

## Belgium

# Employers obligation to provide skill development plans or training

<b>Phase</b>	Law of 5 March 2017 regarding workable, flexible work
<b>Native name</b>	Loi du 5 mars 2017 loi concernant le travail faisable et maniable/Wet van 5 maart 2017 betreffende wendbaar en werkbaar werk
<b>Type</b>	Employers obligation to provide skill development plans or training
<b>Added to database</b>	26 June 2015
<b>Access online</b>	<a href="#">Click here to access online</a>

## Article

Chapter 2, Articles 9-17.

## Description

The law reforms the current system of training whilst in employment. Previously 1,9% of the yearly wage mass in private companies had to be invested in training. The new law dismisses both this system and the sanctions that accompanied it. Instead a new interprofessional goal of 5 days on average spent on training per FTE has been introduced. The 5 days of training have to be concretised by either a new collective agreement or by extending the previous collective agreement.

The new law foresees in the organisation of training, either on a sectoral or company level by creating individual education accounts. In case no collective agreement has been settled on either the sectoral or company level, the employee is still entitled to 2 training days per year for each FTE.

The law aims at both formal and informal training (that are directly related to the job). The training provided can also be related to health and wellbeing at work.

If the employee isn't able to use up the training days he/she is entitled to, the unused days will be transferred to the next year, without reducing the number of days in that year.

## Commentary

nan

## Additional metadata

<b>Cost covered by</b>	Companies
<b>Involved actors other than national government</b>	Works council
<b>Involvement (others)</b>	None
<b>Thresholds</b>	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), Belgium: Employers obligation to provide skill development plans or training, Restructuring legislation database, Dublin

## Bulgaria

# Employers obligation to provide skill development plans or training

<b>Phase</b>	Labour Code; Law of encouragement of employment
<b>Native name</b>	Кодекс на труда; Закон за насърчаване на заетостта
<b>Type</b>	Employers obligation to provide skill development plans or training
<b>Added to database</b>	08 May 2015
<b>Access online</b>	<a href="#">Click here to access online</a>

## Article

Articles 228a and 228b (Labour Code); Article 22 (Law of encouragement of employment)

## Description

The employer is obliged to provide conditions for maintaining and improving the employees' professional qualifications for the efficient performance of their duties under the employment relationship in compliance with the requirements of the performed work and their future professional development. Plans are developed in cooperation with the national employment agency. The employer is responsible for providing vocational training and upgrading employees' professional skills, especially for those who return to work after a long absence.

## Commentary

This subject can also be covered by collective bargaining agreements and some multi-annual plans of employment and skills development can be found in some collective agreements.

In order to meet the requirements of Article 228a and Article 228b of the Labour Code, it is necessary, in the event of an employment relationship, that the employer has handed to the employee the job description, as well as an annual plan for training, qualification and

re-qualification, which determines the need for staff and through which to give orientation about the time of training and organisational, technical and financial provision.

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 the training. By virtue of a statutory instrument, a collective agreement or an agreement to the individual employment contract, the employer is obliged to provide training to maintain and improve the professional qualifications of employees in order to perform their duties effectively in accordance with the requirements of the work performed, the training time shall be counted as working time. Whenever possible, training shall take place during the employee's established working hours.

## Additional metadata

<b>Cost covered by</b>	Employer
<b>Involved actors other than national government</b>	Public employment service
<b>Involvement (others)</b>	None
<b>Thresholds</b>	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: Employers obligation to provide skill development plans or training, Restructuring legislation database, Dublin

## Estonia

# Employers obligation to provide skill development plans or training

<b>Phase</b>	Employment Contracts Act
<b>Native name</b>	Töölepingu seadus
<b>Type</b>	Employers obligation to provide skill development plans or training
<b>Added to database</b>	08 May 2015
<b>Access online</b>	<a href="#">Click here to access online</a>

## Article

Employment Contracts Act § 28 (5)

## Description

For the purpose of development of the professional knowledge and skills of employees, the employer is obliged to provide the employees with training based on the interests of the employer's enterprise and bear the training expenses and pay average wages during the training. There are no specific conditions.

## Commentary

According to the Estonian Work Life Survey 2015 (Statistics Estonia), 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. According to the Employment Contract Survey, 7.8% of employees participated in work-related training in 2011, which is slightly higher than before the Employment Contract Act reform that came into force on 1 June 2009 - 6.5% in 2008 and around 3.5% in previous years (Masso et al, 2013).

## Additional metadata

<b>Cost covered by</b>	Employer
<b>Involved actors other than national government</b>	National government
<b>Involvement (others)</b>	None
<b>Thresholds</b>	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: Employers obligation to provide skill development plans or training, Restructuring legislation database, Dublin

## Finland

# Employers obligation to provide skill development plans or training

<b>Phase</b>	Employment Contracts Act (55/2001), Cooperation Act (1333/2021), Act on Cooperation within Finnish and Community-wide Groups of Undertakings (335/2007), Act on Cooperation within Government Agencies and Institutions (1233/2013), Act on Cooperation between employer and staff within Municipalities and Wellbeing Services Counties (449/2007), Act on Financially-Supported Development on Professional Skills (1136/2013), Act on Compensations for Training (1140/2013).
<b>Native name</b>	Työsopimuslaki (55/2001), Yhteistoimintalaki (1333/2021), Laki yhteistoiminnasta suomalaisissa ja yhteisönlajuisissa yritysryhmissä (335/2007), Laki yhteistoiminnasta valtion virastossa ja laitoksissa (1233/2013), Laki työnantajan ja henkilöstön yhteistoiminnasta kunnassa ja hyvinvointialueella (449/2007), Laki taloudellisesti tuetusta ammatillisen osaamisen kehittämisestä (1136/2013), Laki koulutuksen korvaamisesta (1140/2013),
<b>Type</b>	Employers obligation to provide skill development plans or training
<b>Added to database</b>	08 May 2015
<b>Access online</b>	<a href="#">Click here to access online</a>

## Article

55/2001: Ch. 2, Sec. 5; Ch. 5, Sec. 2; Ch. 7, Sec. 3-4, 10, 13. 1333/2021: Ch. 2, Sec. 9; Ch. 3, Sec. 21,. 335/2007: §3. 1233/2013: Ch.3, Sec. 14. 449/2007: Sec. 4a. 1136/2013: all

## Description

The employer, in cooperation with employee representatives, must draw up and maintain a work community development plan for the systematic and long-term development of the work community. The drawing up and maintaining of the development plan is part of workplace dialogue around for instance the skills needs and skills development of employees. The plan is subject to changes in the case of redundancies due to economic or production-related reasons. In these cases, necessary amendments should be made in the development plan in connection to the dialogue and after the end of cooperation negotiations.

The work community development plan must include:

- Current situation and foreseeable developments that may impact the skills needs of employees;
- Goals and measures to develop and maintain the skills of employees;
- Monitoring procedures;
- Principles for the use of external workforce.

During the drawing up and maintaining of the work community development plan, attention should be paid, where appropriate, to:

- The impact of technological development, and other possible changes on the work community;
- The specific needs of employees in different life situations, in particular the need to maintain the working ability of older workers and those at risk of invalidity, and the employability of employees at risk of unemployment.

The failure to draw up or maintain a work community development plan can lead to fines for the employer.

An employer can in turn be eligible for either tax deductions or financial support for the training of its employees according to the work community development plan. Twice a year, the employer must provide information to the employee representative on the employee structure and numbers, and number of employees with temporary or part time contracts.

If an employer announces the dismissals of at least ten employees on production or economic-related grounds, the employer is obliged to draw up an Action Plan during the start of cooperation negotiations. The Action Plan needs to, among other things, include the promotion of the use of unemployment services and education for the dismissed employees. In the case a dismissal concerns less than ten employees, a policy must be presented during the start of cooperation negotiations. The policy shall support the



employees' search for other jobs or training.

According to the Employment Contracts Act, if an employer needs more employees for tasks suitable for employees who are already working part-time for the employer, the employer must offer such employment to the part-time employees. If these part-time employees need further training in order to perform new duties, the employer is obliged, within reasonable limits, to provide such training.

An employer who has dismissed an employee on financial or production-related grounds is obliged to offer the employee training to promote employment. This applies to companies employing 30 people or more, and to employees who have been employed by the employer for an uninterrupted period of five years or more. National employee and employer representatives do however have the right to change this in Collective Agreements.

Furthermore, instead of dismissing or temporarily laying off an employee, the employer must, within reasonable limits, seek to arrange relevant training to the employee so as to allow the employee to stay at the company. However, an employer may furlough employees if such training cannot be reasonably arranged.

## Commentary

The provisions described above apply to companies with 20 employees or more. The final provision of offering supplementary employment with the necessary training to part-time employees applies to companies of all sizes.

Collective agreements may include sector specific provisions regarding training of the personnel.

## Additional metadata

<b>Cost covered by</b>	Employer National government
<b>Involved actors other than national government</b>	Works council
<b>Involvement (others)</b>	None

### Thresholds

Affected employees: No, applicable in all circumstances

Company size: 20

Additional information: No, applicable in all circumstances

### Sources

### Citation

Eurofound (2015), Finland: Employers obligation to provide skill development plans or training, Restructuring legislation database, Dublin

## France

# Employers obligation to provide skill development plans or training

<b>Phase</b>	Labour code
<b>Native name</b>	Code du travail
<b>Type</b>	Employers obligation to provide skill development plans or training
<b>Added to database</b>	08 May 2015
<b>Access online</b>	<a href="#">Click here to access online</a>

## Article

L.2242-20 to L. 2242-21 (anticipatory management of employment and competencies plan)  
L. 5151-1 to L. 5151-6 (occupational personal account) L.6111-1 (vocational training)  
L.6315-1 to L6315-2, L6323-13 (Career interview) L..6321-1 (adaptation to the workstation)  
L. 6321-2, L.6321-6 (vocational training considered as working time) L.6331-1A to L6333-8  
(commitment to fund vocational training)

## Description

Employers are required to finance the vocational training system and according to the Labour code, the employer is obliged to ensure the adaptation of employees to their workplace. Furthermore, the legislator and the case law forced them to be more active through schemes like the personal training account, the obligation to negotiate Anticipatory management of employment and competencies plan or the commitment to organise a career interview for each employee.

Personal training account (Compte personnel de formation, CPF)

According to article L. 6111-1, all private sector employees are required to have a personal training account (CPF), valid from their first entry in the labour market until their retirement. The CPF allows employees with 16 years of age or more to acquire training entitlements that are registered in the account for the whole working life.

Changing jobs or alternating between work and unemployment does not affect an individual's right to training.

The CPF is part of the occupational personal account (Compte personnel d'activité, CPA), which aims at securing the individual's professional career by strengthening freedom of action and removing obstacles to mobility. The CPA can be opened by any person with 16 years of age or older, who is employed, looking for a job or accompanied by public employment services in a career orientation and integration project. The service is accessible from an [online website](#).

From 1 January 2019, training entitlements acquired under the CPF are monetised and deducted in euros. From 2020, if an employee works at least half of the legal or contractual working time for the whole year, the employer credits the CPF with up to €500 per year (subject to a total maximum of €5,000) at the end of the year. If the employee works less than half of the legal or contractual working time for the whole year, the employer credits the CPF at the end of that year in proportion to the time worked.

Rights stated on the account can be supplemented at the time of use if the holder does not have sufficient money to complete the course taken. It can be topped up by the employer, the employee, sectoral-level collective agreements or the public employment services. In case of unemployment, the account can be supplemented by the state or the competent regional employment authority. Collective agreements at company level might also provide for additional financial contributions paid by the employer towards personal training accounts.

In order to be eligible for the CPF, courses must be mentioned on an official list accessible online. Examples of listed courses include training programmes awarding a professional qualification, accreditation of prior experiential learning and training courses dedicated to business creation. The account holder has full control over the use of the CPF, which cannot be debited without her consent.

#### Skills development plan (Plan de développement des compétences)

According to L. 6312-1, an employer must offer training as part of the skills development plan, which aims at ensuring that employees adapt to their workplace and maintain their ability to retain their jobs, particularly in light of technological developments.

Even though not legally compulsory, the skills development plan is a document that gathers all the training initiatives selected for employees. The plan can support the employer in complying with legal duties mentioned in article L. 6312-1. Employee representatives need to be informed and consulted about the employer's decision to set up such a plan.

The skills development plan distinguishes between the following two initiatives:

- **Mandatory training initiatives, pursuant to collective agreements:** They aim at developing skills directly applicable to the performance of the employee's duties or linked to a planned change or modification of the employee's duties within the employment contract. As the employee is not required to express her consent to these mandatory initiatives, her refusal to take part in them can constitute grounds for dismissal, unless the employer offers the employee a skill assessment or a validation of prior experience (Validation des acquis de l'expérience - VAE). Even though these initiatives take place during working hours, the employee is entitled to the contracted remuneration and social protections.
- **Other training initiatives, referred to as non-compulsory:** They aim at developing skills applicable to other professional roles different than the employee's current one either within or outside the company. In all cases, the employer needs to obtain the written consent of the employee. The employee's refusal to take part in them cannot constitute grounds for dismissal. If these initiatives take place during working hours, the employee is entitled to the contracted remuneration and social protections. If these initiatives take place outside of working hours, they need to comply with the time limit per employee as defined by company-level collective agreement. In case of no company-level collective agreement, article L. 6321-6 provides for a limit of 30 hours per year, per employee. Before undertaking training, the employer needs to agree with the employee on the amendments to the employment contract with respect to change of qualification and increase in remuneration among others.

The skills development plan may include as well the following actions:

- Skill assessment;
- Validation of Professional Experience (Validation des acquis de l'expérience - VAE);
- Fight against illiteracy.

#### Career interview (Entretien professionnel)

According to article L. 6315-1, employees are entitled to a career interview at least every two years. The interview allows employees to consider their career development in terms of qualifications and roles. Every six years, the employer has to produce an individual written evaluation for all employees. In companies with 50 employees or more, the latter document is used by the employer to check whether the employee has benefited from sufficient training. A copy of the document is as well delivered to the employee. If the employee did not benefit from a career interview and at least one non-compulsory training initiative, a financial bonus is automatically credited to the employee's CPF.

### Commitment to fund vocational training

According to articles L. 6331-1 and L. 6331-6, employers contribute to funding vocational training through an earmarked contribution. Employers fund vocational training with a single, compulsory contribution. The latter amounts to 0.55% of the gross monthly salary for companies with fewer than 10 employees. The contribution rises to 1% of the gross monthly salary for companies with 10 or more employees, which are allowed to reduce their contribution to 0.8% if they agree to allocate the remaining 0.2% directly to the employees' CPF.

### Anticipatory management of employment and competencies (Gestion prévisionnelle des emplois et des compétences, GPEC)

According to article L. 2242-20, the employer has an obligation to launch negotiations every three years on its corporate strategy with respect to the foreseeable effects on employment. The following list include topics covered by the negotiations:

- the introduction of an 'anticipatory management of employment and competencies' scheme, which includes supporting measures like training or validation of prior work experience;
- the conditions for internal occupational and geographical mobility (if applicable), which need to be specified even if introduced in the company through a collective agreement;
- the general three-year guidelines on vocational training and the targets, objectives and desired outcomes of the skill development plan;
- the forecasts on the use of employment contract typologies, working time arrangements, traineeships and the measures taken to reduce the use of precarious forms of employment;
- the conditions on which subcontractors are informed about strategic guidelines of the company that might have an effect on their profession, employment and skills;
- the career development of employee representatives and the exercise of their duties.

The outcome of the negotiation has to be assessed at the date of expiry of the agreement.

According to article L. 2242-21, negotiations may also cover: \* the channels for information and consultation with the works council on collective dismissals; \* the definition of employment categories threatened by economic and technological developments; \* the procedures for association with subcontractors on the anticipatory management of employment and competencies scheme; \* the conditions under which the company takes part in actions on the anticipatory management of employment and competencies at the territorial level; \* the implementation of mobility leaves under the terms planned by article L. 1237-18; \* the training and sustainable integration of young

people into employment, the employment of older employees and the transmission of knowledge and skills, the prospects for the development of apprenticeship programmes, as well as the arrangements for the reception of apprentices and trainees and the improvement of the working conditions of older employees.

## **Commentary**

The personal training account (CPF) replaced the individual right to training (Droit individuel à la formation - DIF), which was created in 2003 and was rarely used.

The 2018 law 'pour la liberté de choisir son avenir professionnel' amended the labour code in the field of vocational training. It brought significant changes with respect to:

- the personal training account (prior to the reform, vested rights were recorded in hours and not monetised);
- the creation and contents of skills development plans as it replaces the former training plan;
- the organisation and rules regulating career interviews.

Even if its provisions address a very wide range of topics, the law is directly related to employee mobility in the labour market and employers' duties in this respect. The reform generally aims at empowering people, irrespective of their situation in the labour market, and at making them active in the development of their own competencies and employability. The reform contributes to the overall labour market reforms implemented by the French president, which include the 2017 reform of the labour code and the reform of the unemployment insurance scheme.

As highlighted by the Court of Auditors (Cour des Comptes, 2023), one of the major objectives of the reform was to make use of the CPF more "democratic". This is the result of both the transformation of the annual entitlements available to working people into an amount available in euros and, from November 2019, the possibility of purchasing training on an online platform inspired by internet shopping sites. Use of the CPF has risen sharply, beyond expectations, since September 2020, with the annual number of applications rising from around 500,000 - 600,000 before the reform to more than two million by 2021.

As for GPEC (Gestion prévisionnelle des emplois et des compétences / Anticipatory management of employment and competencies), there have been several attempts to assess the impact of the policy initiatives discussed above, but there are essentially three obstacles in depicting a clear picture. First, in its annual reviews on collective bargaining, the Ministry of Labour includes GPEC agreements at company level in the wider 'collective agreements on employment', which includes as well collective agreements on other issues

like employment of disabled people. Second, companies can also merge GPEC negotiations with other negotiations on different topics. Third, collective bargaining for GPEC is legally required every three years, meaning GPEC agreements are often multi-year. However, it is possible to notice that the percentage of company-level collective agreements on employment related to job management (GPEC, Employment Safeguard Plans, employee mobility) reduced from 31% in 2016 to 28% in 2017. At the sectoral level, two GPEC agreements were concluded in 2016, two in 2017 and three in 2018. The 2018 reform does not directly affect GPEC regulation but, in the current context, employers have a role to play, and sometimes legal duties to satisfy, to explain to their employees their interest in training and using available resources. For instance, the 2018 reform allows employees to receive information about the CPF and the CEP (Conseil en évolution professionnelle - career guidance public service) during the career interview.

## **Additional metadata**

<b>Cost covered by</b>	Companies Employer
<b>Involved actors other than national government</b>	Public employment service Trade union Works council
<b>Involvement (others)</b>	None
<b>Thresholds</b>	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), France: Employers obligation to provide skill development plans or training, Restructuring legislation database, Dublin



## Germany

# Employers obligation to provide skill development plans or training

<b>Phase</b>	Works constitution act; Qualification opportunities act, Act on promoting further training during in a time of structural change
<b>Native name</b>	Betriebsverfassungsgesetz; Qualifizierungschancengesetz; Arbeit-von-Morgen-Gesetz
<b>Type</b>	Employers obligation to provide skill development plans or training
<b>Added to database</b>	08 May 2015
<b>Access online</b>	<a href="#">Click here to access online</a>

## Article

Qualification opportunities act 1, § 96-98 Act on promoting further training during in a time of structural change, whole act

## Description

Under the Works constitution act, both the employer and the works council should promote vocational training and occupational education of employees, in cooperation with the authorities responsible for training and training support. They are, however, not obliged to do so.

On request of the works council, the employer has to investigate the training demand among employees and discuss questions regarding training. The employer and the works council have to consider enabling workers to participate in training, taking into account the company related requirements. The specific needs of older employees, part-time employees and employees with family obligations ought to be considered.

The qualification opportunities act was adopted in December 2018 and entered into force in 2019. The act expanded the subsidies provided by the Federal Employment Agency to train employees whose employment activities can be replaced by technologies, that are

otherwise affected by structural change, or seek further vocational training in a bottleneck job. Before the reform, the training was reserved to unqualified workers, older workers in SMEs, and workers at risk of unemployment.

The qualification opportunities act changes the support lines in Social code III. Employees and employers are entitled to guidance for qualification and training measures (Art. 29) and can receive subsidies for training measures (Art. 82) through the Federal Employment Agency. A number of conditions will apply for qualifying to the training (e.g.): Knowledge and skills must go beyond job-related, short-term adaptation training; professional qualification must date back at least four years; duration of the training must be at least 160 hours and training must not be provided by the employer.

In May 2020, the act on promoting further training during in a time of structural change took effect. It eases regulations for the Federal Employment Agency to support employers and workers in their training efforts. Amongst other things, the new rules foresee that local employment agencies can increase subsidies for course costs and wages if at least every fifth employee in the company needs training. Small- and medium-sized companies (defined as those with fewer than 250 employees) can receive higher subsidies even if only ten per cent of their employees undergo continuous training. As before, the training course must meet certain standards but its minimum duration was lowered from 160 to 120 hours. Due to this reduction, employees can choose from a greater number of courses to meet their needs.

## Commentary

According to the Federation Institute for Vocational Training and Education ('Bundesinstitut für Berufsbildung', BIBB), the latest results of the fourth European Continuing Vocational Training Survey (CVTS4-Z) indicate only a mediocre training provision in German establishments (Moraal, 2015). About 20-25% of the training provided is mandatory and focuses on occupational safety and health. As indicated by the Adult Education Survey data, most training is targeting skilled workers and managerial staff. Provisions for low and unskilled workers are comparatively rare (Behringser and Schönfeld, 2014).

The CVTS4-Z data indicate also that the works council plays a positive role in the provision of further training and that further training is best institutionalised if work agreements on training or joint training committees are in place. In more than 70% of large manufacturing companies, joint further training committees composed of HR staff and works council members exist. However, these committees remain rare in the service sectors.

Latest research shows that around half of all establishments had provided continuous training between 2011 and 2019 (Bennewitz, 2022). However, due to the COVID-19 pandemic, numbers dropped significantly between 2019 and 2020. Bennewitz et al. (2022) show that due to the contact restrictions, years 2019 and 2020), the share of companies offering continuous training dropped by 20.7 percentage points.

## Additional metadata

<b>Cost covered by</b>	Employer
<b>Involved actors other than national government</b>	Works council Other Public employment service
<b>Involvement (others)</b>	Further training institutions
<b>Thresholds</b>	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), Germany: Employers obligation to provide skill development plans or training, Restructuring legislation database, Dublin

## Portugal

# Employers obligation to provide skill development plans or training

<b>Phase</b>	Labour Code (7/2009 of 12 February) amended by Law 93/2019 of 4 September
<b>Native name</b>	Código do Trabalho (Lei 7/2009 de 12 de fevereiro), alterado pela Lei 93/2019 de 4 de setembro
<b>Type</b>	Employers obligation to provide skill development plans or training
<b>Added to database</b>	08 May 2015
<b>Access online</b>	<a href="#">Click here to access online</a>

## Article

Labour Code - articles 127 d) and i), 130 c), 131, 302

## Description

The employer must create a training plan based on the diagnosis for training needs of the employees. The training plan should be annual or multi-annual. The plan must specify objectives, the training entity, the training actions, the place and schedule of the training.

The elements not possible to be specified in the training plan will be reported to the workers concerned, to the works council or, in its absence, to the inter-union committee, trade union committee or the trade union delegate.

The regulation does not apply to micro enterprises, defined as enterprises employing fewer than 10 workers.

One of the aims of vocational training must be related to promoting the qualification or retraining of workers who are at risk of becoming unemployed.

In the scope of lifelong learning the employer shall ensure: \* a minimum number of annual training hours for each employee (40 hours per year), either through programmes carried

out in-house or allowing time-off to attend training programmes outside on their own initiative. Fixed-term contracts of less than three months are excluded and, in the case of other fixed-term contracts, the number of hours is calculated proportionally to the length of the contract. The same rule applies for temporary workers; \* that continuous training should target at least 10% of employees every year; \* the promotion of the development and improvement of the qualifications of employees in order to improve their performance and increase productivity and competitiveness of the company.

If a company has been declared as facing economic difficulties or is in the recovery process, the employer may temporarily reduce the normal working hours or suspend the employment contracts. The reduction or suspension must have a predefined duration not exceeding six months. Only in the case of a catastrophe or other occurrence which has severely affected the normal activities of the company the reduction or suspension may have the duration of one year.

During the reduction or suspension of the contract, workers are entitled to receive a minimum amount equal to two-thirds of the gross wage (without discounts) that they would receive if they were working normally. Additionally, during the period of reduction or suspension of the contract the training should be oriented to the company's viability and the maintenance of jobs, or the development of the workers' qualification in order to increase their employability. The training plan is drafted by the employer, following the consultation of the workers covered and opinion of the worker representative structure.

## Commentary

The legislation can be adjusted (that is deviate from the main text provision) through collective agreements given the specific features of the sector, qualifications of the staff and the undertaking's size and scope.

## Additional metadata

<b>Cost covered by</b>	Employer
<b>Involved actors other than national government</b>	Trade union Works council Employer organisation
<b>Involvement (others)</b>	None

### **Thresholds**

Affected employees: No, applicable in all circumstances

Company size: 10

Additional information: No, applicable in all circumstances

### **Sources**

### **Citation**

Eurofound (2015), Portugal: Employers obligation to provide skill development plans or training, Restructuring legislation database, Dublin

**Romania**

# Employers obligation to provide skill development plans or training

<b>Phase</b>	Labour Code, Law no. 53/2003, republished in the Official Gazette of Romania no. 345 dated 18 May 2011; Governmental Ordinance no. 129 dated 31 August 2000 regarding adult professional training; Law no. 76/2002 regarding unemployment benefits and labour force employment stimulation, as subsequently amended and supplemented
<b>Native name</b>	Codul muncii, Legea nr. 53/2003, republicată în Monitorul Oficial nr. 345/18 mai 2011; Ordonanța Guvernului nr. 129/31 august 2000 privind formarea profesională a adulților; Legea nr. 76/2002 privind sistemul asigurărilor pentru șomaj și stimularea ocupării forței de muncă, cu modificările și completările ulterioare
<b>Type</b>	Employers obligation to provide skill development plans or training
<b>Added to database</b>	08 May 2015
<b>Access online</b>	<a href="#">Click here to access online</a>

**Article**

192-195 (Labour Code); 3, 5, 6, 9, 14 (Government Ordinance no. 129/2000); 48-52 (Law no. 76/2002)

**Description**

According to the labour code, employers have the obligation to ensure, at their own costs, the participation of all employees in vocational training programmes.

The training period depends on the number of employees; employers shall ensure participation in professional training at least once every two years if they have at least 21 employees, and at least once every three years if they have fewer than 21 employees.

According to the labour code, an employer with more than 20 employees must design and implement annual vocational training plans in consultation with the trade union or, as the case may be, the representatives of the employees. Such training programme becomes an addendum to the company collective agreement.

Under the law, the main objectives of vocational training are to provide for: \* professional readjustment caused by socioeconomic restructuring; \* qualification changes caused by economic restructuring, by social mobility or by changes in the labour capabilities; \* better social integration of individuals in compliance with their professional aspirations and the demand of the labour market; \* training of human resources able to contribute to higher competitiveness of the labour force; \* updating of knowledge and improvement of professional training in the main occupation as well as in related occupations; \* acquisition of advanced knowledge, modern methods and procedures required to fulfil professional tasks; \* updating of specific knowledge and skills needed for the position and the job, and improvement of professional training to enhance employment opportunities; \* acquisition of advanced knowledge, modern methods and procedures needed to carry out professional activities; \* prevention of unemployment risks; \* access to vocational skills; \* career development and advancement.

The employees have the right to be informed about the contents of the vocational training plan. Subsequent, the employee having enjoyed 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 would have to pay back all expenses generated by the vocational training.

Regulations encouraging employers to ensure the training of employees can also be found in Government Ordinance 129/2000, republished in the Official Gazette of Romania no. 110 from 13 February 2014 and in the Law no. 76/2002 regarding unemployment benefits and labour force employment stimulation.

Under these regulations, an employer seeking to ensure the professional training of the employees must consult the trade unions or the representatives of the employees when designing professional training plans, in compliance with sectoral development plans and strategies.

The law also provides certain incentives for employers who provide vocational training courses (article 48 (1) of Law no. 76/2002).

The Government decision No. 474/2022 amends and supplements the Methodological Rules for implementing the provisions of Government Ordinance No. 129/2000 on vocational training of adults, approved by Government Decision No. 522/2003. The normative act regulates the implementation of the provisions of Government Ordinance



No 129/2000 on adult vocational training, republished, amended and supplemented by Government Emergency Ordinance No 96/2016. The act is amending and supplementing certain normative acts in the fields of education, research, vocational training and health.

## Commentary

As form of vocational training, customised individual training usually implies the following stages: initiation, qualification, improvement, specialisation and requalification. Vocational training plans are developed in cooperation with professional training providers, authorised by the National Council for Adult Training.

It should, however, be noted that the incentives for employers who provide vocational training courses (article 48 (1) of Law no. 76/2002) are not really effective yet in practice.

Government decision no 474/2022 regulates the implementation of the provisions of Government Ordinance no 129/2000 on adult vocational training, republished, amended and supplemented by Government Emergency Ordinance no 96/2016. The act is amending and supplementing certain normative acts in the fields of education, research, vocational training and health.

## Additional metadata

<b>Cost covered by</b>	Employer National government
<b>Involved actors other than national government</b>	Trade union Other
<b>Involvement (others)</b>	Representatives of employees, where there are no trade unions; training providers
<b>Thresholds</b>	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: Employers obligation to provide skill development plans or training, Restructuring legislation database, Dublin

## Slovakia

## Employers obligation to provide skill development plans or training

<b>Phase</b>	Labour Code
<b>Native name</b>	Zákonník práce
<b>Type</b>	Employers obligation to provide skill development plans or training
<b>Added to database</b>	08 May 2015
<b>Access online</b>	<a href="#">Click here to access online</a>

### Article

140, 153-155

### Description

[Act No. 311/2001 Coll. of the Labour Code](#) provides a 'general background' for skill development and training of employees. It includes:

- increasing/deepening the qualification of employees needed for the employees' work performance agreed in their employment contract, and
- participation in additional education (lifelong learning) particularly required by law.

As these activities limit workers' availability to work, employers may provide employees with time off from work and wage compensation (in amount of the employee's average monthly wage) if the skill development and training is compliant with the needs of the employer. The Labour Code specifies the length of time off provided for individual education and training activities usually by the number of days. For instance, two days for each partial exam, five days for a final exam.

An employer is obliged to retrain an employee who is to be transferred to a new workplace or to a new type of work or manner of working, if such is necessary, particularly with regard to changes in work organisation or to other rationalising measures. The Labour

Code only regulates conditions for increasing and development of qualifications regardless of whether it is long-term or short-term training; it does not regulate long-term training directly.

There is no legal regulation that would expressly state employers' obligations to plan the development of their employees' skills and competencies whether on a permanent or occasional basis.

## Commentary

It is not common for companies to provide long-term training in Slovakia (short-term training is more common). Planning of some kind of training in the case of restructuring (especially for redundant employees) is mainly typical for international companies or big enterprises (training for such employees could be provided by the Labour Office – public employment service). Most of such plans are done for individual employees (mainly based on internal rules). To keep the employment relationship with the employer, the employee concerned should undertake the required training or retraining. It is not particularly common in Slovakia to discuss and cooperate with employees' representatives regarding training plans. The employers only inform the employees' representatives of such plans. Few collective agreements (especially at company level) contain only general rules regarding training.

## Additional metadata

<b>Cost covered by</b>	Employer
<b>Involved actors other than national government</b>	National government
<b>Involvement (others)</b>	None
<b>Thresholds</b>	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), Slovakia: Employers obligation to provide skill development plans or training, Restructuring legislation database, Dublin

## Slovenia

# Employers obligation to provide skill development plans or training

<b>Phase</b>	Employment Relationship Act (ZDR-1)
<b>Native name</b>	Zakon o delovnih razmerjih (ZDR-1)
<b>Type</b>	Employers obligation to provide skill development plans or training
<b>Added to database</b>	05 August 2015
<b>Access online</b>	<a href="#">Click here to access online</a>

## Article

6, 62 and 170–171

## Description

An employer is obliged to provide education, training and further training to workers if the needs of the working process require so or if education, training or further training may prevent the cancellation of the employment contract for reasons of incompetence or for business reasons. In accordance with the needs of education, training and further training of workers, the employer has the right to refer the worker for education, training and further training. Education, training and further training are defined as a right and obligation of the employer and the worker alike.

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, training or further training has the right to absence from work to prepare for or take exams, at least when the worker takes an exam for the first time.

The employer must ensure equal treatment in respect of the personal circumstances regarding access to training, education, and requalification.

A temporary work agency is obliged to provide the worker with education, training and further training as described above. The temporary work agency and the user undertaking must lay down the education, training and further training of the worker during their assignment to the user undertaking.

## Commentary

In collective agreements, social partners specify additional rules regarding education and training. Most collective agreements (24 out of 26) incorporate at least rudimentary education regulations if the employer refers the worker for education and (less frequently) if the person pursues education on own initiative. If the employer refers the worker for education, the employer must bear the expenditures, and the time spent on education is considered working time. Collective agreements also determine paid or unpaid leave when the worker takes exams for the first time. However, collective agreements are limited to a modest refinement of legal provisions. While some are more specific on reimbursement of expenses, others provide for paid absence for education or for the right to unpaid absence for these purposes. According to Franca (2021, p. 509), there is still a potential for a joint cooperation of unions and employers in the recognition of needs and the planning of knowledge development, inclusion in lifelong learning and provision of funds.

According to the 2020 Continuing vocational training survey, 81.6% of all companies allow their employees to attend internal or external education or training programmes (i.e. actions and activities whose main objective is to acquire new knowledge and skills or develop and improve the existing ones and are at least partially funded by the enterprise for its employees). These findings represent a drop of more than five percentage points from the 2015 survey (Statistical Office of the Republic of Slovenia, 2022). Large firms with 250 or more employees had the highest proportion of training participants (64% of all staff). Out of total employees, 51% participated in training courses. The most frequent trainings were in the information, communication, financial, and insurance industries. Construction firms had the lowest education participation rate of 20%.

## Additional metadata

<b>Cost covered by</b>	Employer
<b>Involved actors other than national government</b>	Employer organisation Trade union
<b>Involvement (others)</b>	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: Employers obligation to provide skill development plans or training, Restructuring legislation database, Dublin