman for a period up to one year after giving birth, and a woman who is breastfeeding for the whole period of breastfeeding, but not longer than until child reaches two years of age, may be employed in overtime work if she has given her written consent.

Section 138. Night Work

(1) Night work shall mean any work performed at night for more than two hours. Nighttime shall mean the period of time from 22 to 6 o'clock. Nighttime with respect to children within the meaning of this Law shall mean the period of time from 20 to 6 o'clock.

(6) It is prohibited to employ at night persons who are under 18 years of age, pregnant women and women for a period following childbirth up to one year, but if a woman is breastfeeding then during the whole period of breastfeeding if there is a doctor's opinion that the performance of the relevant work causes a threat to the safety and health of the woman or her child.

(7) An employee who has a child less than three years of age may be employed at night only with his or her consent.

Section 143. Weekly Rest

(4) On the basis of the employer's written order, an employee may be engaged in work during the weekly rest period by granting him/her equivalent compensatory rest time and providing minimum two weekly rest periods referred to in Paragraph one of this Section within any period of 14 days in the following cases:

1) if such is required by the most urgent public needs;

2) to prevent the consequences caused by *force majeure*, an unexpected event or other exceptional circumstances which adversely affect or may affect the usual course of activities in the undertaking; and

3) for the completion of urgent, unforeseen work within a specified period of time.

(5) In accordance with the provisions of Paragraph four of this Section, it is prohibited to employ persons who are under 18 years of age, pregnant women and women for a period following childbirth up to one year, but if a woman is breastfeeding then during the whole period of breastfeeding, but not longer than until the child reaches two years of age.

Section 147. Temporary Absence

(1) Employers shall ensure an opportunity for a pregnant woman to leave the workplace in order to undergo health examination in the prenatal period if it is not possible to undergo such examination outside of working time.

(2) An employee has the right to temporary absence if his or her immediate presence at work is not possible due to *force majeure*, an unexpected event or other exceptional circumstances.

(3) An employee who cares for a child aged up to 18 years has the right to temporary absence in case of the child's sickness or accident, as well as for the purpose of participating in the child's health examination when it is not possible to undergo this examination outside working hours.

(4) An employee shall notify the employer of temporary absence in due time. Temporary absence shall not serve as the basis for the right of an employer to give notice of termination of an employment contract.

Section 149. Annual Paid Leave

(1) Every employee has the right to annual paid leave. Such leave may not be less than four calendar weeks, not counting public holidays. Persons under 18 years of age shall be granted annual paid leave of one month.

(3) In exceptional cases when the granting in the current year of the full annual paid leave to an employee may adversely affect the normal course of activities in the undertaking, it is permitted with the written consent of the employee to transfer part of the leave to the subsequent year. In such case, the part of the leave in the current year shall not be less than two consecutive calendar weeks. The part of the transferred leave shall as far as possible be added to the leave of the next year. Part of the leave may be transferred only to the subsequent year.

(4) The provisions of Paragraph three of this Section shall not apply to persons who are under 18 years of age, pregnant women and women for a period following childbirth up to one year, but if a woman is breastfeeding then during the whole period of breastfeeding but not longer than until child reaches two years of age.

Section 154. Prenatal and Maternity Leave

(1) Prenatal leave of 56 calendar days and maternity leave of 56 calendar days shall be summed and 112 calendar days granted irrespective of the number of days prenatal leave has been utilised prior to child-birth.

(2) A woman who has initiated pregnancy-related medical care at a preventive medical institution by the 12th week of pregnancy and has continued for the whole period of pregnancy shall be granted a supplementary leave of 14 days, adding it to the prenatal leave and calculating 70 calendar days in total.

(3) In case of complications in pregnancy, childbirth or postnatal period, as well as if two or more children are born, a woman shall be granted a supplementary leave of 14 days, adding it to the maternity leave and calculating 70 calendar days in total.

(4) Leave granted in connection with pregnancy and childbirth shall not be included in annual paid leave.

(5) A woman who makes use of pregnancy or maternity leave shall have ensured her previous work. If this is not possible, the employer shall ensure the woman similar or equivalent work with not less favourable conditions and employment provisions.