

Conclusions of the summary report
on the impact of the entry into force of the new Labour Code on labour jurisprudence

The Curia's jurisprudence-analysing working group set up to examine the impact of the entry into force of the new Labour Code on labour jurisprudence aimed at assessing whether Act no. I of 2012 on the Labour Code (hereinafter referred to as the new Labour Code) had addressed satisfactorily the issue of time limits for bringing action and whether the new legal provisions had been applied by the courts in a uniform manner after the Code's entry into force on 1 July 2012.

The jurisprudence-analysing working group examined and evaluated 73 cases concluded by final decision (73 complete case files).

According to the courts' uniform case-law, upon taking legal acts, the employer is clearly obliged by the new Labour Code to provide comprehensive information in full compliance with the law for the employee on the availability of legal remedy. Thus, the summary report found that an incomplete provision of information could enable the employee to bring his claim against the employer even after the expiry of the relevant thirty-day time limit, but within the three-year long limitation period.

The working group also established that the courts' jurisprudence is consistent in examining the time limits for bringing action (the limitation period rules apply to such time limits) and dealing with legal actions submitted due to an agreement on the termination of employment by mutual consent.

In addition, the working group analysed the courts' case-law in respect of the following procedural issues: the time limit for bringing claims resulting from the termination of employment by the employee with immediate effect, the dismissal of the action without issuing a summons, the termination of proceedings, maintaining the legal effects related to the submission of the statement of claims, dealing with justifications submitted to remedy the consequences of a failure to respect the time limit for bringing action.

The jurisprudence-analysing working group proposed the adoption of a departmental opinion, *inter alia*, in respect of the following areas: the submission of statements of claims in declaratory proceedings in cases defined by section 287 of the new Labour Code, identical time limits for bringing action both for employers and employees, the time limit for bringing claims by means of a payment notice in case of the termination of employment by the employee with immediate effect. The proposal resulted in the adoption of Departmental Opinion no. 4/2013 KMK of 23 September 2013 of the Administrative and Labour Department of the Curia on certain issues related to bringing labour claims on the basis of Act no. I of 2012.