

Austria

Employees obligation to undertake training

Phase	Initial Qualification and Training Decree - Professional drivers (GWB)
Native name	Grundqualifikations- und Weiterbildungsverordnung – Berufskraftfahrer (GWB)
Type	Employees obligation to undertake training
Added to database	03 July 2015
Access online	Click here to access online

Article

12, 13, 14

Description

Professional drivers holding a driving licence of category C/C1 and D need to undertake training every five years after they have gained their basic qualification. The training covers a minimum of 35 hours (5 days of 7 hours), including courses on technology, modern driving and petrol-saving, social regulations and health and cargo securing. In category D, 42 hours (6 days of 7 hours) are compulsory. The training requires full attendance. After the training is completed the code '95' is entered in the driver's licence.

Commentary

The law addresses drivers and does not include any obligation of employers to provide the necessary training. However, some collective agreements stipulate that employers cover costs for the relevant courses and/or allow participation during working time.

The amendment to the Ordinance on the Basic Qualification and Continuing Education of Professional Drivers was published with BGBl No. II 531/2021 on December 9, 2021. This transposes the Directive (EU) 2018/645 into national law and modernizes the Austrian system of Professional Driver Qualification modernized. Changes are e.g. the registration

period for the exam will be shortened to 3 weeks (instead of six weeks previously). Notification of the examination will now take place 2 weeks beforehand (instead of three weeks before).

Additional metadata

Cost covered by	Employee Employer
Involved actors other than national government	National government
Involvement (others)	None
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Austria: Employees obligation to undertake training, Restructuring legislation database, Dublin

Belgium

Employees obligation to undertake training

Phase	Royal decree of 9 March 2006 regarding the active management of restructuring
Native name	9 maart 2006 Koninklijk besluit betreffende het activerend beleid bij herstructureringen/Arrêté royal du 9 mars 2006 relatif à la gestion active des restructurations
Type	Employees obligation to undertake training
Added to database	24 May 2017
Access online	Click here to access online

Article

5-8

Description

The royal decree of 9 March 2006 introduced the system of 'reconversion cells'. The goal of the cell is to aid employees dismissed because of restructuring in finding a new job. The employee receives coaching by third party providers that can vary from administrative information to psychological counselling to certain trainings. The cells are organised separately for the Flemish, Walloon, Brussels and German speaking regions. Several permanent cells are active on the regional level. There is the possibility to create a new one specifically for the restructuring company or for several companies together as well. In this case at least one employer is involved and at least one trade union, on top of that the regional service for labour mediation participates as well and functions as a manager for the reconversion cell. The costs of these cells are covered by either the former employer or a specific sectoral fund (if present).

The employer is responsible for providing the employees with a reconversion cell. Originally the measure was intended to be used in case of restructuring within a company that wanted to apply the lowered retirement age system. The instrument now concerns all companies announcing a collective redundancy

(at least 10% of the workforce in enterprises with 100 employees or more, at least 10 employees in enterprises with more than 20 but fewer than 100 employees, at least 6 employees in enterprises with more than 11 but fewer than 20 employees, at least half of the employees in companies with at the most 11 employees). Employees on fixed-term contracts and temporary workers are also included.

Employees that are being dismissed in the context of collective dismissals are obliged to sign up for the reconversion cell. If they refuse to do so they will be penalised by having their unemployment benefits suspended for a period of four up to 52 weeks. The minimum duration of the programme depends on the age of the employee:

- Employees older than 45 that are being dismissed have to participate in the reconversion cell for at least six months; and
- Employees younger than 45 and facing dismissal are obliged to participate for at least three months.

While employees are enrolled in the cell, they have to actively participate in the programme. This means that they have to accept and enrol in each form of training proposed (in)directly by the reconversion cell. Refusing to do so could imply the loss of their employment benefits.

Commentary

According to data by the Flemish Service For Employment Mediation (VDAB), 2,207 Flemish employees older than 50 were assigned to reconversion cells between January and July 2013, 2,139 (97%) of which have followed a form of outplacement, and 29 (1.3%) have followed training.

An example of a (successful) reconversion cell is that of the [Walloon textile workers](#) that were dismissed at Decoweave, Louis De Poortere, Ghyselen and Desseaux-Spinning. In total, 525 Walloon employees were fired, 80% of whom participated in the Walloon reconversion cell (started by the Walloon Unemployment Services [Forem](#), Febeltex and the unions). More than 110 employees undertook training. In total, 397 employees were able to find work due to the reconversion cell, which had a total cost of €420,000.

Within Flanders, [15 permanent reconversion](#) cells are active for different regions, and VDAB (the Flemish Service for Employment Mediation) is responsible for the cells.

Additional metadata

Cost covered by	Employer National government
Involved actors other than national government	Employer organisation Public employment service Trade union
Involvement (others)	None
Thresholds	Affected employees: No, applicable in all circumstances Company size: 21 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2017), Belgium: Employees obligation to undertake training, Restructuring legislation database, Dublin

Bulgaria

Employees obligation to undertake training

Phase	Labour Code
Native name	Кодекс на труда
Type	Employees obligation to undertake training
Added to database	08 May 2015
Access online	Click here to access online

Article

Article 228a and Art. 228b

Description

Employees are obliged to take part in the forms of training organised or financed by their employer for maintaining and improving professional qualifications and skills, and also to make efforts to improve their qualification levels in compliance with the performed work.

The Labour Code settles obligations from both sides - for the employer (228a) and employee (228b) for improving professional qualification and skills. The employer is obliged to organise and finance such training courses, the employee is obliged to participate.

Commentary

The employee obligation corresponds to the legal requirement that the employer is obliged to provide conditions for maintaining and improving professional qualifications of employees for the effective performance of their obligations under the employment relationship in accordance with the requirements of the performed work and their future professional development (Labour Code, Article 228 a). In the case of a long absence of the employee, the employer is obliged to provide him/her with conditions for acquaintance with the work and any innovations implemented during the absence and for achieving the necessary qualification level for the effective performance of work obligations.

Art. 228 (2) (new - SG 62/02/2022, in force from 01.08.2022) provides an additional employer's obligation to cover the costs for training, as well as the training time shall be counted as working time. Whenever possible, training shall take place during the employee's established working hours.

Additional metadata

Cost covered by	Employer
Involved actors other than national government	National government
Involvement (others)	None
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Bulgaria: Employees obligation to undertake training, Restructuring legislation database, Dublin

Cyprus

Employees obligation to undertake training

Phase	Social Insurance Law, 2010 (Law 59(I)/2010)
Native name	N. 59(I)/1967 - Ο περί Κοινωνικών Ασφαλίσεων Νόμος του 2010
Type	Employees obligation to undertake training
Added to database	01 September 2015
Access online	Click here to access online

Article

Article 34.2 (d) of the Social Insurance Law, 2010 (Law 59(I)/2010)

Description

An unemployed person, who rejects or omits without a justifiable reason to undertake vocational training on the instruction of the Director of the Social Insurance Services may be deprived of his/her right to receive unemployment benefit for a period of up to six weeks.

Commentary

This provision of the Social Insurance Law gives the right to the director of the Social Insurance Services to offer to unemployed persons training programmes. The unemployment benefit is then payable to the unemployed as training benefit. This provision of the law was massively used during the economic and financial crisis, in particular during the "dead season" of the tourism sector in the winter 2013-2014.

No legislation nor collective agreement obliging workers in employment to participate in training offered by the employer could be identified.

Additional metadata

Cost covered by	National government
Involved actors other than national government	Public employment service Other
Involvement (others)	Social Insurance Services
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Cyprus: Employees obligation to undertake training, Restructuring legislation database, Dublin

Czechia

Employees obligation to undertake training

Phase	Labour Code (Law No. 262/2006 Coll.)
Native name	Zákoník práce, zákon č. 262/2006 Sb.
Type	Employees obligation to undertake training
Added to database	08 May 2015
Access online	Click here to access online

Article

230-235

Description

Improvement of qualification implies ongoing update of qualification, without a substantial change of the nature of the qualification itself (for instance by acquiring new skills). An employee is obliged to improve his/her qualification to perform an agreed type of work. The employer may require an employee to take part in courses or training, or similar initiatives. An employee's participation in such activities shall be considered as working time for which the employee is entitled to his/her wage or salary. The employer shall bear the costs connected with updating of qualification.

Qualification upgrade shall mean a change in the level of qualification, for example a secretary upgrading her qualification to payroll accountant. Qualification upgrade shall include studies, training and other forms of education for the purpose of attaining higher level education (qualification) provided that this conforms to the needs of the employer. An employee who upgrades his or her qualification in the interest of the employer is entitled to compensatory wage which covers the necessary time to attend lessons, courses of instruction or training and examinations within a study. The employer is not obliged to allow upgrading of qualification during working hours, nor to cover the associated costs. An employee shall not be forced by the employer to upgrade his or her qualification.

Commentary

Improvement and upgrading of qualification are the most frequent forms of professional development of employees according to the Czech Labour Code. Both forms are often confused. Employers often chose the most favourable and less expensive option.

Additional metadata

Cost covered by	Employee Employer
Involved actors other than national government	National government
Involvement (others)	None
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Czechia: Employees obligation to undertake training, Restructuring legislation database, Dublin

Estonia

Employees obligation to undertake training

Phase	Employment Contracts Act
Native name	Töölepingu seadus
Type	Employees obligation to undertake training
Added to database	14 July 2015
Access online	Click here to access online

Article

Employment Contracts Act § 15.Obligations of employee (2) (4)

Description

One of the obligations of the employee is to participate in training for improvement of vocational knowledge and skills. However, no specific conditions are provided in the law.

Commentary

According to the Estonian Work Life Survey 2015, around 77% of employees find it rather or very important to have opportunities for self-development at work; 68% of employees have used the opportunities offered by their employer during the last 12 months; 32% have not used those opportunities. At the same time, around 93% of employers reported that the employees' skills and knowledge are (rather) adequate.

Additional metadata

Cost covered by	Employer
Involved actors other than national government	National government

Involvement (others) None

Thresholds Affected employees: No, applicable in all circumstances
Company size: No, applicable in all circumstances
Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Estonia: Employees obligation to undertake training, Restructuring legislation database, Dublin

Italy

Employees obligation to undertake training

Phase	Legislative Decree 14 September 2015, no. 150, Provisions for the reorganisation of rules on employment services and active labour market policies; Decree law 28 January 2019, n. 4, Urgent provisions concerning citizenship income and pensions; Decree Law no. 48, 4 May 2023, Urgent measures for social inclusion and access to employment.
Native name	Decreto legislativo 14 settembre 2015, n. 150, Disposizioni per il riordino della normativa in materia di servizi per il lavoro e di politiche attive; Decreto legge 28 gennaio 2019, n. 4, Disposizioni urgenti in materia di reddito di cittadinanza e di pensioni; Decreto-legge 4 maggio 2023, n. 48, Misure urgenti per l'inclusione sociale e l'accesso al mondo del lavoro.
Type	Employees obligation to undertake training
Added to database	24 July 2015
Access online	Click here to access online

Article

Legislative Decree no. 150/2015, articles 20, 21, 22, 25; Decree law no. 4/2019, articles 4, 7; Decree Law no. 48, 4 May 2023

Description

In Italy, employees' obligation to undertake training is connected to the reception of social shock absorber instruments, both within a still existing employment relationship (that is the Ordinary Wage Guarantee Fund, Cassa integrazione guadagni ordinaria, CIGO; the Extraordinary Wage Guarantee Fund (Cassa integrazione guadagni straordinaria, CIGS); solidarity contracts; solidarity funds) and in case of unemployment (NaSPI and citizenship income).

Orientation activities are available to workers suspended from the work activity and beneficiary of an income support instrument within a still existing employment relationship or to the unemployed beneficiary of the New Social Insurance for Employment (NASpl). These activities are defined by the public employment centres in a personalised agreement, which might also include training activities. Beneficiaries could lose the right to the benefit if they do not attend orientation initiatives without a justified reason. Failure to comply with these obligations entails proportional sanctions, ranging from the deduction of a fraction or an entire month of the benefit, up to the lapse of the same.

According to Decree law n. 4/2019, within 30 days of the recognition of the benefit, the beneficiaries of the citizenship income which are able to work are summoned by the public employment centres to stipulate an employment agreement, i.e. a personalised programme aiming at reintroducing the beneficiary into the labour market. The employment pact might also include professional requalification and completion of studies. The beneficiary must abide with the commitments set forth in the employment pact, under penalty of revocation of the benefit.

Law no. 48/2023 (also called Labour Decree) introduces the "Support for Training and Work" program in Italy, effective from September 1, 2023. This initiative is designed to enhance employment opportunities and skills development among individuals aged 18 to 59. Participants in this program, who engage in active employment projects such as universal civil service and community-beneficial activities, are eligible for a monthly allowance of €350. The program is specifically tailored to support involvement in vocational training and socially valuable work, aiming to boost employability and contribute positively to the community.

Commentary

Since 2012 (law 92/2012), the legislator made conditionalities applying to recipients of social shock absorber instruments more rigid. However, some critical opinions have pointed out that employment services (both public and private), which should be in charge of providing personalised training programmes aiming at reintroducing people into the labour market, are largely ineffective in Italy.

Law no. 48/2023 introduces the "Inclusion Allowance," effective from January 1, 2024. This allowance, replacing the Citizenship Income and Pension, aims to support individuals in specific economic situations, particularly those from households with an annual income not exceeding €6,000. The Inclusion Allowance is designed to supplement family income, with additional benefits for specific household compositions and rent contributions. It's important to note that this allowance is not compatible with the "Support for Training and Work" program.

Additional metadata

Cost covered by	National government
Involved actors other than national government	Public employment service
Involvement (others)	None
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Italy: Employees obligation to undertake training, Restructuring legislation database, Dublin

Latvia

Employees obligation to undertake training

Phase	Labour law
Native name	Darba likums
Type	Employees obligation to undertake training
Added to database	06 August 2015
Access online	Click here to access online

Article

96

Description

The employer has to cover expenditures associated with occupational training or the increase of qualifications as well as to retain the post of employees if he/she decides to engage in training.

If occupational training or measures to increase qualifications are regarded to be related to the work performed by the employee but do not have a decisive role in the performance of given work (i.e. rather initiated by the employee), the employer and the employee may enter into a specific agreement on the training and cost coverage. An agreement between an employer and an employee on training or measures to increase qualifications is admissible only if it presents features described in the labour law, regarding employees' consent to participate in such measures, the maximum term of agreement, the proportionality principle of restrictive conditions set by an employer and the conditions of reimbursement of the expenses. If the employee decides to quit their job during the period of agreement or if the employer gives an employee notice of termination because of specific reasons (the employee has violated the employment contract, the employee has acted against law or against good virtue in the performance of work, the employee has been in a state of alcohol, drug or toxic intoxication while performing the work, the employee has grossly violated labour protection regulations and endangered the safety and health of other persons), the employer can claim back any expenses the

employer has paid for.

If the employee rejects any proposed training, this cannot serve as the reason for dismissal or other restriction of any employment rights.

Commentary

After any type of job loss, including collective dismissals, a person has to register in State Employment agency to receive unemployment benefit. The Agency then also helps to find training opportunities and/or a new job. But there are no restrictions, an unemployed is not obliged to go through training.

Additional metadata

Cost covered by	Employer National government
Involved actors other than national government	National government Other
Involvement (others)	State Employment agency
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Latvia: Employees obligation to undertake training, Restructuring legislation database, Dublin

Portugal

Employees obligation to undertake training

Phase	Labour Code (Law 7/2009 of 12 February)
Native name	Código do trabalho (Lei 7/2009 de 12 de fevereiro)
Type	Employees obligation to undertake training
Added to database	08 May 2015
Access online	Click here to access online

Article

128 1(d)

Description

Employees have the duty to participate diligently in vocational training given by the employer.

Commentary

No information available.

Additional metadata

Cost covered by	Employer
Involved actors other than national government	National government Employer organisation
Involvement (others)	None

Thresholds

Affected employees: No, applicable in all circumstances

Company size: No, applicable in all circumstances

Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Portugal: Employees obligation to undertake training, Restructuring legislation database, Dublin

Romania**Employees obligation to undertake training**

Phase	Labour Code, Law no. 53/2003, republished in the Official Gazette of Romania no. 345 of 18 May 2011
Native name	Codul muncii, Legea nr. 53/2003, republicată în Monitorul Oficial nr. 345 din 18 mai 2011
Type	Employees obligation to undertake training
Added to database	08 May 2015
Access online	Click here to access online

Article

61 (d), 63 (2), 193

Description

In the Labour Code vocational training is framed as an employer's duty and an employee's right, rather than as an obligation of the employee. As a consequence, refusal of participation in professional training cannot be sanctioned and cannot directly lead to dismissal. However, the refusal to participate in professional training may be reflected in the employee's periodic assessment results, which may indirectly lead to dismissal on grounds of professional inadequacy (Article 61 (d) of the Labour Code). Such a dismissal can only be carried out after a preliminary assessment of the worker's competence.

According to Article 193 of the Labour Code, the modalities of training are the following: * attendance of courses organised by the employer or vocational training service providers in Romania or abroad; * internships for vocational adjustment to the requirements of the job or of the workplace; * internships for practical training and specialisation in Romania and abroad; * apprenticeship; * individualised training; * other forms of training agreed upon between the employer and the employee.

Commentary

This obligation corresponds to the worker's right to vocational training, a right provided by Article 39, paragraph 1 (g) of the Labour Code.

The employee having participated in a vocational training course or an internship financed by the employer may not resign for a certain period of time, negotiated by the parties, otherwise he/she will have to pay back all expenses generated by the training.

Additional metadata

Cost covered by	Employer
Involved actors other than national government	National government
Involvement (others)	None
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Romania: Employees obligation to undertake training, Restructuring legislation database, Dublin

Slovenia

Employees obligation to undertake training

Phase	Employment Relationship Act (ZDR-1)
Native name	Zakon o delovnih razmerjih (ZDR-1)
Type	Employees obligation to undertake training
Added to database	05 August 2015
Access online	Click here to access online

Article

170-171

Description

A worker has the right to and the obligation of ongoing education, training and further training in accordance with the requirements of the working process with the purpose of maintaining and/or improving the skills to perform the work under the employment contract, to keep employment and increase employability.

The duration and the course of education and the rights of the contracting parties during and after the education are to be laid down in a contract on education and/or a collective agreement. A worker who is undergoing education or training in the interest of the employer or in his/her own interest has the right to absence from work to prepare for or take exams. If there is no agreement whatsoever, the worker has the right to absence from work on the days on which he/she takes exams for the first time and the right to paid absence from work.

Commentary

If the employee does not follow the obligation to participate in training, the employer may impose admonition or other disciplinary sanctions such as a fine or deprivation of bonuses if such sanctions are laid down in a branch collective agreement.

Additional metadata

Cost covered by	Employer
Involved actors other than national government	Employer organisation Trade union
Involvement (others)	None
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Slovenia: Employees obligation to undertake training, Restructuring legislation database, Dublin