

*Good lawyers give good answers.  
Excellent lawyers ask the right questions.*

Pontes lawyers act for international, regional and local corporations and individuals and provide services to their clients in various aspects of employment law – from drafting employment and other contracts, internal bylaws and regulations, through representing clients in disputes, to providing comprehensive advisory on employee issues in case of M&A and restructuring.

**IS A POST-EMPLOYMENT  
NON-COMPETE CLAUSE PERMITTED,  
AND IF YES, FOR HOW LONG?**

**POLAND**  
Yes, without limitation.  
**SOLIVAN.**  
[www.solivan.pl](http://www.solivan.pl)

**CZECH REPUBLIC**  
Yes, 1 year.  
**JSK**  
advokátní kancelář  
[www.jsk.cz](http://www.jsk.cz)


**AUSTRIA**  
Yes, if the employee's monthly wage exceeds a certain minimum amount, 1 year.  
**graf patsch taucher**  
[www.gpra.at](http://www.gpra.at)

**SLOVAKIA**  
Yes, 1 year.  
**MAJERNÍK MIHÁLIKOVÁ**  
ADVOKÁTSKA KANCELÁRIA | LAW FIRM  
[www.mmlaw.sk](http://www.mmlaw.sk)







**ROMANIA**  
Yes, 2 years.  
**J JINGA ASOCIATII**  
[www.ja.ro](http://www.ja.ro)

**BULGARIA**  
Yes, under current practice, 2 years.  
**Gugushev & Partners**  
LAW OFFICES  
[www.gugushev.com](http://www.gugushev.com)

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Warning: We like clarity just as much as you do. This overview could not be made without extensive implication, generalisation and simplification.

This overview can be used for general reference, but please call or email us before drawing any conclusions based upon it.

PONTES: the CEE lawyers is a network of independent law firms providing full service commercial legal support in the Central and Eastern European countries (CEE). For more details, please visit [www.ponteslegal.eu](http://www.ponteslegal.eu)

	AUSTRIA	BULGARIA	CZECH REPUBLIC	POLAND	ROMANIA	SLOVAKIA
What is the risk that an IT contractor working from home for a single client on the basis of a commercial contract, under the client's instructions and signing off emails adding the client's name, will be considered the client's employee?	Very likely.	Very likely.	Very likely.	Very likely.	Very likely.	Very likely.
May the employer set off its claim for damages against the employee's wage before such a claim arises?	NO	NO	NO	NO	NO	NO
Can a contractual penalty be agreed for a breach of the employee's duties?	YES, but within <i>bonos mores</i> and subject to mitigation by the court.	NO	NO	NO	NO	NO
Is the employer obliged to offer a suitable vacant work position to a redundant employee?	NO	NO	NO	NO	NO	YES
Is the amount of the employee's claim to income foregone in case of unlawful termination by the employer limited by law?	NO. The employee may also claim foregone income in case of social deprivation.	YES, up to 6 times the employee's monthly wage.	NO	YES, up to 3 times the employee's monthly wage.	NO	YES, up to 36 times the employee's monthly wage.
If the employment is terminated for redundancy, a) what is the length of the notice period and b) how much is the statutory severance payment	From 6 weeks to 5 months. No such liability arises; however, the employer contributes to a special fund during the employment.	From 1 to 3 months. 1 monthly wage, if the employee remains unemployed for 1 month after the termination.	2 months. From 1 to 3 monthly wages.	From 2 weeks to 3 months. From 1 to 3 monthly wages.	1 month. No such liability arises, unless agreed in the collective agreements.	From 2 to 3 months. From 1 to 5 monthly wages.
Is the consent / prior consultation / prior notification of the employees' representative required if the employer's enterprise is transferred?	YES, prior notification.	YES, prior notification and consultation.	YES, prior consultation and notification.	YES, prior notification.	YES, prior notification.	YES, prior notification and consultation.
Is there a maximum term for the probationary period?	YES, 1 month and 3 months for apprenticeship contracts.	YES, 6 months.	YES, 3 months, 6 months in case of managing employees.	YES, 3 months.	YES, 3 months, 4 months in case of managing employees.	YES, 3 months, 6 months in case of managing employees.