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YOUNG ACTIVE WORKER MANUAL: 10 TIPS FOR YOUNG WORKER

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Promotion of Youth Workers
Involvement and Decision Making
in Trade Unions and Undertakings



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1. LABOUR LAW IN THE EUROPEAN UNION

Labour law defines the rights and obligations of workers and employers.

European Union (hereinafter - EU) labour law covers two main areas:

- Working conditions — provisions on working time, part-time, fixed-term employment contracts, posting of workers;
- Informing and consulting workers – for example, in case of collective redundancy and transfer of the company.

Policies implemented by the EU in recent decades have been aimed at:

- achieving high employment and strong social protection;
- improving living and working conditions;
- achieving social cohesion.

The EU promotes social progress and aims to improve the living and working conditions for the people of Europe – see the preamble of the Treaty on the Functioning of the EU.

As regards labour law, the EU complements policy initiatives taken by individual EU countries by setting minimum standards. In accordance with the Treaty - particularly Article 153 - it adopts laws (directives) that set minimum requirements for:

- working and employment contract conditions;
- informing and consulting workers.

Individual EU countries are free to provide higher levels of protection if they so wish. While the **European Working Time Directive** entitles workers to 20 days' annual paid leave, for example, many countries have opted for a more generous right to the benefit of workers.

National authorities and labour law

The EU adopts directives which its member countries incorporate in national law and implement. This means that it is national authorities - labour inspectorates and courts, for example - that enforce the rules.

A European Union directive is a type of legislative act of the European Union. Directives set common goals for EU member states. They must be incorporated into national law by the deadlines set in the relevant directive. This is done by the national legislature, i.e. the parliament. As opposed to an EU regulation, a directive sets out individual objectives, allowing for adjustments to be made according to the needs of each member state upon integrating the objectives into national legislation. A directive does not lose its meaning after it has been incorporated into national legislation, as it can also serve as a source of reference for common EU positions on various issues pertaining to the area covered by the directive. If a member state fails to introduce a directive by the given deadline, then the directive comes into full effect in the territory of that state upon the expiration of the deadline. This means that the directive becomes binding in the form that it has been adopted by the EU.

EU Directives and action

EU law has established rights and obligations for employees and their representatives to be informed and consulted via a set of directives that provide for the information and consultation of the workers, at both national and transnational levels:

- At national level

The Directive establishing a general framework for informing and consulting employees in the European Union seeks to strengthen dialogue within enterprises and ensure employee involvement upstream of decision-making, with a view to better anticipation of problems and the prevention of crises.

The Directive relating to collective redundancies provides that an employer who envisages collective redundancies must provide workers' representatives with specified information concerning the projected redundancies and consult.

The Directive relating to the safeguarding of employees' rights in the event of the transfer of undertakings provides, among other substantive rights, for information and consultation of employees by the transferor and/or the transferee.

- At transnational level

The Directive for the establishment of a European Works Council or a procedure for informing and consulting employees applies to EU-scale undertakings or groups with at least 1000 employees and at least 150 employees in each of two Member States.

Three Directives providing for the involvement of employees (i.e. information, consultation and participation in the supervisory board or board of directors) in enterprises adopting the European Company Statute or the European Cooperative Society Statute, or deriving from a cross-border merger.

In addition, the EU supports the development of transnational company agreements.

EU law on workers' participation at transnational level includes:

- DIRECTIVE 2009/38/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purpose of informing and consulting employees.

The purpose of this Directive is to improve the right to information and to consultation of employees in Community-scale undertakings and Community-scale groups of undertakings (Article 1(1)). 'Community-scale undertaking' means any undertaking with at least 1 000 employees within the Member States and at least 150 employees in each of at least two Member States (Article 2(1)).

To that end, a European Works Council or a procedure for informing and consulting employees shall be established in every Community-scale undertaking and every Community-scale group of undertakings, where requested in the manner laid down in Article 5(1), with the purpose of informing and consulting employees. The arrangements for informing and consulting employees shall be defined and implemented in such a way as to ensure their effectiveness and to enable the undertaking or group of undertakings to take decisions effectively (Article 1(2)).

Information and consultation of employees must occur at the relevant level of management and representation, according to the subject under discussion. To achieve that, the competence of the European Works Council and the scope of the information and consultation procedure for employees governed by this Directive shall be limited to transnational issues (Article 1(3)).

- COUNCIL DIRECTIVE 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees

It is a fundamental principle and stated aim of this Directive to secure employees' acquired rights as regards involvement in company decisions. Employee rights in force before the establishment of European public limited-liability companies (Societas Europaea, hereinafter referred to as "SE") should provide the basis for employee rights of involvement in the SE (the "before and after" principle). A widespread practice to achieve this goal is to draft an agreement between the management and employee representatives of the relevant SE. If an agreement is not reached within 6 months (this term may be extended to 12 months, upon mutual agreement), the Directive provides for the application of a set of subsidiary rules. Furthermore, the employee representatives may decide not to open negotiations or to terminate negotiations already opened, and to rely on the rules on information and consultation of employees in force in the Member States where the SE has employees.

- COUNCIL DIRECTIVE 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees

The aforementioned regulation aims at creating a uniform legal framework within which cooperatives, other legal entities and natural persons from different Member States should be able to plan and carry out the reorganisation of their business on a Community scale (Recital 2).

It is a fundamental principle and stated aim of this Directive to secure employees' acquired rights as regards involvement in company decisions. Employee rights in force before the establishment of SCEs should provide the basis for employee rights of involvement in the SCE (the "before and after" principle) (Recital 21).

- DIRECTIVE 2005/56/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 October 2005 on cross-border mergers of limited liability companies

A limited liability company with share capital and having legal personality, possessing separate assets which alone serve to cover its debts and subject under the national law governing it to conditions concerning guarantees such as are provided for by Directive 68/151/EEC for the protection of the interests of members and others (Article 2(1)).

EU law on workers' participation at transnational level includes:

- DIRECTIVE 2002/14/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community

The purpose of this Directive is to establish a general framework setting out minimum requirements for the right to information and consultation of employees in undertakings or establishments within the Community (Article 1(1)).

The practical arrangements for information and consultation shall be defined and implemented in accordance with national law and industrial relations practices in individual Member States in such a way as to ensure their effectiveness (Article 1(2)).

When defining or implementing practical arrangements for information and consultation, the employer and the employees' representatives shall work in a spirit of cooperation and with due regard for their reciprocal rights and obligations, taking into account the interests both of the undertaking or establishment and of the employees (Article 1(3)).

2. APPLYING FOR A JOB

Applying and finding the right job is most often a complex process, especially for young people who are just starting their professional career. However, this process can be greatly facilitated by following some basic steps. In the first place, you have to decide the main parameters of the job you are looking for, which most of all can be reduced to - **where, when and how much?**

Where - it is important to consider if you are seeking workplace in your hometown or in the city where you already studying, whether the place is irrelevant and are you ready to move in any city in the country as long as the offer of work is sufficiently attractive or you dream to work abroad. You need to decide if you want to work from home or in office. Do you prefer developing in the public or private sector.

When it is especially important when you need to start work, sometimes it is a matter of urgent order, in other cases you are looking for seasonal work or work that you can start in a month or two or later. Also, be sure to determine the real time you can spend on your new job, so you will be looking for a full-time job or a flexible working time.

How much - the amount of the offered salary, the possibility of using paid / unpaid leave, benefits for temporary incapacity, birth and maternity, the regular payment by the employer of health and social insurance. While this does not seem to be particularly relevant for young jobseekers, it is good to secure these basic labor rights to avoid trouble in the future.

There are many opportunities to find a job, for example if you are just finishing school or you are at the university you can contact the career centers there that can direct you to the most appropriate vacancies which will suit your competencies and experience. Many highly specialized high schools and universities offer paid / unpaid internships for their students, who can later become good job opportunities. Most of the government institutions and the private sector companies offer similar internships. Our advice is to not underestimate these opportunities as they provide useful experience, skills and new contacts.

A large amount of job offers can be found and conveniently selected from the many online searching employment platforms, social and professional networks, as well as the sites of specific companies which have come to your attention. Here, the most important thing is always to be informed, constantly search and check when a new jobs options will be open. Most often, employers announce their vacancies, deadlines and the required application documents on their websites.

Information on vacant job positions can also be found in the newspapers, radio and TV advertisements, employment agencies, recommendations from friends and relatives.

Also, you could register with the state employment agency as a jobseeker, so the agency itself can offer you the right job for you and make the contact between you and your prospective employer.

You could also attend annual job search forums involving many large companies, presenting themselves and their activities, and looking for fresh newcomers to their team.

The most important thing is always to remain positive, ready to learn and gain experience, open to new opportunities, even if you have not been successful in finding a job the first time, or you have not been satisfied with a previous one.

Be constantly informed and active to maximize your chances of better job and salary. Read the online media and stay interested in the new companies entering the market, offering new job positions.

In case that a company has already attracted your interest, it is a good idea to do research in different online forums about people's opinions about the particular company, so you could save yourself a lot of troubles. Nevertheless, do not take everything at face value, whether it's positive or negative.

So ... you've already liked a few job offers and you are ready to apply. Most of the employers want you to send them a CV and / or motivation letter. Here are some practical tips on how to properly compile them, giving you the maximum chance of being interviewed.

First, choose the format and volume of your CV. It is especially important to include all the necessary information and arrange it in the easiest way possible to perceive. Before sending your CV, check your text again for spelling or grammatical errors, as such CVs are one of the first rejected. It is a good idea for the CV to be 1, maximum 2 pages.

Watch on your CV as a means of advertising. It is especially important to demonstrate exactly what the employer is searching.

Choose the resume format suitable for your case. The chronological CVs are preferred if you want to focus on career growth and emphasize that you have previous experience in similar positions. Functional CVs are used to highlight your strengths in specific areas, such as marketing, programming, design, etc., on initial job search.

For each application fill in new CV which conforms to the requirements of the employer and the preferences in the job advert.

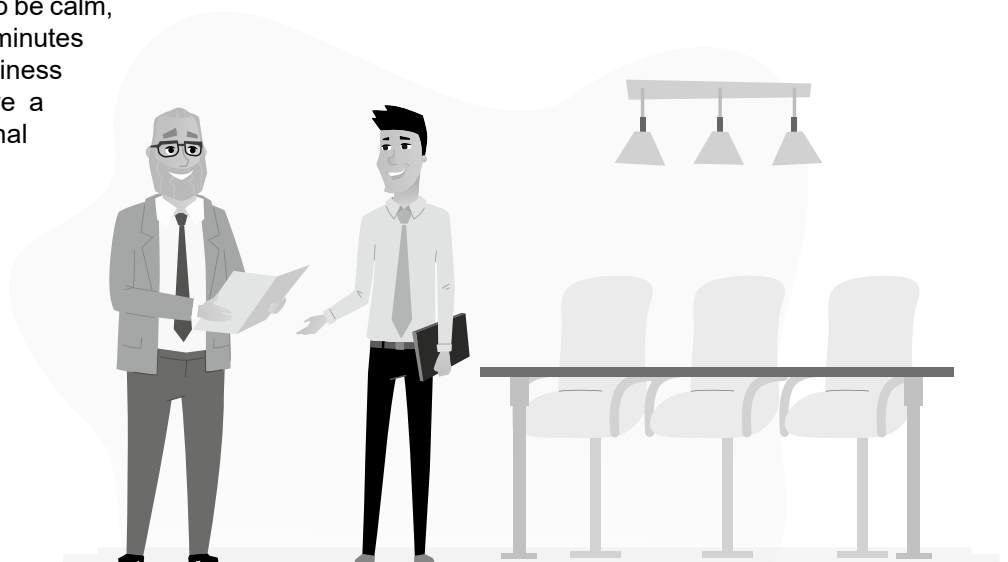
It's important to not exaggerate the experience that you have. Be honest if you do not have one, and focus on your strengths, the rapid acquisition of new knowledge and the willingness to work in the particular company for increasing its performance in a particular area.

And last but not least, bet on good looks, clean design or more creative, depending on the place you are applying for, use thicker paper with a light color and moderate font size. The most important thing is to describe your professional experience / strengths, acquired education, and contact details for you.

The next step is to write a motivation letter, which will help you stand out from the other candidates. Your motivation letter should be targeting to the specific position, so get as much information as possible about the particular company and the job offer. It is important that you do not repeat your CV, the motivation letter should give a fresh look at you. Make sure it reflects your motivation and enthusiasm for taking up the job. Use the keywords and search competences listed in the ad and develop them further. Provide examples and evidence of your competencies and indicate how this will be beneficial for the employer. Do not aggravate your utterance, share the reason for applying clearly, and complete your letter with readiness for action and an interview. Again, make sure you have not made spelling, grammatical or stylistic mistakes in the text of the letter. Address it to the manager, the director, or human resources if you are not sure exactly who to turn to. Also, use a polite form to complete the letter.

You could use expressions such as: "organize", "invent," "sell," "persuade," "manage," "perfect," "optimize, by which you can convince the employer that you are serious, methodical and innovative.

When you are invited to an interview, go! Do not hesitate, because there you can ask additional questions about the work that interests you. Make your research for the company and the position as you are more informed, the better. Try to be calm, do not be late, go at least 15 minutes earlier and choose simple business clothing to show that you are a young and serious professional that can be relied on.



3. TYPES AND EXAMPLES OF TYPICAL VIOLATIONS OF LABOUR LAW IN PRACTICE

There can be no breach of regulation in this area because of existing regulations namely according to the available data, 95% of employed workers are employed on a fixed-term contract. The problem of such employment is primarily in the provisions of the Labour Act and, of course, in relation of the employer towards the employee. The Labour Law allows for a work contract to be concluded for a limited period of time, for a work relationship whose termination is predetermined by a deadline, by performing a particular job or by performing a particular event. This exception has become a rule in Croatia.

An employer with the same worker may conclude a successive fixed-term employment contract only if there is an objective reason in the contract or in the written confirmation of the employment contract.

The total duration of all successive fixed-term contracts, including the first employment contract, shall not be uninterrupted for more than three years unless it is necessary to replace a temporary unskilled worker or, for some other objective reasons, is permitted by law or collective agreement. It is evident from the provision that the three-year term is sought to be extended since the Act does not specify a number of contracts that could be concluded in that period, especially since the restrictions do not apply to the first contract of employment concluded for a fixed period of time.

Any amendment or termination of a fixed-term employment contract that would have an effect on the extension of the contractual term of that contract shall be deemed to be the following successive fixed-term employment contract, however, since the number of contracts is not restricted by this provision.

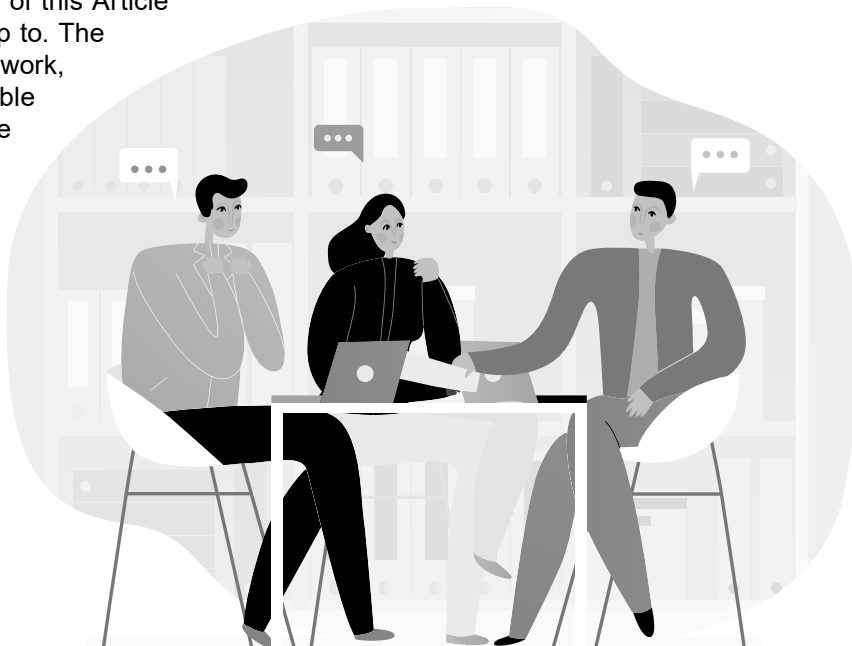
Termination of shorter than two months is not considered a termination of the three-year term and this provision is abused by employers because they terminate the contract so this provision would not have to be respected.

If a fixed-term employment contract is made in contravention of the provisions of this Act or if the worker continues to work with the employer and after the expiration of the time for which the contract is concluded, it is considered to have been concluded for an indefinite period of time. Employers are especially careful of this provision that this would not happen in practice.

Another form of inability to recruit young workers concerns agency employment regulated by the Labour Act. It is important to note that the Labour Law is enabled to conclude a collective agreement with the agency with smaller contracted rights under the Law.

The third unfavourable form of youth employment is precisely to the extent of the CES (Croatian Employment Service) and refers to employment without establishing the employment relationship described in the previous chapter. The Labour Law is stipulated if a professional exam or work experience, by law or other regulation, is determined as a condition for performing a job of a particular occupation, the employer may receive the person who has completed the education for such occupation for vocational training for work without establishing employment (professional training for work). The period of vocational training for work is considered to be a traineeship and work experience as a condition for work on jobs in the workplace of a particular occupation. Vocational training for the work referred to in paragraph 1 of this Article may last as long as the internship is up to. The person who is professionally trained for work, provisions on employment are applicable except for the provisions on the conclusion of employment contracts, salaries and wages, and termination of employment contracts. The contract of professional training for work must be made in writing.

Where were the problems? Of course, in salary, salaries and termination of employment contract. Namely, a professional training course without establishing a work relationship concludes a CES contract with a minimum wage bill according to the Minimum Wage Act, regardless of the qualifications



and qualifications of the education. The term of validity of such a contract is one year. In this way, employers were given cheap workers and in fact after a year they usually did not continue working with the employee. Under the best conditions, they re-established the employment relationship for a certain time, thus extending the term for a fixed-term employment contract for a year because after the expiration of the previous agreement the employer and not the CES made the employment contract.

The fourth problem that arises from the previous ones is also a set of regulations related to the provisions of the Labour Act and refers to internship. The person who is employed for the first time in the occupation for which he has been trained may be employed by the employer as trainee. The trainee is trained to work independently in the profession for which he / she has been trained. An employment contract can be concluded for a certain period of time. The method of training a trainee for self-employment must be prescribed by the rules of procedure or stipulated by the employment contract. For the purpose of self-employment training the trainee may be temporarily instructed to work with another employer.

Trainee training (internships) lasts for a maximum of one year, unless otherwise provided by law, and in fact it is not exceptionally in police or similar professions. After completing the internship, the trainee will take the professional exam if it is prescribed by law or other regulation, contracted by a collective agreement or regulated by the work regulations. In collective agreements signed by trade unions, such provisions exist and those are also contracted.

If the content and the manner of conducting a professional exam is not determined by law, other regulation or collective agreement, the content and the manner of passing a professional exam is prescribed by the rules of procedure. The employer can cancel the internship if the trainee does not pass a vocational exam. The internship, depending on the degree of education, has been shortened by a collective agreement, and for one year it is usually defined and contracted for the highest levels of education.

For a substantial extension of a fixed-term employment contract, the Labour Law stipulates that during the conclusion of a labour contract, a probationary contract may be concluded, which may not last longer than six months. Disappointment in trial workers is a particularly justified reason for termination of a labour contract. The cancellation period for the contracted trial is at least seven days. The collective agreements concluded by trade unions have been determined by a probationary period depending on the degree of professional qualification.



4. IMPORTANCE AND BENEFITS OF JOINING TRADE UNION

After you finished school, the next step in your life is entering the world of labor, world of obligations and responsibilities, professional development, but also the economic independence that each individual strives for. Now, in your new role in life, as an employee, you need to be aware that there are certain rights that you are entitled to by law. The one who especially takes care that all of these rights are observed by employer is no one else but trade union.

So, what are trade unions and why should you be a member?

Trade union is an interest-based organization of employees that in legitimate ways fights for better position of workers in terms of better salaries, better working conditions, and generally, better life.

Let us just say here also that the right to organize and join the union is one the fundamental human rights. As such, it is guaranteed by the United Nations Universal Declaration of Human Rights of 1948, the conventions of the International Labor Organization (in the first place of the Convention 87, 98 and 135), the International Covenant on Economic, Social and Cultural Rights, the European Convention on Human Rights and the European Social Charter (revised). The rights to union organizing and union action are further elaborated by national legislation, and in most countries penal provisions are prescribed for the prevention and obstruction of trade union association and action.

So, it is clear now that organizing and joining unions, as well as union action and work, are the rights protected by the most important documents that apply in all the countries that ratified them.

Being a member of union is a matter of voluntary decision of every employee. Yes, it is up to you to decide whether you will be a member of trade union or not. But, be aware that being a member of trade union, means that all your labor rights are protected. And not only that. Depending on number of their members, trade unions can make significant changes even at the national level in terms of improving economic and social conditions for all the workers. Remember, power lies in numbers! The more numerous trade unions are, the stronger their voice is!

So, you can only benefit from being a member of trade union, and let us now specifically list some of the things that you can have as a union member:

- You can have free legal aid in employment disputes;
- You can have free advisory support;
- You can have the opportunity to participate in discussions with the employer;
- You can have the opportunity to participate in collective bargaining, and negotiations with the employer on working conditions, and with the state and local administration on labor and social legislation;
- You can have the opportunity to participate in meetings where the proposals and initiatives of the employer are considered in relation to the economic and social status of employees;
- You can have the opportunity to elect and be elected in all trade union bodies, but also in bodies at national, branch, regional and local level at which social dialogue is conducted;
- You can have the opportunity to learn and educate yourself through union work;
- You can have the opportunity to travel and share experiences with other trade union colleagues from the country, region, Europe and the world;
- You can have the opportunity to influence issues of relevance to safety and health at work;
- You can have the opportunity to participate in the formation of a network of young trade unionists or join one and strive through various forms of activism to improve the position of young people in the society and the labor market;
- You can have the opportunity to create and implement various campaigns on subjects relevant to young people, work and social rights of employees;
- You can have the opportunity to participate in strikes as a legitimate union way of fight for the fulfillment of certain goals, etc.
- You can negotiate on compensation for your transport costs, compensation for overtime and work at night, the right to anniversary prize, etc.

So, be the one to have all these opportunities. Be actively involved in the world of work beyond your employment for the benefit of all employees and for YOUR own benefit. Be a member of trade union! In solidarity!



5. SOCIAL DIALOGUE AND COLLECTIVE BARGAINING

Social Dialogue

Social dialogue is one of the hallmarks of a democratic state, characterized by a mutual dialogue between employees and employers with a view to establish social and economic partnership. It is possible on 3 levels: national, sectoral or region and company. The social dialogue at company level is about wages and working conditions, as well as the involvement of employees in issues related to the management, production and development of the company. Employees can advocate for their social, economic and professional rights and interests in the social dialogue either directly or through the representatives of employees - trade unions or elected representatives of employees.

Employers have an obligation to cooperate with employee representatives by informing, consulting or coordinating different issues.

The employer must obligatory inform employees:

- before commencement of collective redundancy;
- in case of a company transition;
- at the request of employee representatives on the possibilities of part-time employment of employees;
- at the request of employee representatives in order to obtain the information required for conclusion of collective agreement.

The employer must obligatory consult with the employee representatives:

- when setting a shift work in the company;
- in case of setting a 6-day working week in the company;
- when setting the working standards;
- when approving the working procedure regulations;
- when working on the vacation schedule;
- in case of commencement of collective redundancy;
- in case of a company transition.



Collective Bargaining, Collective Agreements

Collective bargaining refers to all negotiations between trade unions and employers for determining working conditions and terms of employment, including issues related to pay and working time, and for regulating relations between employers and workers (International Labour Organization Convention 154).

Collective bargaining, which forms the basis for labor relations, takes place at various institutional levels and circumstances. At the same time, national systems that regulate the labor market and labor law vary. When reviewing collective bargaining and its role, legislation in each country is different. For example, at the inter-sectoral, sectoral and workplace, regional, professional levels collective bargaining is conducted in a variety of institutional conditions.

A collective agreement usually is the result of collective bargaining. Such agreements may regulate both the procedures for relations between signatory parties and the conditions of employment of employees covered by the agreement, such as payment and working hours.

The Collective Agreement determines:

- payment system, e.g. salaries + bonuses;
- protection of work organization - specific regulation of work safety and funds;
- creation and termination of employment relationship - recruitment and dismissal, redundancy allowance;
- social protection of employees - health and other insurance, various benefits;
- personnel training - training programs, study leave;
- and also other work-related issues.

If the collective agreement is not concluded and the employee is not a member of the trade union then he is socially and economically dependent only on the employer's will. If the employee is a member of the trade union the employer can not terminate the employment contract without the consent of the trade unions.

6. Tips for Young Workers: LATVIA

LABOUR RIGHTS

Before concluding an employment contract, an employer may require you to undergo a health examination to verify that you are suited for work. The employer must cover the expenses related to this health examination.

An employer will definitely require from you:

- to undergo a health examination if you are younger than 18;
- to undergo a compulsory health examination if you will be performing a job where your health can be affected by harmful factors in the work environment or if you will be working in exceptional conditions; the costs of this examination shall be covered by yourself or the employer depending on your mutual agreement.

When drafting the employment contract, the employer can require from you:

- to present a personal identification document;
- to submit other documents in the cases prescribed for in law. For example, in certain cases you may be required to produce documents certifying your official language skills;
- to present documents certifying your education or professional training if the job requires special knowledge or skills, such as medical personnel or vehicle drivers.

Read all of the clauses of the contract carefully before signing it. If something is not clear to you, ask!

Make sure that the employment contract contains the following:

- the date of commencing employment;
- your position and duties;
- your work place;
- the working time per day or week;
- the amount of your salary and when it is paid.



There are two types of employment contract provided in the Labour Law:

- **open-ended employment contracts** – a term of validity is not specified for the contract;
- **fixed-term contract** – such contracts are concluded only in special cases, for example, for seasonal work, casual work, when replacing colleagues and other cases. The expiry date or conditions upon which the work is considered completed must be indicated in the contract. The term of a fixed-term contract may not exceed three years. If you are offered a fixed-term contract, find out why. Fixed-term contracts may not be concluded without legal justification.

The conditions of an employment contract shall be altered by mutual agreement and in writing. Ask to receive your duplicate of the contract not just a copy of it, because this will protect you in case of a dispute. Do not begin working until you have been instructed about safety procedures at work.

PROBATIONARY PERIOD

A probationary period may not exceed three months (excluding absence due to illness). **A probationary period cannot be set for a person under the age of 18.** If the employment contract does not specify a probationary period, then there isn't one. During the probationary period, the employment contract can be terminated with three days' notice by either the employer or the employee. This decision does not have to be explained. If you continue to work after the expiration of the probationary period – congratulations! – you have passed your probation!

SPECIAL RULES ON EMPLOYMENT OF ADOLESCENTS

The Labour Law defines an adolescent as a person aged 15 to 18, who is no longer considered a child (younger than 15 or continuing to acquire a basic education until the age of 18). Work for which it is prohibited to employ adolescents and the exceptions when such employment is permitted are prescribed in Cabinet of Ministers Regulation No.206 of 28 May 2002. It is prohibited to employ adolescents for work in special circumstances related to heightened risk to their safety, health, morals or development.

It is prohibited to employ adolescents in work that is directly related to:

- demolition of various objects and structures;
- care for or supervision of infected persons and mentally ill persons (also in hospitals);
- recycling metals or base materials thereof;
- organizing gambling, etc.

Employment of adolescents in work referred to in these Regulations is permissible only in exceptional cases if it is related to vocational training of the adolescent, the work is performed in direct presence of the supervisor of the work or a trusted representative, and compliance with regulatory enactments related to work safety has been ensured. An employer has the obligation, prior to entering into an employment contract, to inform one of the parents (guardian) of the child or adolescent of the assessed risk of the working environment and the work safety measures at the relevant workplace.

NATIONAL LEVEL BINDING LABOUR LAW IN LATVIA

Due to our accession to the European Union, significant changes have been made in labour law in Latvia over recent years. Today, many labour rights are no longer regulated by Latvian national legislation, but rather by EU law, thus there are increasingly more questions about the correct application of EU law, since a significant portion of these rights stem from the legal interpretations as provided in the judgements of the European Court of Justice.

Employment legal relationships are governed by the Constitution of the Republic of Latvia, the norms of international law which are binding to the Republic of Latvia, the Labour Law and other laws and regulations, as well as by collective agreements and working procedure regulations.

INFORMATION ON EMPLOYEE RIGHTS**Rights of employees:**

- to work, to fair, safe and healthy working conditions;
- to fair work remuneration;
- to receive additional remuneration for performing additional work;
- to a break in work, if the working time exceeds 6 hours. During breaks an employee has the right to leave their workplace unless otherwise stipulated in the employment contract, the collective agreement or working procedure regulations;
- to temporarily leave their workplace, immediately informing the employer of this;
- to annual paid leave, as well as child care leave;
- to enter into an employment contract with several employers (unless otherwise stipulated in the employment contract or the collective agreement);
- to submit a complaint to the person authorised accordingly by the company if the employee's rights or interests have been violated;
- to participate in the examination of the complaint, provide explanations and express their views;
- to request the termination of differential treatment in, for example, in determining working conditions, professional training or the raising of qualifications;
- to terminate the employment contract giving notice one month prior, unless otherwise provided for by the collective agreement or employment contract, or immediately if there is good cause, by submitting a written notification to the employer. During the probationary period, an employment contract may be terminated giving notice three days prior;
- to establish or join a trade union in order to protect their social, economic and professional rights and interests;
- to submit in writing their proposals with respect to a draft collective agreement;
- to verify in person or through employee representatives the accounts of working time kept by the employer.

Obligations of employees:

- to conscientiously perform the work in the allotted working time;
- to ensure that obstacles which adversely affect or may affect the normal course of work in the company are averted or reduced as far as possible;
- to treat the property of the employer with due care;
- to ensure that threatened or already incurred losses to the company are averted or reduced as far as possible;

- to notify the employer without delay of any obstacles to performing work, and threats of losses or losses already incurred;
- to undergo a health examination, if so stipulated in the collective agreement or other legislative acts. A health examination shall also be undergone if there is reasonable suspicion of an illness that is or may be a threat to the safety and health of the employee or others;
- not to disclose any information brought to their knowledge, which is a commercial secret of the employer;
- to ensure that information which is considered a commercial secret is not made available to third parties.

EMPLOYMENT CONTRACT

An employer and an employee shall establish an employment legal relationship by an employment contract. The employee undertakes to perform specific work and adhere to specified working procedures and orders of the employer. In turn, the employer undertakes to pay the agreed work remuneration and to ensure fair and safe working conditions that are not harmful to health. The employer has an obligation to ensure that an employment contract is concluded in writing prior to beginning work. If the employer fails to do so, the employee has the right to request an employment contract in writing.

Make sure that the employment contract contains the following:

- the date of commencing employment;
- your position and duties;
- your work place;
- the working time per day or week;
- the amount of your salary and when it is paid.

The conditions of an employment contract shall be altered by mutual agreement and in writing.



LEAVE

Annual paid leave may not be shorter than 4 calendar weeks (28 calendar days), excluding public holidays. **Persons under 18 years of age shall be granted annual paid leave of one month.** If you have worked for your employer for at least half a year, you have the right to request your annual paid leave in full. Your employer can divide your annual leave into several parts only with your approval. One of these parts must not be shorter than two consecutive weeks. **It is prohibited to transfer to the next year your annual leave in full!**

Employees under the age of 18 shall be granted their annual paid leave in summer or at any other time of their choice. If an employee under the age of 18 years continues to acquire education, annual paid leave shall be granted as far as possible to match the holidays at the educational institution. Annual paid leave cannot be transferred to the next year in full or partially.

If your employer does not grant you leave, report it to the State Labour Inspectorate, because leave that has not been taken “expires” after a year and a half. The employee has the right to receive remuneration for the period of leave, as well as for the time worked up to the leave no later than one day prior to the leave.

Annual paid leave may not be compensated with money, except in cases when the employment legal relationship is terminated and the employee has not yet taken their annual leave. Annual paid leave is transferred or extended if you fall ill during your leave. **If you are taking a state exam, writing or defending your thesis, then as an employee you have the right to a study leave.** The length of this leave may not be less than 20 working days in a year. **Upon the employee’s request, the employer can grant them unpaid leave.** If you have donated blood, you are entitled to a day off.

If an employee has a child under the age of three, the employee may take their annual paid leave in summer or at any other time.

An employee is entitled to a break from work of at least 30 minutes, if their daily working time exceeds six hours! A half hour break shall be granted to employees no later than four hours after the start of work. During the break, the employee may leave their workplace. Any restrictions on leaving the workplace must be adequately substantiated.

WORKING TIME AND BREAKS

Depending on the length of working time, the following types of working time are possible: regular, regular shortened and part-time work.

Regular working time shall not exceed 8 hours per day and 40 hours per week. Regular shortened working

time is 7 hours per day and 35 hours per week, or 6 hours per day in case of a 6-day work week. In turn, part-time work is shorter than regular and regular shortened working time. **It is prohibited to employ in overtime or night shift work persons under the age of 18. Employees have the right to request part-time work in the following cases:**

- if you are pregnant;
- if you are breastfeeding;
- if you have a child under the age of 14;
- if you have a child with special needs.

Work performed beyond your normal working time is overtime work. It is to be an exception, and you are entitled to be paid for it.

Work may be organized in shifts or by determining aggregated working time. If an employee works shifts, the employer has the obligation to acquaint the employee with the shift schedule no later than one month prior to it coming into effect. In case of aggregated working time, the employee may disregard the regular daily or weekly working time. For example, they could work 12 hours a day Monday to Wednesday, 4 hours on Thursday, and not come in at all on Friday. Aggregated working time is often used at security companies. The employee must make sure that the employer registers the time worked according to actual fact. That way you will be certain that you are being paid in full.

The employer has the obligation to keep accurate accounts for each employee of total hours worked, as well as separately:

- overtime hours;
- hours worked at night;
- hours worked during the rest period of the week;
- hours worked on public holidays.

The employer must organize work in such a way that allows the employee to complete their work. For example, to complete it within the allotted working time. If a doctor has concluded that working at night adversely affects the employee's health, then the employee shall be granted a better suited working time during the day.

WORK SAFETY

The main objective of work safety is to ensure the safety and health of employees and their colleagues while at work.

A proper working environment:

- provides safe and healthy working conditions;
- reduces the risk of accidents at work;
- reduces the risk of developing an occupational illness;
- increases employee productivity;
- forms a much more competent and healthy workforce. Your employer is obliged to instruct you on work safety matters.



This includes:

- introductory training upon commencing employment relations with the employer;
- instructions at your workplace (initially when starting work; repeated training during the course of employment; extraordinary and targeted instructions);
- thematic training on specific issues of work safety.

Obligations of employees regarding work safety:

1. to take care of their own safety and health and the safety and health of those who are affected or may be affected by your work;
2. to use work equipment, dangerous substances, vehicles and other means of production in accordance

with the documentation determined by regulatory enactments (manufacturer's instructions, safety data sheets regarding chemical substances and chemical products, etc.);

3. to use collective protective equipment, as well as personal protective equipment given at your disposal in accordance with the documentation determined by regulatory enactments (manufacturer's instructions, safety data sheets regarding chemical substances and chemical products, etc.);

4. to observe safety signs, as well as to use the safety devices supplied for the work equipment and workplace in accordance with the documentation determined by regulatory enactments (manufacturer's instructions, safety data sheets regarding chemical substances and chemical products, etc.), and to refrain from arbitrarily starting, changing or removing the relevant safety devices;

5. to immediately inform the employer, the direct superior or the work safety specialist regarding an accident at work, as well as regarding any working environment factors which cause or may cause risks to the safety and health of persons, also regarding shortcomings in the work safety system of the company;

6. to participate in the work safety instruction and training organized by the employer;

7. to co-operate with the employer or work safety specialist in order to meet the requirements included in the opinions, warnings, orders or decisions of the State Labour Inspectorate regarding the work safety system of a company;

8. to co-operate with the employer or work safety specialist in ensuring a safe working environment and working conditions so that risks to the safety and health of employees are averted;

9. to attend mandatory health examinations in accordance with the employer's orders.

Employees have the right to refuse to perform work, if:

- the performance of the relevant work causes or may cause risks to the safety and health of the employee or other persons and these risks cannot be prevented in another way;
- the work equipment to be used or the workplace is not supplied with the necessary safety devices or the employee has not been given at their disposal the necessary personal protective equipment;
- the performance of the relevant work requires the use of such work equipment that does not conform to the professional preparedness of the employee or the work safety instructions and training provided by the employer;
- the warnings, orders or decisions of the State Labour Inspectorate regarding the work safety in the relevant workplace have not been observed.

The employee shall immediately inform their direct supervisor, the work safety specialist, a trustee or the employer of their refusal to perform the work. **An employee has the right to submit an application to the State Labour Inspectorate if they consider that the work safety measures taken by the employer, as well as the means granted and used are insufficient to ensure the safety and health of employees at work.**

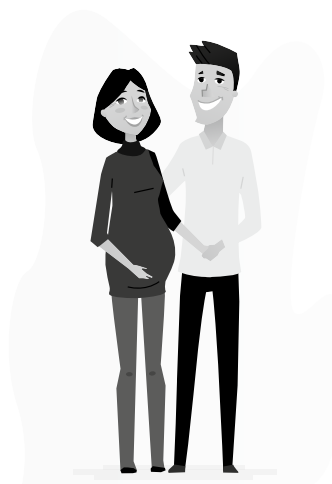
SOCIAL SECURITY

If an employee has been insured for all types of social insurance, the mandatory contribution rate (35,09%) shall be distributed among the types of social insurance as follows:

1. state funded pension insurance (hereinafter – pension insurance) – 24,50 %;
2. social insurance in case of unemployment – 1,84 %;
3. social insurance against accidents at work and occupational illness (hereinafter – work accident insurance) – 0,53 %;
4. disability insurance – 2,23 %;
5. maternity and sickness insurance – 3,65 %;
6. parental insurance – 1,34 %.

Social tax	11%
Personal income tax	20%/23%
Social tax, employer's contribution	24,09%
Business risk state fee	0,36

TO FIND OUT MORE ABOUT TAXES, VISIT www.vid.gov.lv



STATE PENSIONS

Latvia has established and implements a 3-tier pension scheme:

- **Tier 1** is a contribution-based pension scheme, which functions based on the principle of solidarity between generations – the contributions paid by socially insured persons are used for paying current pensions (Law on State Pensions);
- **Tier 2** or the state funded pension scheme is based on the principle of investing individual contributions, where an asset manager selected by the individual invests, without increasing the total rate for old-age pensions, part of the contributions that the person makes towards their old-age pension, in the capital market where these funds are invested in profit yielding assets (Law on State Funded Pensions);
- **Tier 3** is a voluntary private pension scheme (Law on Private Pension Funds).

This is an insurance system, which combines each individual's personal interest in providing for their old-age with solidarity between generations

The main principle of the pension system: the higher your social insurance contributions today, the larger your pension tomorrow.

In 2018, the minimum insurance period required for receiving an old-age pension is 15 years. In case of early retirement, the minimum insurance period is 30 years.

SICK LEAVE

Employed persons are entitled to compensatory income during illness. If a sick-leave certificate A has been issued, then the sickness pay is covered by the employer. In turn, for the sick-leave certificate B, the state pays a social insurance payment – a sickness benefit.

- **Sick leave certificates A are covered by the employer for a period of ten days.**
- **Sickness pay is paid for days (hours) when the employee should have been working.**
- **The employer is obliged to pay from their own funds sickness pay in the amount of no less than 75% of the average remuneration for the second and third day of sickness, and no less than 80% beginning from the fourth day of sickness.**
- **The employer is free to pay sickness leave in the amount of 100% of the employee's average remuneration.**



FIND OUT THE LATEST INFORMATION AT www.vsaa.lv

REMUNERATION, DISCIPLINARY ACTION AND DEDUCTIONS

Remuneration for work consists of your salary, additional pay, bonuses and any other remuneration related to your work (such as insurance premiums). **Remuneration for work must be paid at least two times a month**, unless you have agreed in writing with your employer on payment once a month.

If you have not agreed on the time of disbursement of remuneration or if the remuneration is to be calculated for a specified period of time, the remuneration in conformity with the work done shall be disbursed upon completion of the work or termination of the relevant period of time, but not less frequently than once a month. If you are employed based on normal working time, **your monthly remuneration must not be less than the national minimum salary of EUR 430.**

You have to receive the calculation of your salary every month. If you cannot understand it, ask for clarifications. If the nature of your job requires you to work overtime, agree on this with your employer in writing.

You have to receive additional pay of 100% for overtime. If you have to perform additional duties in addition to your direct responsibilities, agree with your employer on additional pay.

If you work the night shift (more than 2 hours between 10 PM until 6 AM), you are entitled to 50% additional pay. If you have to work on public holidays, you can take a day off on another day or receive additional pay in the amount of 100%. If you are contracted for part-time work, you are paid according to the time worked.

If the employer assigns an employee to a professional training or qualification top-up course, the employee shall be

paid their work remuneration for this period. If an employee is sent on a business trip, their work remuneration shall remain intact.

The day on which the employee undergoes the mandatory health examination shall be considered a paid working day. Work remuneration shall be paid for the day on which the employee donates blood in a medical facility, having given the employer prior notice. For violations at work, the employer has the right to apply disciplinary action against an employee in the form of a written warning or reprimand. Deductions from an employee's work remuneration is not legal disciplinary action.

It is the employee's obligation to treat the property of the employer with due care. Do not break or destroy property, take care of it, as that will make your job easier! Damages incurred at the fault of the employee may be deducted, upon written agreement, in the amount of 20% of the work remuneration, but maintaining the minimum salary.

POSTING ABROAD

If the company has concluded a contract with business partners from another EU country and employees have to go to this country for a certain period of time to ensure the execution of the contract, the company must comply with the rules regarding the posting of workers abroad.

These rules must be complied with even if an employee is posted to a subsidiary company in another EU country. In both cases an employment relationship must be established between the company and the posted worker.

Working conditions in the country of posting

For the duration of the posting, the company must guarantee to the employee working conditions and terms that are compliant with the legislative regulations of the country of posting or the collective agreement terms regarding:

- minimum rest periods;
- maximum working time;
- minimum annual paid leave;
- minimum salary – additional payments related to the posting (such as daily allowances) are considered part of the minimum salary, except if the company disburses these payments as compensation for actual expenses incurred by the posted worker (such as the cost of accommodation and travel);
- measures to protect pregnant women and mothers of young children, ensuring equal treatment for both genders.

If the working conditions and terms in the company's country of origin are more favourable for employees than those in the country of posting, then, of course, they may remain intact during the period of posting.



Rules regarding social security of posted workers

Employees who are temporarily posted to work in another EU country may retain the coverage provided by the national social security system of the country where they worked prior to the posting.

It must be noted that different rules regarding social security during postings abroad apply to employees and self-employed persons.

WORKING ABROAD

When seeking a job abroad, it must be noted that job advertisement for the local labour market will be in the local official language. Therefore, it is imperative to develop your language skills before venturing to seek a job abroad.

You can search job opportunities within the European Union and the European Economic Area (EU/EEA) on the European Job Mobility Portal (EURES) at www.eures.europa.eu. Job seekers and employers can register on the EURES portal free of charge. Registered job seekers can upload their CV online and create a skills passport that can be searched by thousands of employers from all across Europe that have registered on EURES.

It is advisable that before seeking a job in another country, you first study the database of available vacancies provided by the national employment agency of the relevant country, and find out about the most popular job advertising websites. Make use of any friends or acquaintances you have in the destination country who may provide you with advice on which job seeking tools would be best suited for you (such as local newspapers, employment agencies).

When leaving Latvia, it is advisable to obtain a U1 document regarding your employment and insurance period from the State Social Insurance Agency. This will be useful if, while abroad, you have to provide evidence of your

employment/insurance period for the time you have worked in Latvia.

What documents and materials should you bring with you when going to live or work abroad?

- ✓ A valid passport;
- ✓ Obtain your European Health Insurance Card (EHIC) from the National Health Service, so that you can receive emergency care and necessary medical assistance abroad free of charge;
- ✓ Education credentials (diplomas, professional qualification certificates and licenses, etc) and their translations in the relevant national or another applicable language;
- ✓ Your CV in the relevant national or another applicable language;
- ✓ Recommendations from previous employers in the relevant national or another applicable language;
- ✓ Your driver's license;
- ✓ Legal documents certifying your personal situation (marriage certificates, court judgements in civil suits, evidence of completing military service, etc.) and translations thereof;
- ✓ Status verification for your family members or dependants (usually a document issued by the competent authority in the country of residence certifying the dependants under your care or living in your household);
- ✓ A recent medical certificate or personal medical files (to facilitate work for your doctor abroad);
- ✓ Bank cards;
- ✓ Photos in document format;
- ✓ Bank account statements to facilitate the verification of your financial situation.

FIND OUT MORE AT www.nva.gov.lv

Information about foreign embassies in Latvia is available on the website of the Ministry of Foreign Affairs of Latvia: <http://www.am.gov.lv/lv/vestniecibas-parstavnecibas/>

USEFUL CONTACTS WHEN STARTING WORK

State Social Insurance Agency

The State Social Insurance Agency (SSIA) is a direct administration authority under the supervision of the Ministry of Welfare. The SSIA implements government policy regarding social insurance and state social benefits, and administers state service pensions and the state funded pension scheme.

Riga, Raunas iela 64, Vidzeme district, LV-1039
Tel.: +371 67185611
Consultative e-mail: konsultacijas@vsaa.lv
vsaa.gov.lv

State Employment Agency

The mission of the State Employment Agency is to improve employment prospects for the unemployed and job seekers and to help employers find the employees they need.

Riga, K.Valdemāra iela 38, LV-1010
Tel.: +371 67021706
E-mail: nva@nva.gov.lv
nva.gov.lv

State Labour Inspectorate

The State Labour Inspectorate (SLI) is a direct administration authority under the supervision of the Ministry of Welfare, its main function being to perform state supervision and control over employment legal relations and work safety. The functioning of the SLI is governed by the State Labour Inspectorate Law.

Riga, Kr.Valdemāra iela 38 k-1, LV-1010
Consultative infolines: +371 67186522, +371 67186523
E-mail: vdi@vdi.gov.lv
vdi.gov.lv

The mission of the SLI is to promote establishment and maintenance of safe, healthy and legal work environments by providing information and professional advice and implementing efficient supervision.

State Revenue Service

According to the Law on the State Revenue Service, the State Revenue Service is a direct administration authority under the supervision of the Minister of Finance, which ensures the accounting of tax payments and tax payers, the collection of state taxes, fees and other mandatory payments determined by the State in the territory of the Republic of Latvia, as well as collects, taxes, fees and other mandatory payments for the budget of the European Union, implements the customs policy and organises customs matters.

Rīga, Talejas iela 1, LV-1978
Tel.: +371 67120000
E-mail: vid@vid.gov.lv
vid.gov.lv

Free Trade Union Confederation of Latvia

A trade union is an independent non-governmental organisation, which represents and protects the labour and other social and economic rights and interests of its members in accordance with the Law on Trade Unions (in effect as of 1 November 2014), other legal acts in force and the by-laws of trade unions of the Republic of Latvia.

Rīga, Bruņinieku iela 29/31, LV-1001
Tel.: +371 67270351, +371 67035960
E-mail: lbas@lbas.lv
arodbiedribas.lv

Office of Citizenship and Migration Affairs

An authority under the supervision of the Minister of the Interior, which is responsible for the issuing of personal identification and travel documents, maintenance of the Population Register and implementation of the state migration policy, including repatriation and elaboration and implementation of policy regarding asylum seekers, determining the legal status of persons, naturalisation etc.

Čiekurkalna 1. līnija 1, k-3, LV-1026
Tel.: +371 67219639
Infoline: +371 67209400
E-mail: rigas.1.nodala@pmlp.gov.lv

Useful links

Information portal on labour rights:

www.darbatiesibas.lv

European Job Mobility Portal:

<https://ec.europa.eu/eures/public/lv/jobseekers-dashboard>

Public Administration Services Portal LATVIJA.LV

www.latvija.lv

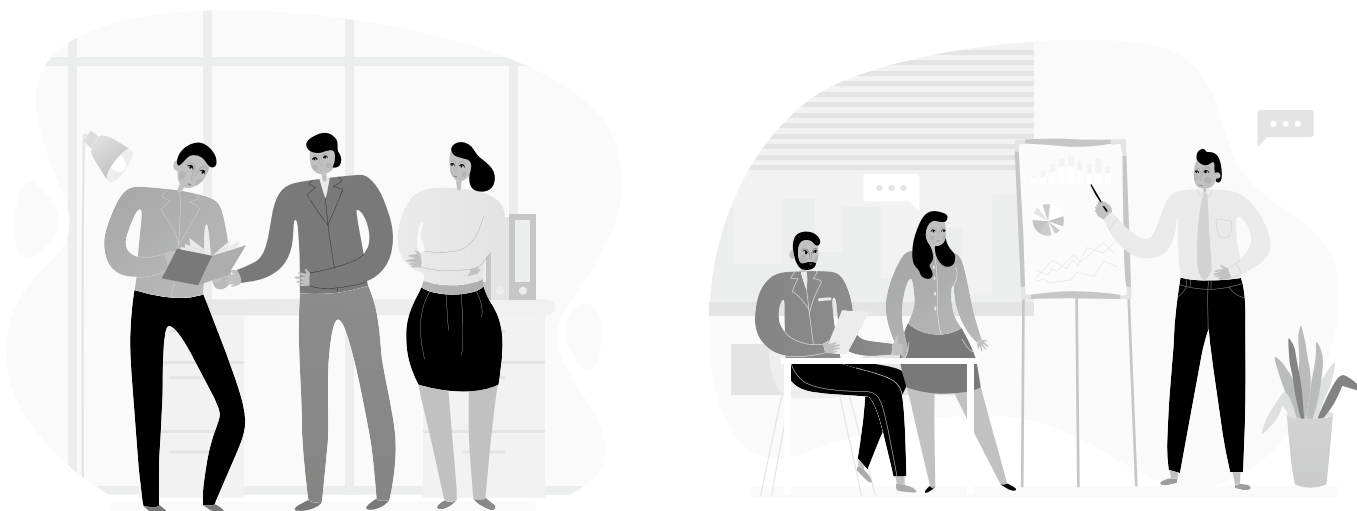
7. Tips for Young Workers: Bulgaria

BASIC INFORMATION ON BULGARIAN LABOUR LAW

The emergence of labour laws in Bulgaria is mainly related to the struggle of the working class and its organizations to create regulations to protect workers' rights. The first Bulgarian labour law was adopted in 1905 – the Law for protection of women's and children's labour in industrial establishments, and in 1907 the first Labour Inspectorate was established. A historic event is the joining of Bulgaria to the International Labour Organisation /ILO/ in 1920. Labour law regulates the tripartite relationship between employer, individual workers and employees and trade union, also defines and protects the rights and obligations of workers, as well as questions concerning the legal relationship between a worker/employee and employer. A number of international acts have a direct impact on Bulgarian labour legislation. These are Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948. - article 22 /the right to social security/, article. 23, paragraph 1 - 3 /basic labour rights/, article 23, paragraph 4 /the right to form and to join trade unions/, International pact on economic social and cultural rights /article 6 – article 10 basic labour rights of citizens/ and International Covenant on Civil and Political Rights /article 8 – prohibition of forced labour/. Also the European Convention on Human rights – ratified in Bulgaria in 1992, the European Social Charter of Council of the EU, The statutes of the International Labour Organization, the conventions and recommendations of the International Labour Organization (IOT), are acts that have a strong influence on our national labour legislation.

The Constitution of the Republic of Bulgaria as a supreme law sets the foundations of the national labour legislation - Art.5, para.4, Art. 16, Art. 48 - Art. 50 /basic labour rights to rest, strikes/. A basic law, governing labour relationships in Bulgaria is the Labour Code /amended and expanded. SG.no. 59 of 17 July 2018/. The Labour Code regulates labour relationships between the worker / employee and employer, as well as other relationships closely related to them. The aim of The Labour Code is to ensure dignified and equitable working conditions, the implementation of social dialogue, freedom and protection of labour. The Labour Code regulates the basic obligations of the parties to the employment relationships, working time, holidays and leave, labour discipline and property liability.

Other labour laws are the Collective Labour Dispute Resolution Act, Law on Safety and Health at Work, Employment Promotion Act, Law for guaranteeing workers' and employees' receivables in the event of employer's insolvency, Civil Servants Act, as well as a number of secondary legislations - Ordinance № 4 of 11.05.1993 concerning the documents requisite for concluding a labour contract; Ordinance № 5 of 11.05.1999 on the procedure, manner and frequency of carrying out risk assessment, Ordinance for conducting competitions for civil servants, etc. The ordinances, the regulations and instructions of the Council of Ministers , the internal acts of the employer and the collective agreements also make a significant contribution to the labour relations of society. Links to these acts can be found on the website of the Manual for Young Worker – /link to Young active worker manual website/.



INFORMATION ON WORKERS' / SERVANTS' RIGHTS

Often in a employer - employee relationship, the second one is in a more unfavourable position. Employees usually are familiar with their duties, but they know little about their rights. Here are some of your basic rights:

- In the course of exercise of labour rights and duties no direct or indirect discrimination, privileges or limitations shall be allowed on the grounds of ethnicity, origin, gender, race, skin colour, age, political and religious convictions, affiliation to trade union and other public organisations and movements, family and property status, existence of mental or physical disabilities.
- Right to be a member of trade union - employees are entitled, with no prior permission, to freely form, by their own choice, organisations to represent and protect them, as well as to join and leave them on a voluntary basis, conforming only to their statutes.
- Right to participate in enterprise management - through participation in trade unions. In this way, through trade union representatives, you have the right to participate in consulting procedures with your employer, to express opinion on measures, envisaged by the competent authorities to take into account when they take decisions. The worker is also entitled to participate in the general assembly of workers/servants in the enterprise.
- The right to social security - the employer is obliged to provide the worker in accordance with the legal requirements of the Social Insurance Code /SIC/ and the Health Insurance Act. The worker is entitled to receive benefits in the cases and in the order provided by the SIC.
- Right to have normal working time - The normal duration of the working time during the day shall be up to eight hours, with a normal duration of the weekly working time of up to 40 hours. The parties to the employment contract may agree to work part of the statutory working time - part-time. The amount of night work is also regulated, with certain categories of workers for which it is strictly prohibited. It is important to know that overtime is also prohibited, exceptionally it may be admitted, but with mandatory breaks, prescribed in Art.146 of the Labour Code.
- Right to rest – the working time of the worker or employee shall be interrupted by one or several rest breaks. The employer shall provide the worker or employee a rest break for a meal, which may not be shorter than 30 minutes, the worker is also entitled to an uninterrupted daily rest period which may not be shorter than 12 hours and a weekly rest period of at least 48 hours in conditions of a five-day working week.
- The worker has the right to rest on public holidays.
- Right to leave - the worker or employee may use his or her paid annual leave after acquiring at least eight months' length of employment service. The amount of basic paid annual leave shall be not less than 20 working days.
- The worker or employee shall be entitled to additional paid annual leave, entitled to other types of leave, entitled to unpaid leave;
- The worker or employee shall be entitled to leave and receive benefits for temporary disability, pregnancy and child-birth, raising a child up to 2 years of age, etc.
- Right to remuneration
- Right to safe and healthy working conditions - according to art.275, para 1 and LC and §1 item 1 of the Health and Safety at Work Act these are material conditions that eliminate or limit the unfavourable impact of the labour process on the workforce. According to §1 of the Supplementary Provisions of the Health and Safety at Work Act "Health and safety at work shall mean such work conditions as are not conducive to occupational diseases and accidents at work and create prerequisites for full physical, psychological and social well-being of the working persons". Healthy working conditions are conditions, which allow the normal functioning of the human body. They are expressed in terms of requirements for work-related conditions. The aim is to prevent the adverse effect of the work environment. Safe working conditions guarantee the protection of the physical and mental integrity of the human body and the prevention of external adverse effects on it. Unlike health conditions, the safety ones set requirements for handling work tools. Safety equipment, personal protective equipment, etc. are provided. The function of the Institute is the protection of labour by eliminating or limiting the hazards to the life and health of the workers, according to Art. 16 and Art. 48, para. 5 of the Constitution of the Republic of Bulgaria and Art. 1, para. 3 and Art. 275, para. 1 of LC.



The legal framework for safety and health conditions at work is contained in a number of international instruments – The International Convent on Economic, Social and Cultural Rights, the ILO Conventions and Art. 36 of the European Social Charter. In the Republic of Bulgaria, the institute is regulated by the CRB, LC, WCM, Ordinance №7 on the minimum requirements for health and safety at work and work equipment /1999 r./; Ordinance №16 for physiological norms and rules for manual work with weights /1999 r./ and others.

The employer has some basic obligations to ensure the safety and health of his employees:

1. He is obliged to create conditions for healthy and safe labour, according to the requirements of the Bulgarian legislation.
2. The employer is required to provide information regarding health and safety at work under the Comprehensive Occupational Assessment Ordinance. This is expressed by annual occupational risk assessments submitted to the Labour Inspectorate. Also, the employer is obliged to inform the workers about the possible danger of the labour process and the measures for overcoming them.
3. The employer must prevent and take into account occupational accidents and diseases - Ordinance on the establishments, investigation, registration and reporting of occupational accidents; Ordinance on the notification, registration, conformation, appeal and reporting of occupational diseases.
4. Identify one or more officials with appropriate education and training or establish a specialized service for the protection and prevention of occupational risks.
5. To provide employees with medical care from the Occupational Health Service.
6. Organise and hold training and instruction for employees on healthy and safe work conditions.
7. Take into account the specific hazards for workers and employees in need of special protection, including those with limited capacity, and to provide for them facilities for their jobs in the performance of their duties;
8. To consult with employees or their representatives and organizations in: discussing and adopting all measures relating to the health and safety of employees; the definition of employees who will carry out activities to ensure healthy and safe work conditions, first aid, firefighting and workers' evacuation; planning and organizing the training of workers and employees on health and safety at work.
9. Establish a committee or group on working conditions in the enterprise or organisation and in their structural units;
10. To organize initial and annual training of members of the committees and groups on working conditions.
11. Take the necessary measures to coordinate action to ensure health and safety at work when workers or employees of other employers work on a site or work site.
12. In working with high nerve-psychological load, rhythm, monotony and forced posture, a certain labour norm and in shift work to introduce psychological modes of work and rest.
13. In carrying out work involving a health and safety risk that can not be remedied by collective protection, provide workers with the necessary personal protective equipment and special workwear. Personal protective equipment (PPE), including special workwear, shall be provided to workers and employees under the terms and conditions laid down in Ordinance № 3 on the minimum safety and health protection requirements for workers using personal protective equipment at work place (SG, no. 46 of 2001). The main characteristic of PPE and special workwear is that they are specially designed to protect the health and safety of workers. They depend on the outcome of the assessment of the occupational and health risks of the specific workplace. PPE shall be provided to workers on the day of their entry into service. The employer shall inform in advance each worker of the risks from which personal protective equipment protects him/her. The employer provides the worker with personal protective equipment. The employer is obliged to perform periodic inspections of the PPE qualities, certified by protocols. Workwear is provided in order to protect personal clothing. Uniform clothing is provided when performing the duties requires distinction of the workers and employees from the rest of the population as well as with regard to the activity of the enterprise. The employer, after preliminary consultations with the representatives of the trade unions, with the representatives of the employees under Art. 7, para. 2 of the Labour Code and the Committee/the group on working conditions, shall be obliged by a written document to determine: workplaces and types of work for which work clothing is provided; workers and employees who are entitled to such clothing; the type, characteristics and distinguishing marks of the working clothing and/or uniform clothing; expiration of the term designated as fit to wear/use and conditions of use, and it is not allowed to change working clothing and/or uniform clothing with money.
14. Take measures to prevent adverse effects in exceptional circumstances, taking into account the specific nature of the activity and the size of the enterprises, by providing an organization to eliminate the hazard, to provide first-aid help, fire-fighting and evacuation of workers and employees.
15. To insure workers at risk of "occupational accidents" in the event of a danger to their life and health.
16. To set up a monitoring and control organization by the direct managers and other officials of the enterprise to implement the measures taken to ensure healthy and safe working conditions and to seek responsibility for the detection of violations.

It is important to know that the worker has the right to refuse to perform, or to stop work, when a serious and imminent danger to his or her life or health arises. In these cases, the worker must notify his supervisor, and the continuation of work is only allowed after the hazard has been removed.

In turn, the worker is also required to comply with the technical and technological rules and the rules on health and

safety at work. For example workers should actively participate in the care of their own health and safety.

1. Proper use of machinery, apparatus, instruments, hazardous substances and materials, means of transport and other work equipment;
2. To use properly their personal protective equipment and special work clothes and return them to the appropriate storage location after use.
3. To use properly and as intended, and not to remove, interrupt, disable or alter the collective protective equipment and the safety devices fitted to the machinery, apparatus, instruments, enterprises or buildings. Any working person who temporarily removes a protection device or marking during repair, installation, overhaul or other, shall be obliged to restore it immediately or to undertake other protection measures of identical effectiveness.
4. To inform immediately the employer or competent officials of any situation which has occurred at work and could present immediate danger for their health, as well as of all faults in the collective protection means;
5. To assist the employer for the safety and health at work in implementing the measures for ensuring healthy and safe working conditions, and the prescriptions by control bodies.



The employer may also introduce reduced working hours and /or additional paid annual leave to workers if it is not possible to completely prevent or significantly reduce the risks to their life and health. The legal grounds for the reduction of working hours and additional leave are laid down in the Labour Code (LC) (Articles 137 and 156), and the conditions and procedures for their establishment by relevant regulations: Ordinance defining types of work for which reduced working hours are established (SG. no.103 of 2005) and Ordinance defining types of work for which additional paid annual leave is established (SG. no.103 of 2005).

Reducing the working time leads to limiting the risks to workers' health by distinguishing between two groups of workers – entitled to a 6-hour and 7-hour working day. **Additional paid annual leave** allows longer annual rest for workers who work under conditions that have an adverse impact on their health. The amount of the additional paid annual leave may not be less than 5 working days within one calendar year.

For enterprises of a specific nature and organization of work, the employer must provide workers with free meals and/or supplements to them - Ordinance № 11 laying down the terms and conditions for provision of free food and/or supplements to it (SG, no. 1 of 2006).

- The initial and continuing training, in accordance with the position and nature of the work.

If your rights are violated, and in order for the trade union to protect you, you must be a trade union member in the enterprise where you work. You can also report/complain to the Regional Labour Inspectorate, and seek legal protection. In case of trade union membership, you can take advantage of free legal advice and direct protection and contracting with an employer.

SOCIAL SECURITY

It is important to be aware of the main monetary deductions that are charged on wages.

- Fund „SSI“ /state social insurance/ - the fund is a form of organized material protection for the workers for loss of income. The social security contributions are paid in proportion to the social risk for which the persons are insured.
- Fund „SCPI“ (Supplementary compulsory pension insurance) in the Universal Pension Fund – supplementary compulsory pension insurance entitles to a second pension and the possibility of earning an early retirement pension for the working class I and II workers.
- Fund „HI“ – Health Insurance is an activity for collecting health insurance contributions and bonuses for the payment of health actions, services and goods. They are imported jointly by the employee and the employer.
- DDFL– personal income tax, amounting to 10%.

We should ensure that they are correctly imported, as they provide us with protection in the event of certain social risks - eg. General illness, occupational accidents, occupational disease, disability, maternity, unemployment, old age, etc. It is good idea to take care of our future and not to agree to be provided with a minimum wage and actually get more money in the hand.

From 01.01.2018 the minimum wage in the country is 510 leva. /260,76 euro/ Its size increased by 10,9 %, compared to the previous year with the minimum hourly wage being 3,07 leva. According to the Medium-Term Budget Forecast

for the period 2019-2021, the minimum wage is expected to increase to 650 leva, as it will rise gradually each year by 40-50 leva. Thus on 01.01.2019. – The minimum wage must be 560 leva, the beginning of 2020. – 610 leva and the beginning of 2021. – 650 leva. At present the main deductions for the minimum wage are as follows:

1. Remuneration		510 leva
2. Gross remuneration		510 leva
3. Social Security income at the expense of the employee		510 leva
4. The funds of the DSS	8.380 %	42.74 leva
5. fund „Supplementary Compulsory Pension Insurance“	2.200 %	11.22 leva
6. „Health Insurance“ fund	3.200 %	16.32 leva
7. Total social security contributions at the employee's expense	13.780 %	70.28 leva
8. Tax (DFL)	10.000 %	43.97 leva
9. Net amount to receive		395.75 leva

BASIC INFORMATION WHEN WORKING ABROAD

After the signing of Bulgaria's EU Accession Treaty, Bulgarian citizens can benefit from the free movement of workers, the common system mutual recognition of qualifications and social security systems. Some countries may have special residence and work requirements, so it is important to know the specific conditions in each case. The Employment Agency could assist you and provide you with information about vacancies abroad. It is especially important, when contacting intermediary companies, through advertisements on the Internet, to check the information from several different sources, e.g. if the foreign business is registered, contact a staff member, check if the advertised phones correspond to those on the company's official website, be informed about all country requirements for your country registration. Useful information on working abroad can also be found on the European job mobility portal /EURES/, which acts as a cooperation network between the European Commission, the Public Employment Services (PES) in the countries of the European Economic Area (the 28 Member States of the European Union / EU/, Norway, Iceland and Liechtenstein) and the Swiss Confederation. You can also contact the Labour and Social Affairs Departments of the Ministry of Labour and Social Policy at the diplomatic representations of the Republic of Bulgaria in the Republic of Austria, the Swiss Confederation, the Republic of Greece, the Republic of Cyprus, the United Kingdom of Great Britain and Northern Ireland, the Kingdom of Spain and the Federal Republic of Germany. The services could help protect your interests, provide you with information and support, advice on specific inquiries. Also, if you are a member of a trade union, you could benefit from the preferences for workers, agreed between the trade union and its international trade union partners when concluding bilateral agreements. A concrete example of this was signed by CL „Podkrepa“ in 2010. Protocol on bilateral cooperation with the British Trade Union Congress /TUC/. As a result of good bilateral relations the TUC develops a dedicated site where information on UK workers' employment rights is presented. The full information on the international activities of CL „Podkrepa“ can be found on the official page of the trade union in the „International Activity“ menu, „Bilateral Agreements“ section.



LINKS TO NORMATIVE ACTS:

The Constitution of the Republic of Bulgaria - <https://lex.bg/laws/ldoc/521957377>;

Labour Code - <https://lex.bg/bg/laws/ldoc/1594373121>;

Law on Settlement of Collective Labour Disputes - <https://www.lex.bg/laws/ldoc/2132290049>;

Law on Safe and Healthy Work Conditions - <https://lex.bg/bg/laws/ldoc/2134178305>;

Employment Promotion Act - <https://lex.bg/en/laws/ldoc/-12262909>;

Protection of employees in case of insolvency of the employer - <https://www.lex.bg/laws/ldoc/2135484022>;

Civil Servants Act - <https://lex.bg/bg/laws/ldoc/2134673408>;

Ordinance for conducting competitions for civil servants - <https://lex.bg/index.php/laws/ldoc/2135477172>;

Ordinance № 4 of 11.05.1993 on the documents necessary for the conclusion of a labour contract - <https://lex.bg/bg/laws/ldoc/-551266300>;

Ordinance № 5 of 11.05.1999 on the order, manner and periodicity of conducting a risk assessment - <https://lex.bg/bg/laws/ldoc/-549691391>;

Ordinance № 7 of 23.09.1999 on minimum requirements for health and safety at work and upon use of working equipment - <https://lex.bg/bg/laws/ldoc/-549670400>

Ordinance № 5 of 11.05.1999 on the order, manner and periodicity of conducting a risk assessment - <https://lex.bg/bg/laws/ldoc/-549691391>

Ordinance № 3 on the functions and tasks of officials and specialized services in enterprises to organize the implementation of activities related to the protection against occupational risks and the prevention of these risks - <https://lex.bg/en/laws/ldoc/-549931007>;

Ordinance № 3 of 25.01.2008 on the conditions and the order for performing the activity of the occupational medical services - <https://www.lex.bg/laws/ldoc/2135579273>;

Ordinance № 3 for the form, the content, the order and the way of filling and storing the declaration under Art. 15, para. 1 of the Health and Safety at Work Act - <https://lex.bg/en/laws/ldoc/2135667086>;

Ordinance № 15 of 31.05.1999 about the conditions, the order and the requirements for development and introduction of physiological regimes of work and rest during work - <https://www.lex.bg/laws/ldoc/-549687807>;

Ordinance № 3 of 19.04.2001 on minimum safety and health requirements for workers when using personal protective equipment at the workplace - <https://lex.bg/bg/laws/ldoc/-549167616>;

Ordinance on the compulsory insurance of employees for the risk of „accidents at work“ - <https://lex.bg/bg/laws/ldoc/2135516478>;

Ordinance defining types of work for which reduced working hours are established - <https://www.lex.bg/laws/ldoc/2135514185>;

Ordinance defining types of work for which additional paid annual leave is established - <https://lex.bg/bg/laws/ldoc/2135514186>;

Ordinance № 11 of 21.12.2005 to determine the terms and conditions for provision of free food and /or supplements to it - <https://www.lex.bg/laws/ldoc/2135514759>;

Ministry of Labour and Social Policy - <https://www.mlsp.government.bg/>;

Employment Agency - <https://www.az.government.bg/>;

Executive Agency „General Labour Inspectorate“ - <http://www.gli.government.bg/>;

EURES - <http://eures.bg/>;

CL „Podkrepa“ - <http://podkrepa.org>.

8. Tips for Young Workers: CROATIA

GENERAL INFORMATION ON NATIONAL LABOUR LAW

The main laws that regulate employment in the Republic of Croatia include Labour Acts, Wage Directives, Social Security Acts and Employment Protection Acts. Employers, employees and trade unions can stipulate working conditions more favourable to the employees than the ones prescribed by the Croatian labour acts as well as less favourable if authorised to do so.

- **Narodne novine 93/2014**
- **Narodne Novine 127/2017**
- **Narodne novine 16/2017**

INFORMATION ON RIGHTS OF WORKERS

General Rights:

- direct or indirect discrimination in the field of work and working conditions is prohibited, including selection criteria for employment, promotion, vocational training and the like,
- conclude an employment contract for an indefinite period - a fixed-term work contract is an exception, which must be justified by objective reasons; term work can last up to 3 years for the same employer,
- the employer is obliged to provide the worker with conditions to work in a safe manner that do not endanger his life, health, and privacy,
- the right to education, education, training and training in accordance with the capabilities and needs of the work.

Employment contracts:

An employment relationship is based on a written employment contract. If the employer does not conclude with the employee a written employment contract before the start of work or issue a written confirmation of the conclusion of the contract, the contract made with the worker is considered to be of indefinite duration. The employer shall provide the worker with a copy of the application for mandatory pension and health insurance within fifteen days of the conclusion of the employment contract or of starting work.

An employment contract must contain all the essential conditions and at least information on:

- the parties and their residence or seat,
- the place of work,
- the job title or a brief list or description of duties,
- the date of commencement of work,
- the expected duration of contract in the case of fixed-term employment,
- the duration of annual leave or method of determining the duration of annual leave,
- notice periods or the method of determining notice periods,
- the basic salary, salary supplements and salary payment periods,
- the duration of a normal working day or week.



A probationary employment contract may be concluded for a fixed period. Having completed the probationary period, the employee takes a professional examination if required. If a professional examination or work experience is established as a requirement for the performance of duties of an occupation, the employer may admit a person who has completed training for such occupation for further professional training without employment. A person professionally trained for work is subject to provisions on labour relations with the exception of those relating to the conclusion of an employment contract, wage and benefit payments and termination of employment.

Types of employment

Persons older than 15 years and younger than 18 can be employed unless they are attending compulsory primary education. Minors may not be employed in jobs that could endanger their safety, health, morals or development. An employment is normally concluded for full time work for an indefinite period.

Fixed-term work contracts may be concluded because of a temporary increase in the scope of work, to replace absent workers and so on, but only in exceptional cases may such contracts be consecutively concluded for a period exceeding three years.

The probationary period is defined by the contract but cannot last longer than six months. A worker who has entered into a part-time work contract with one employer may enter two or more contracts with several employers up to the full-time total.

Seasonal employment is mostly found in hospitality and tourism (mainly in the Adriatic region), agriculture, commerce and the food industry. If an employer operates mainly seasonally, permanent seasonal jobs may be covered by a fixed-term contract for permanent seasonal work. In this case, the employer is obliged to pay pension contributions for workers during idle periods.

A person who is being employed for the first time in the occupation for which he/she was trained can be accepted on a probationary basis or be given professional training without an employment contract, which is one of the active employment policy measures.

Self-employment is taken to include trade and craft activities, free professions (medical professionals, veterinarians, lawyers, notaries, auditors, engineers, architects, tax consultants, bankruptcy trustees, interpreters, translators, tourism workers, scientists, writers, inventors, journalists, artists, athletes etc.), and agriculture and forestry.

In the case of temporary employment through recruitment agencies, workers sign with the agency a contract for a definite or indefinite period of time, and the agency concludes an agreement with the end user about the assignment of workers for a period of up to one year. If the agency has concluded with a worker a contract of indefinite duration it is obliged, in periods when the worker is not assigned, to pay him wages in the amount of the average wage paid to him in the previous three months

Termination of the employment contract

Both the employer and employee may terminate the employment contract.

There are two basic types of employment contract termination:

1. Regular termination
2. Exceptional termination

1. Employer may terminate the employment contract subsequent to a prescribed or agreed termination notice period (regular dismissal), if there is a valid reason, i.e.:

- If there is no longer the need for a certain type of work due to economic, technical or organizational reasons (notice due to business reasons)
- If the employee is not capable of fulfilling his duties established by the contract regularly due to certain permanent characteristic or capabilities (notice due to personal reasons), or
- If the employee breaches the obligations from the work contract (notice due to employee's misconduct)
- If the employee does not meet obligations from the trial work (notice due to inadequacy on trial work).

Notices due to business and personal reasons are allowed only if the employer cannot engage the employee to do some other job. In case of notice due to business reasons, the employer is not allowed to hire another worker to do the same job for at least six months.

Before the regular notice due to employee's misconduct, the employer is obliged to warn the employee in writing about the obligations stemming from the employment contract and to present him/her with the possibility of the termination of the employment contract in case of continuing in breaching of those obligations, unless there are circumstances because of which it is not reasonable to expect that the employer should do this. Prior to regular or exceptional termination due to the employee's misconduct, the employer must allow the employee to present his/hers defence, unless there are circumstances because of which it is not reasonable to expect the employer to do so.

Employee can terminate the employment contract within the prescribed or agreed notice period, without specifying a reason for it.

2. Employers and employees have just cause to terminate the employment contract concluded for an indefinite

or definite period of time, without obligation to comply with the prescribed or agreed notice period (exceptional termination), if due to a serious breach of an employment relationship or other highly important fact, and considering all circumstances and interests of both parties, continuation of an employment relationship is not possible. Employment contract can be extraordinarily terminated only within fifteen days period from the date of learning of the fact on which the exceptional termination is based.

Termination of an employment, as a unilateral statement of employer's intent, must be given to the employee in writing. The employee has the right to apply for protection of his/her rights within 15 days of the delivery. If the employer does not comply with the employee's request within fifteen days of the receipt of the request, the employee may, within next fifteen days seek protection of his/her rights before the court.

Notice period is determined by the length of employment and it is defined by law (it varies between two weeks for employees who were employed for less than one year to three months for employees whose employment has lasted for 20 consecutive years). Notice period starts on the date of delivery of notice of the termination of employment.

Pension

Pensions may be age (early and full) or disability related (due to professional or complete inability to work). Entitlement to an old age pension is acquired at the age of 65 and with at least 15 years of pensionable service, and the right to an early retirement pension is acquired when the insured reaches the age of 60 and 35 years of pensionable service.

Pension fund contributions are paid in two pillars.

The 1st pillar (15%) is based on generation solidarity, meaning current retirements are paid out from these funds.

The 2nd pillar (5%) is personal for each employee.

If the employee's salary exceeds this base during the year, only 5% for the 2nd pillar is calculated.

Working Hours

According to the Labour Act, the maximum workweek is 40 hours. For any work of six or more hours a day, a break of at least 30 minutes is obligatory and must be included in the working time. The workweek may not exceed six days. However, the number of days that can constitute a workweek is not determined by law, i.e. it is not specified whether a workweek is five days or six. The maximum daily work time may not exceed 12 hours for all working activities, except seasonal activities which permit a maximum of 14 hours a day.

Where there are justifiable reasons, a worker may work overtime at the employer's request, but not more than eight hours a week, 32 hours per month or 180 hours per year. Overtime is paid at a higher rate or you can have days off instead of a payment.

Minimum wages

The main laws that regulate employment in the Republic of Croatia include Labour Acts, Wage Directives, Social Security Acts and Employment Protection Acts. Employers, employees and trade unions can stipulate working conditions more favourable to the employees than the ones prescribed by the Croatian labour acts as well as less favourable if authorised to do so.

Labour wages in Croatia are regulated by laws, collective contracts, individual contracts, and by internal company bylaws. The minimum wage is determined annually by the Government each year and increases based on the real GDP growth from the previous year.

Payroll Calculation Procedure

The monthly payroll calculation depends on the number of days or hours the employee has worked during the relevant month. The gross salary is calculated and then all statutory contributions such as wage tax and social security are calculated and deducted from the monthly gross salary. The net salary is paid to the employee while the deductions are forwarded to the relevant authorities.

In 2018, the national minimum wage in Croatia remained fixed at 462.3 € per month, that is 5,548 euros per year, taking into account 12 payments per year.

If we look at the minimum salary in Croatian kunas, which is the official currency in Croatia, we can see that, this year, it was 3,439.8 Croatian kunas and accordingly, the national minimum wage has been raised 163.8 Croatian kunas per month from the previous year, 5% in the last year.

Vacation and Leave:

A worker has, for each calendar year, the right to paid annual leave of at least four weeks, and this right may be exercised after six months of starting work. To the basic number are added days of annual leave to account for difficult conditions, job complexity, age, family status or work performance, and with most employers the maximum annual leave cannot exceed 30 working days. Public holidays and non-working days specified by law are not included in the duration of annual leave. A period of temporary incapacity for work declared by an authorised physician is not included in the duration of annual leave. A worker may not waive the right to annual leave nor exchange the use of annual leave for money. During the calendar year a worker is entitled to paid leave of up to seven days for important personal needs (marriage, spouse's childbirth, severe illness or death of a close family member). An even longer duration of paid leave can be set by collective agreement, work regulations or employment rules. An employer can grant a worker's request for unpaid leave, during which time the rights and obligations arising from employment are suspended.

Sickness leave

Employees are entitled to a maximum of 42 days of paid sick leave per year. The amount that is paid during sick leave depends on the employment agreement; however, it cannot be less than 70% of the average daily wage in the 6 months preceding the sick leave.

After 42 days, the income replacement benefit is calculated and paid out by the employer and reclaimed by the HZZO (the Croatian Health Insurance Fund).

Protection of pregnant women, parents and adoptive parents:

- the right of pregnant women to equal treatment - the employer may not refuse to hire a woman or cancel her employment contract due to pregnancy and must not ask the worker for any pregnancy information unless the worker personally requires a specific right to protect her pregnant;
- the right of the pregnant woman or the woman who gives the child the opportunity to propose to the employer to conclude a labour contract under the amended terms and conditions for carrying out other relevant tasks;
- the right to use maternity, parental leave, maternity leave, part-time work, short-time working due to child's upbringing, the leave of a pregnant woman or a mother giving birth to a child, the right to work in reduced working time for child care serious disruptions in development, in accordance with special regulations, and the right to consider such periods as full-time work if the prior employment relationship is important for the acquisition of certain employment rights or employment relationships;
- ban on dismissal;
- the right of the worker to cancel the employment contract by an extraordinary cancellation;
- the right to return to the previous or appropriate affairs.

The amendment to the Maternity and Parental Benefits Act (Official Gazette No. 59/2017) has been adopted. The pay compensation to persons taking parental leave (employees and self-employed persons) has been raised.

Protection of workers who are temporarily or permanently incapable of work:

- prohibition of termination of employment contract during temporary disability if the same is caused by work injury or professional illness;
- the right to return to the previous or corresponding employment of a worker temporarily unable to work;
- the right to employment in other jobs;
- the right to severance pay is at least twice the amount due to the worker if the worker has suffered a work injury, or has been afflicted with a professional illness, and is not returned to work upon completion of treatment and recovery;
- advantage in vocational training and education.

Work safety

Every employer has an obligation to make a risk assessment, i.e. its amendments and amendments under the prescribed conditions. One can do it alone or can give it to the authorized person.

All employers must, in the prescribed manner, provide training for workers to work in a safe manner (training is done by employers themselves for their employees or performed by authorized persons).

Physical factors (microclimate, noise and lighting) and chemical factors (hazardous materials - dust, gases, smoke,

biological agents, etc.) of the working environment are periodically examined by the authorized persons every three years if such obligation arises from the risk assessment.

SOCIAL SECURITY

Tax Requirements

Taxes are typically withheld at the source, and an international payroll will need to account for income, social security, and other insurance taxes. Progressive income tax is 40% for those at the top earning bracket, 25% for those in the middle, and 12% for those at the bottom. Foreign businesses are taxed on all profits made in Croatia. Taxes in Croatia are competitive, with a 20% corporate tax rate. Employer contribution to health insurance is 13%, and VAT is 25%. Again, businesses are required to have an accountant to manage taxes.

Social Insurance Contributions

Social Security contributions payable by the employee are subject to a ceiling amount defined by law.

Employer: 17.2% calculated and paid on top of the gross salary.

Croatia does not have a state-sponsored social security system other than the following:

- Health Insurance: 15% employer contribution.
- Unemployment Insurance: 1.7% employer contribution.
- Accident Insurance: 0.5% employer contribution.

Employee: 20% calculated and deducted from the gross salary.

In order to stimulate the involvement of young people in the labour market, employers are exempt from paying social security contributions for a period for 5 years if they hire a person of less than 30 years of age under a permanent contract.

GENERAL INFORMATION ON WORKING ABROAD

As a European Union (EU) citizen, you have the right to live and work in any other EU country. If you are an EU national or a dependant of such a national and you meet the requirements of the EU Directives on free movement of workers, you may not, in general, be refused permission to land in another EU country. You may require a valid identity card or passport.

Do you need a visa?

Some EU countries require you to register within three months of working in their country to prove you have a right to live in that country, so make sure you double check before heading over there to work.

Other documents you may need include:

- Identity card
- Proof of employment
- Evidence that you have enough income to support yourself
- Proof of health insurance



If you are going to work outside the EU, you may need to get a visa. Requirements vary from country to country so your best advice is to check your destination's embassy or consulate website for all the latest information on visa requirements.

Your new overseas employer should also be able to help here, but always double-check your information.

Health costs

Find out how much medical treatment costs in your destination. Make sure you get health insurance if your employer doesn't provide this.

Before accepting a job abroad, ask yourself these questions:

- a) What hours will you work?
 - b) Will you be paid weekly or monthly?
 - c) Will you be offered an induction or briefing course before starting work?
 - d) How safe is the country/area you are moving to?
 - e) Are there any cultural values I should be aware of? Could you cope with it?
 - f) What kind of insurance does your new employer provide? Does it cover personal injury/medical expenses?
 - g) Does the policy cover repatriation if you become ill? Could you have a copy of this policy to check the cover?
- Etc.

CONTACT INFORMATION OF ORGANIZATIONS ASSISTING WORKERS

The European portal on professional mobility- EURES

Croatian Employment Service
Phone: +3851 4699 959
<http://www.hzz.hr/default.aspx?id=18069>

Croatian Employment Service

Phone: +385 16444 000
e- mail: eukoordinacija@hzz.hr

Croatian Pension Insurance Institute

Address: A. Mihanovića 3, 10000 Zagreb
Phone: +385 1 4595 500
www.mirovinsko.hr

Croatian Institute for Health Insurance

Address: Margaretska 3, 10 000 Zagreb
Free phone in Croatia : 0800 7979
www.hzzo.hr

Ministry of Finance - Tax Administration

Free phone in Croatia 0800 1001
www.porezna-uprava.hr

Ministry of Labor and Pension System

Labor inspectorate- central office
Petračičeva 4, 10 000 Zagreb
e- mail: prijave.središnjured@mrms.hr
phone: +3851 3696 486
www.mrms.hr

BRID- a base for workers' initiative and democratization

Trg kralja Petra Krešimira IV, no. 2, 10 000 Zagreb
www.brid.coop
or www.radnickaprava.org

CMC- Centre for Peace Studies

Selska cesta 112a, 10 000 Zagreb
Phone: +38514820094
cms@cms.hr
www.cms.hr

Friedrich- Edbert-Stiftung

Praška 8, 10 000 Zagreb
Phone: +38514807 970
max.braendle@fes.hr

The Croatian Association of Workers' Unions

Gajeva 10, 10000 Zagreb
E-mail: hurs@hurs.eu
Phone: 01 / 4655 622
www.hurs.eu

Association of Croatian Trade Unions

Trg marsala Tita 4, 10 000 Zagreb
Phone: +3851 4882 335
tajnistvo@matica-sindikata.hr

Independent Croatian trade union

Trg Francuske Republike 9/V
10 000 Zagreb
phone +3851 3908 620
nhs@nhs.hr
www.nhs.hr

Union of Autonomous Trade Unions of Croatia

Trg kralja Petra Krešimira IV, no.2, 10 000 Zagreb
+3851 4655 013
+3851 4655 616
sssh@sssh.hr
www.sssh.hr

9. Tips for Young Workers: HUNGARY

GENERAL INFORMATION ON NATIONAL LABOUR LAW

- According to the Fundamental Law of Hungary every person shall have the right to freely choose his or her work, occupation and entrepreneurial activities. Employees, employers and their representative bodies shall have a statutory right to discuss and conclude collective agreements, and to take any joint action including strikes of employees in defence of their interests. Also, Hungary's ultimate source of law declares that every employee shall have the right to working conditions that respect his or her health, safety and dignity, to daily and weekly rest breaks and annual paid leave.
- In Hungary, primarily it is the Act I of 2012 of the Labour Code that regulates issues related to employment relationship. The Act contains cogent and dispositive provisions, therefore it is prohibited to derogate from some of the provisions whilst certain provisions allow for the derogation in favour or sometimes in disfavour of the employee. Compared to its previous version, the Act currently in force significantly extended the role of collective agreements (in the interest of more flexible, reflexive and autonomous employment regulation).
- In addition, several separate acts less understandable for lay people deal with social insurance, tax legislation, pension insurance, safety at work, labour supervision, strike issues, which are of relevance from the aspect of employment relationship.

INFORMATION ON RIGHTS OF WORKERS

General:

- In Hungary discrimination is prohibited even in the recruitment process, i.e. in the course of applying for a job, and throughout the entire duration of the employment relationship. For the determination of the equal value of work – on the basis of the equal wage for equal work principle – the Labour Code itself describes certain criteria (for instance the nature and quality of the job, the degree of responsibility, etc.).
- The majority of employees' rights are described as the obligation of employers: for instance, employers shall employ their employees in accordance with the rules and regulations pertaining to contracts of employment, employment regulations and the provisions of other relevant legislation, and provide the necessary working conditions.

Work safety

- Employee shall only be employed for jobs which is not harmful to their physical conditions, health or development; the responsibility for the implementation of health and safety lies with the employers.
- Employees shall refuse to carry out an instruction if it resulted in direct and grave risk to the health of others or to the environment, or it resulted in direct and grave risk to the life, physical integrity or health of the employee.
- Employees shall be exempted from the requirement of availability and from work duty for the duration of mandatory medical examination.
- Pregnant women shall be offered a job fitting for her state of health if considered unable to work in her original position according to a medical opinion from the time her pregnancy is diagnosed until her child reaches one year of age. The pregnant woman shall be discharged from work duty if no position appropriate for her medical condition is available.
- Employers shall consult the works council in respect of any plans for actions and adopting regulations measures for compliance with occupational safety and health requirements, and for the prevention of accidents at work and occupational diseases.

Working conditions

In general it is left to the contractual freedom of the parties to derogate from the provisions stipulated in the Labour Code. Basic principles apply to prohibit discrimination, ensure healthy and safe working conditions, prohibit wrongful exercise, and parties shall cooperate and inform each other, etc.

Minimum wage

In Hungary two (+1) types of minimum wages are determined in a Government Decree. The amount of the lowest statutory wage is approx. EUR 438, whilst the amount of the guaranteed minimum wage is approx. EUR 573.

The 'third' category is the so called public work program criticized widely, where the remuneration is lower than the lowest statutory minimum wage.

Working hours

- According to the general rule the daily work time is eight hours long. Exceptions are the stand-by type of jobs – for instance gatekeeper – where even 24-hour work may be ordered.
- In the case of working time framework the scheduled working time of an employee may be maximum twelve hours per day and at most forty-eight hours per week including extraordinary work performed on the same day.
- In connection with full-time jobs, two hundred and fifty hours of overtime work can be ordered in a given calendar year but the collective agreement may increase this to three hundred hours.
- Employees shall be entitled to two rest days in a week.
- Employees shall be ensured at least eleven hours of uninterrupted rest period after the conclusion of daily work and before the beginning of the next day's work.
- If the scheduled daily working time exceeds six hours, twenty minutes of break shall be provided for the employee, and if it exceeds nine hours an additional twenty-five minutes of break shall be provided.

Vacations and Leave

- In every calendar year employees are entitled to paid annual leave based on the time spent at work, comprising of basic and additional vacation. The amount of basic vacation shall be twenty working days whilst the duration of additional vacation increases with age, and the number of children under 16 years of age is also taken into consideration.
- Young employees shall be entitled to five extra days of vacation each year, the last time such benefit applies shall be the year when the young employee reaches eighteen years of age.
- Employers shall allocate seven working days of vacation in a given year in not more than two parts, at the time requested by the employees.
- Vacation shall be allocated for employees in such a way that the employee is exempted from obligation of work or availability for at least fourteen consecutive days each calendar year.
- Employees shall be notified of the scheduled date of their vacation no later than fifteen days before the first day of vacation.
- Sick leave: for a period of illness employees shall be entitled to fifteen working days of sick leave in each calendar year.
- Maternity leave: Mothers shall be entitled to twenty-four weeks of maternity leave, of which two weeks should by all means be taken.
- Unpaid leave: Employees shall be entitled to unpaid leave for a maximum of two years for providing care for a relative who is permanently ill for an expected duration of more than two months.

Protection of pregnant women, parents and adoptive parents

- Prohibition of termination: the employer may not terminate the employment relationship by notice during pregnancy, maternity leave and unpaid leave for caring a child (the employer should be notified of these facts, moreover, an additional protective rule is that within fifteen days from the notification of the employee, the employer may withdraw the notice in writing).
- Part time work: employers shall amend the employment contract based on the employee's proposition to part-time work covering half of the daily working time until the child reaches the age of three or in the case of raising three or more children until the child reaches the age of five.
- Working time: pregnant employees are eligible for more favourable working time and rest periods.
- Job offering obligation: an employee shall be offered a job fitting for her state of health if considered unable to work in her original position according to a medical opinion from the time her pregnancy is diagnosed until her child reaches one year of age.

Leaving job

- Three types of termination of employment initiated by the employer: employee's behaviour, employee's health conditions, cause related to the employer's business.
- The employer is obliged to give reason for termination (clearly, verifiably, reasonably); the employee is not obliged.
- If the employment relationship is terminated by the initiation of the employer, the employee shall be entitled for severance pay (except if the termination is based on the employee's behaviour). The amount of the severance pay shall increase in proportion with the years in service.
- In general, the notice period is 30 days, but in the case of termination by the employer it increases in proportion with the years in service.

Salary

- to determine equal value for work, according to the law the following should be taken into consideration: nature, quality and quantity of work, work conditions, necessary qualification, physical or intellectual efforts, experience, responsibilities and labour market conditions;
- the employer is obliged to pay the salary at latest by the 10th day of the month following the month in question (cogent rule);
- Wages and salaries may not be paid by means of vouchers or any other means of substitute payment instruments;
- Wages and salaries shall be established and paid in forints.
- Wages and salaries shall be paid in cash, or by wire transfer to the bank account indicated by the employee.
- The payroll statement of wages/salaries paid shall be made available in writing by the tenth day of the following month (in such a form that allows the employee to check the authenticity of calculations, as well as the grounds and sums of deductions).
- Various wage/salary supplements: extraordinary work, night work, work on bank holidays, regularly varied work schedule (shift supplement), etc. The collective agreement may state the extent of the supplement in alteration of the law.

SOCIAL SECURITY

Tax burdens on salaries can be categorized in two main groups:

- taxes and contributions burdened on the employee; and
- taxes and contributions burdened on the employer.

Taxes and contributions burdened on the employee:

- 15 percent personal income tax,
- 10 percent pension contribution,
- 8.5 percent health insurance and labour market contribution

Based on these, the insured person becomes eligible for various benefits under HEALTH INSURANCE (in kind and in cash).

- health care services: (general practitioner, general practitioner on duty, health visitor, maternity, child and young people protection, dental care)
- in cash benefits: (infant care allowance, childcare allowance, sick pay)
- accidental benefits: (accidental health care, accidental sick pay, accidental benefit)
- benefits for persons with changed labour capacities: (disability benefit, rehabilitation benefit)

Pension Insurance Benefits

- pension benefits on own right
- pension benefits on relative's right

From among the above the most important (most frequently taken) benefits:



- Infant Care Allowance: due during the period of the maternity leave, amount: 70% of the average daily salary
- Childcare Allowance: until the child reaches the age of 2, 70% of the average daily salary → but maximum 70% of the double amount of the current minimum salary
- Sick Pay: 70% of the basic salary, for a maximum 1 year, in the case of occupational accident or occupational disease, the accidental sick pay amounts to 100%
- Old Age Pension: old age minimum pension: HUF 28 500 forint – EUR 90.5, special calculation method on the basis of the years in service and the contribution paid.

GENERAL INFORMATION ON WORKING ABROAD

Every Hungarian citizen has the right to move freely, i.e. to work in the EU.

Essentially we do not need anything but our personal identification card (or our passport) for crossing the border. If someone wishes to work in the EU it is worthwhile to entirely familiarize him/herself with the relevant rules. In the following part we are going to highlight the most important aspects of this issue.

„First of all it is worthwhile visiting the website of the National Employment Service (<http://nfsz.munka.hu>), where - among others - information can be found on the labour force flow facilitating and information network of the European Union (EURES, European Employment Services). Obviously, most Hungarian citizens seek job in the states of the European Economic Area (EEA), where work could be applied for without work permission, however, only in the possession of work contract and following the notification of the local labour authority.”

Before we leave for abroad, our Hungarian employment relationship is most probably be terminated, therefore we will become obliged to pay health care contribution, or, if we did not have a job, we will be obliged to pay it to the National Tax and Customs Administration (hereinafter NAV). Therefore, should someone work abroad and thus would be insured, this should be reported to the Hungarian authorities and afterwards contribution must not be paid. This is important because if we fail to 'check out', we would seriously be indebted to NAV. The report on the establishment of an insurance legal relationship abroad or on its termination should be submitted within 15 days. It is important to note that consequently the social insurance number (hereinafter TAJ number) of the given person will be temporarily invalidated. Would, however, our insurance abroad be terminated, such termination should also be reported because after the termination of the foreign insurance a legal health insurance relationship should be settled in Hungary.

Another important issue is the tax payment obligation. 'Under the international taxation rules, a private person should primarily meet his/her tax payment obligation at his/her residence for tax purposes - and the residence for tax purposes will be the country with the closest link. In order to state the country with the closest link, the tax agreements established a test-scheme made up of four steps where

1. primarily the place of permanent residence,
2. then the centre of living,
3. the usual place of stay is of significance;
4. ultimately - in the case of doubt - the countries in question decide in mutual negotiations the country where the private person is obliged to pay tax.

Thus the country where a person is resident for tax purposes is not left to his/her discretion, although this can be influenced by shaping personal circumstances.'

The rules related to work outside the EU are more stringent. Requirements imposed by the governmental authorities on employees vary with the countries therefore it is worthwhile to collect information in each case separately. In most cases the employment relationship, sufficient income, health insurance and place of stay should be evidenced. In certain cases visa is needed for visiting a country.

According to the information displayed on the government's website, in the case of a labour dispute the Hungarian diplomatic body cannot take part in its settlement in whatsoever form. 'Accordingly, if the employer would fail to comply with the provisions stipulated in a contract, actions against the employer could be taken by the labour forums of the given country, or ultimately the case could be brought to court. If requested, the embassy would hand over the list of lawyers speaking Hungarian, too, and on their website one can find information on the competent local authorities (in general the chamber of labour) wherefrom assistance could be requested. The Consulate Services recommend that in the case of applying for seasonal work, the applicant should collect information from the territorially competent labour centre or private job agencies. Generally, in the member states of the Union foreigners are entitled to unemployment benefits, health care or other social benefits only if they worked in the given country for at least one year and paid the relevant personal income tax and other taxes and contributions (for more information see the website of EURES)."

CONTACT INFORMATION OF ORGANIZATIONS ASSISTING WORKERS

National Employment Services

<https://www.munka.hu/Lapok/Nyitoldal.aspx>

<https://szervezet.munka.hu/>

<https://illetekes.munka.hu/>

Employment Department of Government Office of Budapest

http://fovaros.munka.hu/engine.aspx?page=bp_elerhetosegek

Address: 1082 Budapest, Kisfaludy u. 11.

Mailing address: 1364 Bp., Pf.: 244.

Central phone: 477-5700

Central fax: 477-5800

Department of Occupational Safety, Ministry of Finance

http://www.ommf.gov.hu/index.html?akt_menu=206

1054 Budapest, Kálmán Imre u. 2.

Mailing address: 1369 Budapest, Pf.: 481.

Telephone: (06 80) 204-292; (06 1) 896-3002

Fax: (06 1) 795-0884

E-mail: munkavedelmi-foo@pm.gov.hu

Department of Employment Supervision, Ministry of Finance

http://www.ommf.gov.hu/index.html?akt_menu=206

1054 Budapest, Kálmán Imre u. 2.

Mailing address: 1369 Budapest, Pf.: 481.

Telephone: (06 1) 896-2902

Fax: (06 1) 795-0880

E-mail: foglalkoztatasi.felugyeleti-foo@pm.gov.hu

Inspectorates of Occupational Safety

contacts varying with counties:

http://www.ommf.gov.hu/index.php?akt_menu=228

Occupational Inspectorates

contacts varying with the counties:

http://www.ommf.gov.hu/index.php?akt_menu=229

National Vocational and Adult Education Office

www.nive.hu

1089 Budapest, Kálvária tér 7.

(06-1) 477-5600, (06-1) 303-9300

szakkepzes@nive.hu

National Health Insurance Fund Administration

<http://www.oep.hu/>

contacts varying with the counties:

http://www.neak.gov.hu/elarhetosegek/kh_

[elerhetoseg.html](#)

National Pension Insurance Department

<https://old.onyf.hu/hu/>

1081 Budapest, Fiumei út 19./a.

+36 1 270 8000

Association of the Hungarian Trade Unions

<https://www.szakszervezet.net/hu/>

1068 Budapest, Városligeti fasor 46-48.

Telephone: +36 1 323 2650

Fax: +36 1 323 2651

E-mail: titkarsag@szakszervezet.net

Web: www.szakszervezet.net

Facebook: www.facebook.com/mszszhungary

Friedrich-Ebert-Stiftung Budapest

<https://www.fes-budapest.org/hu/>

Mailing address: Friedrich-Ebert-Stiftung Pf. 141,

H-1461 Budapest

Office address: Fővám tér 2-3. H-1056 Budapest

Telephone number: +36-1-461-60-11, +36-1-461-60-18

Email: fesbp@fesbp.hu

LIGA Trade Unions

<https://www.szakszervezet.net/hu/>

Democratic League of Independent Trade Unions

1112 Budapest, Sasadi út 170.

Telephone: 321-5262; Fax: 321-5405

E-mail: info@liganet.hu

National Association of Work Councils

<https://munkastanacsok.hu/>

1125 Budapest Szarvas Gábor út 9/b.

e-mail address: mosz@munkastanacsok.hu

Telephone number: 061 275-1445

10. Tips for Young Workers: MONTENEGRO

Once you enter the labor market, after completing primary, secondary or higher education, it will be important for you to know your labor rights. Therefore, we will inform you about the key acts that regulate labor relations in Montenegro, so that you can easily find and recognize them.

Glossary:

Labor market - represents the relationship between supply and demand of workers.

According to the **Constitution of Montenegro** everyone has the right to work, free choice of occupation and employment, fair and human working conditions and protection during unemployment. The Constitution further stipulates that forced labor is prohibited, but also that employees have the right to: adequate earnings; limited working hours and paid vacation; protection at work; as well as that the Youth, Women and the Disabled enjoy special protection at work.

Glossary:

Constitution - the highest legal act of a country with which all other legal acts must be in consent.

Labor relations in Montenegro are regulated by the Labor Law, and some institutes are more closely regulated by the General Collective Agreement.

Glossary:

Labor Law - general legal act that regulates the rights and obligations of employees based on work, the manner and procedure of their implementation, encouraging employment and facilitating flexibility in the labor market are regulated by this law, collective agreement and labor contract.

General Collective Agreement - the result of negotiations between social partners (representative unions and representative employers' associations) and the Government. It regulates the rights, obligations and responsibilities arising from the employment relationship, the procedure for concluding, amending and supplementing the collective agreement; mutual relations of the signatories of the collective agreement and other issues of importance for the employee and the employer.

The labor relations of civil servants and state employees are defined by the Law on Civil Servants and State Employees and the Law on Wages of Civil Servants and State Employees. Relationships that are not regulated by the aforementioned laws, when it comes to civil servants and state employees, shall be subject to the provisions of the Labor Law.

Other laws important for labor relationships are:

- Law on Personal Income Tax;
- Law on Contributions for Compulsory Social Insurance;
- Law on Safety and Health at Work;
- Law on Prohibition of Harassment at Work;
- Law on Exercising Rights from Unemployment Insurance;
- Law on Professional Rehabilitation and Employment of People with Disabilities;
- Law on Prohibition of Discrimination.

Instructions:

On the website of the Official Gazette of Montenegro (www.sluzbenilist.me) you can find updated texts of the abovementioned laws and get familiar with their contents.

The texts of the aforementioned laws are also available on the website of the Union of Free Trade Unions of Montenegro (www.usscg.me).

When you get a chance to find a job and start working, you get into a working relationship with an employer. It is very important that you know that the employment relationship is based on the conclusion of an **employment contract** between the employee and the employer.

Glossary:

Employment contract is a two-sided legal act that regulates the mutual rights and obligations of the employee and the employer.

Therefore, it is important that you sign the employment contract before entering into work. It is considered concluded when signed by you and the employer.

Work without contract is factual work, that is, work without a legal basis and is illegal.

In order to be able to conclude an employment contract, you must meet the **general requirements** prescribed by the Labor Law and **special requirements** prescribed by law, other regulations and act on systematization.

The general requirements are: that you are at least 15 years of age and that you have general medical fitness.

Special requirements for the establishment of employment may relate to:

- type and degree of your professional skills;
- special medical fitness;
- work experience;
- passed certification exam;
- knowledge of a foreign language;
- knowledge of work on a computer and similarly...



It is important to know that a contract of employment can also be concluded with a person under the age of 18 but only with the consent of the parent, adopter or guardian, if such work does not jeopardize his/her health, morals and education, or if such work is not prohibited by law.

A person with disability, who is qualified to work in appropriate jobs, can conclude an employment contract under the conditions and in the manner determined by this Law, unless otherwise provided by a special law.

DO NOT FORGET: The employer can not request from the potential employee information about family, or marital status and family planning, nor the delivery of documents and other evidence that are not of direct significance for the performance of the work for which he/she is employed, that is, concludes a contract of employment, nor giving a statement of cancellation of the employment contract by that person.

The employer cannot condition the establishment of employment, that is, the conclusion of a employment contract with proof of pregnancy, unless it is a job that has a significant risk for the health of a woman and a child determined by the competent health authority.

If you are getting employed for the first time, the employer can conclude an internship contract with you. This contract is concluded for a fixed time (6 months if you have completed secondary education, 9 months if you have a university degree).

If you are getting employed for the first time, the employer can conclude a probation period contract with you, but only if the probation period as a special condition for a certain position is prescribed by the act of systematization. Probation period can last up to maximum 6 months. If your performance was satisfactory during probation period, the employer shall conclude a contract with you.

In addition, the contract of employment can be concluded for an indefinite or definite period of time. It is important that you know that a contract of employment, as a rule, is concluded for an indefinite period of time, and only exceptionally for definite period of time, for the purpose of performing jobs whose duration for objective reasons is predetermined or conditioned by the occurrence of circumstances or events that could not be predicted.

The employer, with the same employee, cannot conclude one or more fixed-term contracts, if their duration, continuously or with interruptions, is longer than 24 months.

When it comes to working hours, you need to know that we are distinguishing:

- **FULL-TIME WORKING HOURS:** Pursuant to the Labor Law, full-time work is 40 hours a week.
- **PART-TIME WORKING HOURS:** Employment contract can be concluded on a part-time basis, but not shorter than 1/4 (10 hours) of a full-time. With this type of a contract, it is important to know that employees have the same rights as full-time employees, but they exercise them in proportion to the time spent at work.
- **PART-TIME WORKING HOURS WITH MORE EMPLOYERS:** Within 40-hour working week, employment contracts can be concluded with several employers, thus earning full-time work.
- **SHORT-TERM WORKING HOURS DUE TO DIFFICULT WORKING CONDITIONS:** If you are working on particularly difficult, stressful and health-damaging tasks, your full-time work can be shortened to a proportionally harmful effect on your health or your working ability, but not shorter than 36 hours a week. And in this case, you have the same labor rights as a full-time employee.

WORK AT NIGHT

Work performed in the period from 22 hours to 6 hours the next day is considered work at night. If you work at night, the employer is obliged to increase your earnings by 40% for every hour of night work.

OVERTIME WORK

The working hours of an employee, in exceptional cases, can last even more than full-time (overtime work), if a sudden increase in work cannot be completed by the appropriate organization of work and work schedule.

Work longer than full time can only last as long as it is necessary to eliminate the causes for which it was introduced, but no longer than 10 hours a week.

Overtime work is introduced by a written decision of the employer before the beginning of that work.

In case you work overtime, the employer is obliged to increase your earnings by 40% for every hour of overtime work.

Note: An employee under the age of 18 cannot work longer than full time or at night.

EARNINGS

The employer is obliged to pay you for the work done, at least once a month, in the amount prescribed by your employment contract, in accordance with the Labor Law and the General Collective Agreement. When paying the earnings, the employer is obliged to provide you with the calculation of earnings.

An employee, a man, or a woman, is guaranteed equal pay for the same work or work of the same value that he/she performs with the employer.

Work of the same value shall mean work for which the same degree of professional qualifications, that is qualifications of the level of education or professional qualifications, responsibility, skills, working conditions and results of work are required.

Your earnings, stipulated in the Employment Contract, shall be increased by the hour at least:

- 40% for work at night (between 22 hours and 6 hours the next day);
- 150% for work on the day of the public or religious holiday;
- 40% for work longer than full time (overtime work).

If you are absent from work due to:

- public and religious holidays;
- annual leave;
- paid leave;
- professional development and training at the request of the employer;
- participation in the work of the body of the employer, the organs of the trade unions, state and other bodies, participating as a member, or upon their invitation;
- failure to implement prescribed occupational safety measures,

you are entitled to a compensation of 100% of your earnings, as if you were at work.

MINIMUM WAGE

Minimum wage represents one type of protective category for employees with the lowest earnings. Namely, the Labor Law and the General Collective Agreement stipulate that no employee in Montenegro can receive, in full-time employment, a salary lower than 30% of the average salary in Montenegro. The minimum wage is determined by the negotiations of the Government, trade unions and employers' associations, where it is important to take into account the costs of living, the social needs of employees and similarly for its determination. Today, the minimum wage in Montenegro is 193,00 EUR.

WHEN IT COMES TO BREAKS/REST AND ABSENCE/LEAVE, WE DIFFERENTIATE

- Break during the work (rest)
- Daily
- Weekly
- Yearly
- Holidays (name and number of days)
- Paid and unpaid leave
- Maternity and other leaves...



BREAK DURING THE WORK

If you are working full-time, or 8 hours a day, you have the right to rest during the daytime work for at least 30 minutes.

If you work longer than four and shorter than six hours a day, you have the right to rest during the daytime work for at least 15 minutes.

If you work longer than full-time and at least 10 hours a day, you have the right to rest during the daytime work for 45 minutes.

The rest period is counted into the working hours.

DAILY REST

You have the right to rest for at least 12 hours continuously between two consecutive working days.

WEEKLY REST

When you are employed, you are entitled to a weekly rest of at least 24 hours continuously.

Weekly rests are used on Sundays.

However, if the nature of the job and the organization of work requires it, the employer is obliged to determine the other day for the use of the weekly rest.

ANNUAL LEAVE

The right to annual leave is the only right that is defined by the law that the employee cannot give up, nor can that right be denied. This is because the annual leave is very important for all employees and serves to keep the employee healthy, to be more creative, more productive, relaxed.

In each calendar year, you are entitled to a minimum of 20 working days of annual leave. If you are under the age of 18, you are entitled to annual leave for a minimum of 24 working days. If you are working on part-time jobs, you are entitled to annual leave for at least 30 working days.

The duration of the annual leave is determined in proportion to the time spent in employment.

Note: When determining the length of the annual leave, the working week is counted as five working days.

The employer is obliged to consult with you when deciding on the time of use of the annual leave and provide you with the decision no later than 30 days before the date determined for the beginning of the use of annual leave.

ABSENCE FROM WORK DUE TO HEALTH CONDITION

If you are temporarily prevented from work due to illness, injury at work or in other cases, you have the right to be absent from work. In exercising the rights on this basis, it is important that you know that they are defined by the Labor Law and the Law on Health Insurance.

Also, as an employee, you have the right to be absent from work for the voluntary donation of blood, tissue and organs.

The General Collective Agreement prescribes the right of an employee to a paid absence for one working day in the case of voluntary blood donation, that is, absence in accordance with medical documentation in case of voluntary donation of tissues and organs.

In case of absence from work for health reasons, you are obliged, within three days at the latest, to inform the employer and to submit a report on temporary inability to work to the employer within five days from the day of preparation of the report.

During the temporary inability to work, you are entitled to a wage compensation that may not be less than 70% of the basis for compensation. The basis for compensation is the average earnings base, that is, the earnings you have earned in the last 12 months preceding the month in which temporary inability to work occurred.

PROTECTION AND HEALTH AT WORK

The fact is that young people are particularly at risk in the workplace due to lack of experience and training. For this reason, when you are hired, it is very important that you know that the employer is obliged to provide you with safe and healthy working conditions.

Important: If you are not familiar with all the hazards or risks at work, if you are in danger of imminent danger to life and health because no protective measures have been determined or protective measures have not been provided on the means of work, you have the right to refuse to work and you are obliged to inform the employer in writing in order to take concrete measures to eliminate possible risks and dangers.

Occupational health and safety implies securing working conditions that do not lead to occupational injuries, occupational diseases and work-related illnesses and which create preconditions for the full physical and psychological protection of employees.

For your full information: On the initiative of the International Labor Organization (ILO) from 2003, the World Safety and Health Day is celebrated every year on 28 April with promotional campaigns aimed at preventing accidents at work and occupational diseases.

If you feel that your life and health are endangered during the work process, and if the employer does not implement adequate protection measures, you can contact Inspection for work safety to help you exercise your legal rights.

You can find more about the rights to protection and health at work, your obligations as a worker, and also the obligations of the employer in the Law on Protection and Health at work.

It is important that you know that the employees can choose between themselves their representative for protection and health at work who has the authority to propose, among other things, to the employer measures to improve the working conditions of employees in relation to occupational safety.

SOCIAL INSURANCE

After signing an employment contract, employer is obliged to register you for compulsory social insurance (the date of entry into work) and to send you a copy of the application no later than within 10 days from the date of starting to work.

Contributions for compulsory social insurance are:

- 1) contribution for compulsory pension and disability insurance;
- 2) contribution for compulsory health insurance;
- 3) contribution for unemployment insurance.

The issue of paying taxes and contributions on your earnings is crucial for exercising your rights for:

- health insurance, or the use of health services in the public health system;
- pension,
- right based on unemployment.

If the employer does not pay the contributions, it will be damaging to you, as well as to the state itself, because the funds from the insurance will not go into the state budget. So, the state does not have the resources it can use, and you will not be entitled to free healthcare services in the public health system, you will not be able to wait carelessly for the pension, and in case of cancellation of a contract of employment you will not be able to receive a salary compensation from the Employment Agency on the basis of unemployment.

The rates of contributions for compulsory social insurance are prescribed by the Law on Contributions for Compulsory Social Insurance.

If you want to work abroad, the most important thing is to be well informed beforehand. If we take into account globalization and the fact that the freedom of movement of workers is one of the four freedoms of the internal market and one of the fundamental principles of the European Union, then we know that the mobility of workers is becoming more and more evident, and therefore the ever more visible need of workers to achieve their working engagement in another country. As this need is particularly pronounced among young people, it is necessary to take all steps that would encourage mobility on the one hand, and on the other hand, protect the rights of all those who want to work abroad.

In Montenegro, mediation operations in finding employment can be performed by the Employment Agency of Montenegro and private employment agencies that have a valid license issued by the Ministry of Labor and Social Welfare of Montenegro. Therefore, it is necessary first of all to check whether the private agency that offers you a job has the approval to work and perform mediation operations in job finding.

Before applying for jobs to work abroad and going to work, it is important that you:

- check the official website of the agency offering employment abroad and foreign employer;
- check if the job offer contains precise information about the workplace and working conditions;
- check the special conditions required for a particular job (language skills, etc.);
- nostrificate diploma if necessary;
- obtain work permit / work visa;
- obtain contacts of the Embassy or Consulate of Montenegro in the country in which you are planning to work;
- get to know the working and social legislation of the country in which you are planning to work.

It is very important that you do not make oral agreements with your foreign employer about your working assignment before starting work abroad, but only by written agreement shall be defined mutual rights and obligations.

More information on working abroad and safety steps can be found on the website of the Employment Agency of Montenegro where you can also find a link to the Internet Employment Guide for Working Abroad.

Union of Free Trade Unions of Montenegro
usscg.me/

Ministry of Labor and Social Welfare
www.minradiss.gov.me

Employment Agency of Montenegro
www.zzzcg.me/

Administration for Inspection Affairs
www.uip.gov.me/

Tax Administration
www.poreskauprava.gov.me/

Agency for peaceful settlement of labor disputes
www.amrrs.gov.me/

Ombudsman
www.ombudsman.co.me/

Federation of Trade Unions of Montenegro
www.sindikato.me/

Montenegrin Employers Federation
www.poslodavci.org/

PROJECT VS/2018/0030 „PROMOTION OF YOUTH WORKERS INVOLVEMENT AND DECISION MAKING IN TRADE UNIONS AND UNDERTAKINGS”

Project VS/2018/0030 „Promotion of Youth Workers Involvement and Decision Making in Trade Unions and Undertakings” aims to promote employee involvement in undertakings by information, consultation and participation mechanisms, through which employees’ representatives may exercise an influence on decisions to be taken within the company.

The project is a comprehensive covering of the main challenges related to young workers involvement and participation in decision-making in undertakings and trade unions faced in 5 partner countries – Latvia, Croatia, Montenegro, Bulgaria and Hungary.

Project main objective is to ensure promotion of active involvement and decision making of young workers in undertakings and trade unions, organization of awareness-raising campaign for young employees related to the workers involvement and decision making, promotion of identification and training of young trade union leaders, as well as promotion of establishment of international cooperation network of young workers.

The expected results of the project are:

- better understanding of problems related to young workers involvement and decision making in undertakings and trade unions and ways of solving existing problems due to the wide exchange of experience and best practice during the project between partner countries;
- promotion of improvement of current situation related to young workers involvement and decision making in undertakings and trade unions due to implementation of informative seminars, Young Trade Union Leaders Training and awareness-raising campaign;
- promotion of improvement of trade unions capacity by attraction of active workwilling young members and managers;
- promotion of cooperation between employees and employers organizations in relation to young workers involvement and decision making in undertakings and trade unions;
- promotion of public awareness on workers involvement in undertakings and trade unions.

Project Activities	Implementation Term
Organization of Project Management Committee meeting	February 1, 2018
Implementation of questionnaire for young members of trade unions/young workers on involvement and decision making	February 1, 2018 - May 31, 2018
Development of informative materials and implementation of awareness-rising campaign	April 1, 2018 - November 16, 2018
International round-table meetings/experience exchange visits for representatives of partner countries	April 1, 2018 - November 30, 2018
Development of "Young Active Worker Manual"	April 1, 2018 - November 16, 2018
Implementation of informative seminars for youth workers/students on involvement issues in Partner countries	April 1, 2018 - January 31, 2019
Development of International Training Program for Young Trade Union Leaders	October 1, 2018 - February 28, 2019
Organization and Implementation of International Training for Young Trade Union Leaders in Latvia	March 1, 2019 - May 31, 2019
Organization of Project Closing International Conference	April 1, 2019 - June 30, 2019

Duration of Activities:

January 1, 2018 – June 30, 2019

You can find more information on Project VS/2018/0030 „Promotion of Youth Workers Involvement and Decision Making in Trade Unions and Undertakings”, as well as different useful information on trade unions, labour law, youth activities, involvement in decision-making in undertaking and trade unions on our website and accounts in social networks!

Project Website:

www.youthinvolvement.eu

Accounts in social networks:

Latvia:

<https://www.facebook.com/YouthWorkersInvolvement/>

<https://twitter.com/involveYouthEU>

Bulgaria:

<https://www.facebook.com/Promotion-Of-Youth-Workers-Involvement-and-Decision-Making/>

<https://www.linkedin.com/company/promotion-of-youth-workers-involvement-and-decision-making/>

Hungary:

<https://www.facebook.com/Fiatalok-bevonása-a-munkahelyi-és-a-szakszervezeti-döntéshozatal-ba-316599762493641/>

<https://twitter.com/bevonasa>

Croatia:

<https://web.facebook.com/youthdecisionmaking/>

<https://www.instagram.com/youthinvolvement/>

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