

## **New Labour Code in Focus: Protection of Female Executive Employees**

As a general rule, termination of executive employee's employment through ordinary notice shall not fall within the rules on justification, protection and restrictions or termination period. Therefore the person exercising employer's rights may terminate with an ordinary notice an executive employee's employment relationship for indeterminate period of time with immediate effect without justification or even during the time of sick leave (or during other protected periods) irrespective of such restrictions. In contrast, there exists such a standpoint that regardless of the fact that the Labour Code provides exemption from the application of termination period, termination through ordinary notice necessarily involves a termination period otherwise ordinary notice would terminate employment with immediate effect which would be possible only under exceptional conditions which shall be deemed extraordinary notice of termination – therefore there is no exemption period but the executive office shall be required to perform work throughout the entire term of such termination period.

As a general rule, no justification shall be required to terminate an executive employee's employment relationship. **Under the most recent amendment of the Labour Code taking effect from 1 August, 2011, a certain group of female executive employees shall be deemed exception from the general rule.** Such female executives fall within this category, who are expectant mothers or have given birth to a child from the beginning of pregnancy to the end of maternity leave, during which period the employer shall justify termination of employment with ordinary notice according to the general rules. Apparent from these wording is that not all female executives are subject to the aforementioned amendment only a definite group thereof and only for a limited time, until the end of maternity leave. The person exercising employer's rights shall pay particular attention to the fact that during this period, such executive employees shall solely be given notice of termination according to the general rules, otherwise such termination shall be deemed unlawful.

It is important to emphasise that under the Labour Code, only the employer's directors and those acting as their deputies are deemed executive employees, for qualified executive employees (i.e. those whose position is qualified by the employer as an executive employee) and therefore for female executive employees – although they are subject to certain rules applicable for executive employees too – the rules on protection from termination are applicable. Those who, according to position category within the organisation are deemed "executives" are not subject to the rules of qualified executive employees (in absence of being qualified as such executives).

Should you have any further question concerning labour law, please contact us.

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