



TRANSPORT AND WORKING TIME ORGANIZATION IN THE SLOVAK REPUBLIC

TRANSPORT I ORGANIZACIJA RADNOG VREMENA U REPUBLICI SLOVAČKOJ

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Abstract: This paper present specification of individual transport activities and working time organization in the Slovak Republic.

Key words: Transport, Working Time, Labour Code.

Apstrakt: Rad se bavi određivanjem aktivnosti individualnog transporta i organizaciji radnog vremena u Republici Slovačkoj.

Ključne reči: transport, radno vreme, Zakonu o radu.

1 INTRODUCTION

Specification of individual transport activities requires specific modification of working time and rest period during the transport in comparison to specification contained in the Labour Code. Transport belongs to fields which require certain legal regulations on national, European, and international level. Interests and needs followed by the state in the transport industry are declared and specified in the national transport policy [2]. Specific features of individual activities in the transport are demonstrated especially by different specification from the Labour Code stipulations related to working time and the rest period for transport employees, especially in the following fields:

1. breaks at work,
2. stand-by duty, and

1 UVOD

Određivanje aktivnosti individualnog transporta zahteva modifikaciju radnog vremena i perioda odmora tokom obavljanja transporta u poređenju sa opisom sadržanim u Zakonu o radu. Transport pripada grupi oblasti koje iziskuju izvesne zakonske propise na nacionalnom, evropskom i međunarodnom nivou. Interesi i potrebe države u pogledu transportne delatnosti proglašeni su i određeni u nacionalnoj transportnoj politici [2]. Posebne odlike pojedinačnih aktivnosti u transportu prikazane su naročito putem različitih opisa navedenim u odredbama Zakona o radu vezanih za radno vreme i vreme odmora zaposlenih u transportu, naročito u sledećim oblastima:

1. pauzama u radu,
2. vremenu u pripravnosti, i

3. night work of some groups of employees in the road transport, railway transport, air transport, and water transport (inland navigation), employer of whom operates the transport services, administers land communications or transport infrastructure.
3. noćnom radu nekih grupa zaposlenih u drumskom transportu, železničkom transportu, vazdušnom transportu i vodenom transportu (unutrašnja, rečna plovidba), kod poslodavca koji se bavi pružanjem transportnih usluga, upravlja zemljanim komunikacionim ili transportnom infrastrukturom.

Other labour-law relations of transport employees are specified by the labour Code. The base for such different legal regulations is § 3 par. 2 of the Labour Code, which determines that labour/law relations of transport employees, members of ship crew sailing under the Slovak Republic national flag, employees of private security services and professional sportspersons are regulated by the Labour Code, unless otherwise specifies by a separate regulation.

Drugi odnosi iz radnog prava vezani za transportne radnike predviđeni su Zakonom o radu. Osnova za toliko različite zakonske propise je Član 3, stav 2 Zakona o radu, koji određuje da odnosi iz radnog prava transportnih radnika, članova brodske posade koja plovi pod nacionalnom zastavom Republike Slovačke, radnika u oblasti usluga privatnog obezbeđenja i profesionalnih sportista budu regulisani Zakonom o radu, osim ukoliko drugačije nije određeno posebnim propisom.

2 TRANSPORT AND WORKING TIME IN SLOVAKIA

The Act No. 462/2007 Coll. on the organisation of working time in the transport sector and on amendment of the Act No. 125/2006 Coll. on labour inspection and amendment of the Act No. 82/2005 Coll. on illegal work and illegal employment and amendment of certain acts as amended by the Act No. 309/2007 Coll. (hereinafter referred to as the „Act No. 462/2007 Coll.“) is a response to a new legal situation that began after the Slovak Republic joined the European Union, especially to new legal acts dated 2006. Council Regulation (EEC) No. 3820/85 of 20 December 1985 on the harmonization of certain social legislation relating to road transport, was supposed to harmonise conditions for the economic competition among types of inland transport and improve working conditions and safety on roads. Experience obtained by the application thereof has shown that the objective Council Regulation enables the employers to schedule daily times of driving and breaks for their drivers so that drivers are forced to drive too long without break, which caused deterioration of working conditions for drivers and lower safety on roads. Therefore, the need arose within the Community to adopt a set of more definite rules, easier to understand and apply in the road transport, it was especially necessary to simplify basic rules related to driving time for drivers in road transport in order

2 TRANSPORT I RADNO VРЕМЕ У СЛОВАЧКОЈ

Uredba br. 462/2007 o organizaciji radnog vremena u sektoru transporta i o dopuni Uredbe br. 125/2006 o inspekciji rada i dopuna Uredbe br. 82/2005 o nezakonitom zapošljavanju i dopuna određenih zakonskih akata prema Uredbi br. 309/2007 (u daljem tekstu „Uredba br. 462/2007“) predstavljaju odgovor na novi pravni položaj koji je nastao nakon što je Republika Slovačka ušla u Evropsku Uniju, naročito na nove zakonske akte donete 2006. godine. Regulativa Saveta (EEZ) br. 3820/85 od 20. decembra 1985. godine o harmonizaciji izvesnih propisa iz oblasti socijalnog zakonodavstva koji je u vezi sa prevozom u drumskim saobraćaju, trebalo je da harmonizuje uslove ekonomске konkurenčije među raznim vrstama unutrašnjeg transporta i da poboljša radne uslove i bezbednost na putevima. Iskustvo stečeno primenom ove regulative pokazalo je da cilj Regulative Saveta omogućava poslodavcima da planiraju dnevni raspored vožnje i pauza za svoje vozače tako da su vozači prinuđeni da dugo voze bez pauze, što je pogoršalo radne uslove vozača i umanjilo bezbednost na putevima. Stoga je nastala potreba u EZ da se doneše paket određenijih pravila, lakših za razumevanje i primenu u drumskom transportu, a naročito je bilo potrebno pojednostaviti osnovna pravila vezana za vreme vožnje za vozače u drumskom transportu kako bi se obezbedilo njihovo efikasno i potpuno

to ensure their effective and integrated observance also by the means of digital recording equipment, as specified by the Council Regulation (EEC) No. 3821/85 of 20 December 1985 on recording equipment in the road transport. With the aim to eliminate the above mentioned shortcomings contained in the regulation dated 1985 and fulfil new objectives of the extended European Union they adopted the Regulation (EC) No. 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council regulations (EEC) No. 3821/85 and (EC) No. 2135/98 and repealing Council Regulation (EEC) No. 3820/85.

New regulation became effective on 11 April 2007 and since then replaces the Council regulation (EEC) No. 3820/85. Act No. 462/2007 Coll. specifies for execution of this regulation the competencies of public administration bodies relating to inspection of its application and specifies sanctions for infringement of rules applied to driving time, breaks in work and rest periods. Together with the new regulation, a new Direction of the European Parliament and of the Council 2006/22/ES of 15 March 2006 was adopted, which is fully transposed by the Act No. 462/2007 Coll. into the laws of the Slovak Republic. The objective act, inter alia, transposes into the Slovak law also the Council Directive No. 2000/79/ES of 27 November 2000 relating to the European agreement on working time organization for mobile employees of civil aviation, concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airlines Association (ERA), and the Independent Air Carriers' Association (IACA), and the Council Regulation 2005/47/ES of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector.

Transposition of these regulations consists in specification of sanctions for infringement of the agreements' content by employers. With regard to working time organization in the air transport, stipulations of the Act No. 462/2007 Coll. were substantially valid only until the effect of the

poštovanje takođe putem digitalne kontrolne opreme, kao što je predviđeno Regulativom Saveta (EEZ) br. 3821/85 od 20. decembra 1985. godine o kontrolnoj opremi u drumskom transportu. Sa ciljem da se eliminišu gore navedeni nedostaci sadržani u regulativi iz 1985. i da se ispune novi ciljevi proširene Evropske Unije, doneta je Regulativa (EZ) br. 561/2006 Evropskog Parlamenta i Saveta od 15. marta 2006. godine o harmonizaciji izvesnih propisa iz oblasti socijalnog zakonodavstva koji je u vezi sa prevozom u drumskim saobraćaju i dopunske popise Saveta (EEZ) br. 3821/85 i (EZ) br. 2135/98 i poništavaju Regulativu Saveta (EEZ) br. 3820/85.

Novi propis je stupio na snagu 11. aprila 2007. godine i od tada zamenjuje Regulativu Saveta (EEZ) br. 3820/85. Uredba br. 462/2007 za izvršenje ove regulative određuje nadležnost javnih upravnih organa u pogledu nadzora njene primene i određuje sankcije za kršenje pravila koja se primenjuju na vreme vožnje, pauze u radu i vreme odmaranja. Zajedno sa novim propisom, usvojena je nova Direktiva Evropskog Parlamenta i Saveta 2006/22/ES od 15. marta 2006. godine, koja je u potpunosti preneta u zakonodavstvo Republike Slovačke Uredbom br. 462/2007. Predmetni akt, između ostalog, transponuje u slovačku regulativu i Direktivu Saveta br. 2000/79/ES od 27. novembra 2000. godine u vezi sa Evropskim sporazumom o organizaciji radnog vremena mobilnih radnika u civilnom vazduhoplovstvu, zaključenim između Udruženja evropskih vazduhoplova (AEA), Evropske saobraćajne federacije radnika (ETF), Evropskog udruženja pilota (ECA), Evropskog regionalnog udruženja vazduhoplova (ERA) i Udruženja nezavisnih avio prevoznika (Independent Air Carriers' Association (IACA) i Regulativu Saveta br. 2005/47/ES od 18. jula 2005. o Sporazumu između Zajednice Evropske železnice (CER) i Evropske saobraćajne federacije radnika (ETF) o izvesnim aspektima radnih uslova mobilnih radnika angažovanih u oblasti interoperabilnih prekograničnih usluga u železničkom sektoru.

Transponovanje ovih propisa sastoji se u o bližem određivanju sankcija za kršenje odredbi sporazuma od strane poslodavaca. U pogledu organizacije radnog vremena u vazdušnom saobraćaju, odredbe Uredbe br. 462/2007 bile su suštinski važeće samo do dejstva Člana Q Aneksa

Article Q of the Annex of the new regulation of the European Parliament and of the Council (EC) No. 1899/2006 of 12 December 2006, which became effective on 16 July 2008. This legal situation is reflected by the stipulation of § 40 par. 5 of the Act No. 462/2007 Coll., under which since 16 July 2008 the stipulation on working time organization in air transport (§ 16 to 20) are applied only if they are not in defiance with the separate regulation, which is the above mentioned regulation.

The act in question takes over also certain stipulations of the act repealed thereby No. 121/2004 Coll. on working time and rest period in transport and pursuant to the above mentioned directives and the regulation it provides a new specification of the minimum requirements for organization of working time for transport employees, execution of road checks and checks in the technical premises of the road transport operators and the competency of public administration bodies. Organization of working time for transport workers represents the specification of the maximum weekly working time and stand-by duty time, minimum time of daily rest and weekly rest, breaks in work and annual leave, and rules for night work, shift work, and work schedule. The issue in question is also specified in the judicature of the the Court of Justice of the European Communities [3].

The Act No. 462/2007 Coll. amends the Act No. 125/2006 Coll. on inspection of work, the Act No. 82/2005 Coll. on illegal work and illegal employment, and the Act No. 309/2007 Coll. The Act No. 462/2007 Coll. amends the minimum requirements on organization of working time in transport, execution of road checks and checks in the premises of transport undertakings, as well as competency of the public administration bodies in the field of inspection of working time organization in transport.

Term "transport undertaking" is used in compliance with terminology used in the directive no. 561/2006 and represents **an operator of road passenger transport (buses) and road freight transport (i.e. transporter)**.

In accordance with terms of law used in legal acts of the European Communities, terms „organization of working time in transport“ and „transport employee“ are specified in details. Organization of working time, for the purposes of the Act No. 462/2007 Coll., represents specification of:

novog propisa Evropskog Parlamenta i Saveta (EZ) br. 1899/2006 od 12. decembra 2006. godine, koji je stupio na snagu 16. jula 2008. godine. Ovaj pravni položaj odražava odredba Člana 40, stav 5 Uredbe br. 462/2007, po kojoj se odredba o radnom vremenu u vazdušnom transportu, od 16. jula 2008. godine (Član 16 do 20), primenjuje samo ukoliko nije u suprotnosti sa posebnim propisom, kao što je gore naveden propis.

Uredba u pitanju preuzima takođe izvesne odredbe uredbe koja se ovim poništava br. 121/2004 o radnom vremenu i periodu dnevnog odmora u transportu i po osnovu gore navedenih direktiva i propisa daje novu odrednicu u pogledu minimalnih zahteva kod organizacije radnog vremena zaposlenih u transportu, izvršenja saobraćajnih provera i provera u tehničkim prostorijama operatora u drumskom saobraćaju i nadležnost javnih upravnih organa. Organizacija radnog vremena radnika u transportu predstavlja pravilo o maksimalnom nedeljnem radnom vremenu i vremenu u pripravnosti, minimalnom dnevnom odmoru i nedeljnem odmoru, pauzama u radu i godišnjem odmoru, i pravilima vezanim za noćni i smenski rad, kao i radni raspored. Ovo pitanje je takođe precizirano u sudskoj nadležnosti Suda Pravde Evropskih Zajednica [3].

Uredba br. 462/2007 dopunjuje Uredbu br. 125/2006 o inspekciji rada, Uredbu br. 82/2005 o nezakonitom radu i nezakonitom zapošljavanju, i Uredbu br. 309/2007. Uredba br. 462/2007 dopunjuje minimalne zahteve u pogledu organizacije radnog vremena u transportu, izvršenje saobraćajnih provera i provera u tehničkim prostorijama transportnih preduzeća u drumskom saobraćaju, kao i nadležnost javnih upravnih organa u oblasti inspekcije organizacije radnog vremena u transportu.

Termin "transportno preduzeće" se koristi u skladu sa terminologijom koja se koristi u Direktivi br. 561/2006 i predstavlja **operatora drumskog prevoza putnika (autobusi) i drumskog teretnog transporta (odnosno prevoznika)**.

U skladu sa zakonskim pravilima korišćenim u zakonskim aktima Evropske Zajednice, detaljno su opisani termini „organizacija radnog vremena u transportu“ i „transportni radnik“. Organizacija radnog vremena, za svrhe Uredbe br. 462/2007 predstavlja definisanje sledećeg:

1. maximum working time, breaks at work, and stand-by duty time,
2. minimum rest period, and
3. rules of work schedule for night work, shift work, and in uneven working time schedule.

Working time organization relates to employees in road, railway, air, water, and urban transport, working time of which depends on transport operating conditions. Working time and rest time of sailors is specified in § 44 of the Act No. 435/2000 Coll. on sea navigation.

In accordance with terms of law of the European Communities, a **mobile worker** (section 4) means every employee employed by a transporter (employer) on the basis of employment agreement, as a **member of travelling staff**, or a mobile staff of the civil aviation. It covers all persons who provide services to passengers during the transport or transport the goods on road, railway, by air, or via inland waterways, i.e. not only drivers of motor vehicles, but also drivers of tractive units, pilots, ship captain, assistant drivers, train conductors, engine drivers, air stewards, and other members of train personnel, plane crew, and ship crew. It does not cover employees of land personnel who ensure operation of vehicles, planes, and ships. As for employees of land (stationary) personnel in transport, the act only relates to those included in section 3 letters b) to i) thereof [1].

All employees should also have adequate rest period. In relation to this, it is necessary to introduce the maximum working time limit, considering the specific features of transport, including weather impact on the transport system [6]. That is why the single daily and weekly working time is specified, as well as average weekly working time. An employer is obliged to plan working time for a transport employee so that **it does not exceed 60 hours**, and inform an employee about the working time schedule at least one week in advance [4]. Average weekly working time of a transport employee, including over work, shall not be longer **48 hours during four subsequent months**. If a transport employee carries out night work, the average working time shall not exceed **ten hours within 24 hours during six subsequent months**. Calculation of average working time duration is based on 5-day working week. Night work, for

1. maksimalnog radnog vremena, pauza u radu i vremena u pripravnosti,
2. minimalnog perioda odmora, i
3. pravila u rasporedu noćnog rada, smenskog rada i nejednakog rasporeda radnog vremena.

Organizacija radnog vremena odnosi se na zaposlene u drumskom, železničkom, vazdušnom, vodenom i gradskom transportu, čije radno vreme zavisi od radnih uslova u saobraćaju. Radno vreme i vreme odmora pomoraca je precizirano u Članu 44 Uredbe br. 435/2000 o morskoj plovidbi.

U skladu sa zakonskim pravilima Evropske Zajednice, **mobilni radnik** (odeljak 4) označava svakog radnika koji je zaposlen kod prevoznika (poslodavac) na osnovu ugovora o radu, **kao član putujućeg osoblja**, ili mobilnog osoblja civilnog vazduhoplovstva. Ovaj termin obuhvata sve osobe koje pružaju usluge prevoza putnicima ili obavljaju prevoz robe drumom, vazduhom ili unutrašnjim vodenim putevima, odnosno ne samo vozače motornih vozila, već i vozače vučnih jedinica, pilote, kapetane brodova, pomoćnike vozača, konduktore u vozu, mašinovođe, domaćine aviona (stjuarde) i druge članove voznog osoblja, posade aviona i broda. Ne obuhvata članove kopnenog osoblja koji obezbeđuju rad vozila, aviona i brodova. Što se tiče članova kopnenog (stacionarnog) osoblja u transportu, ova uredba se odnosi samo na one navedene u odeljku 3, pod b) do i) ove uredbe [1].

Svi zaposleni bi takođe trebalo da imaju odgovarajući period odmora. U vezi sa tim, potrebno je uvesti gornju granicu radnog vremena, imajući u vidu posebne odlike određenog transporta, uključujući uticaj vremenskih prilika na transportni sistem [6]. Zbog toga je određeno jedinstveno dnevno i nedeljno radno vreme, kao i prosečno nedeljno radno vreme. Poslodavac je obavezan da tako isplanira radno vreme transportnog radnika da **broj radnih sati ne bude veći od 60**, i da obavesti radnika o rasporedu radnog vremena najmanje jednu sedmicu unapred [4]. Prosečno radno vreme transportnog radnika, uključujući prekovremeni rad, ne sme biti duže od **48 sati tokom 4 uzastopna meseca**. Ukoliko transportni radnik obavlja noćni rad, prosečno radno vreme neće biti duže od **deset sati u okviru 24 sata tokom šest uzastopnih meseci**. Obračunavanje trajanja prosečnog radnog vremena je zasnovano

the purposes of this act, is the work performed at night from 10.00 p.m. till 6.00 a.m. An employer is entitled, upon agreement with employees' representative, divide the work shift of a transport employee in two sections, and upon the agreement with an employee in three sections. Working time of a transport worker does not include for example the time necessary for journey from home to work and back, break at work, rest period, and stand-by duty.

The Act No. 462/2007 Coll. amends in § 3 par. 7 and 8 also extraordinary situations (especially various weather calamities and operational accidents), when due to vis maior it is necessary to save vehicles, crew, passengers, or goods, and the vehicles, passengers, or goods cannot be abandoned before the danger terminates. In § 5 par. 6 of the Act No. 462/2007 Coll. responses to the overall concept of the act in compliance with the transposed stipulations by specifying only the limits necessary to ensure the minimum conditions for the working time organization with regard to safety and health protection at work. Acts of the European Communities and the Labour Code in general specify the possibility to agree on more favourable conditions for employees within the collective negotiations in collective contracts or agreements on the corporate level. Withal, more favourable conditions are those which determine lower limits of the maximum working time and stand-by duty, longer and more frequent breaks at work and longer periods of daily and weekly rest, as they enable transport employees lower physical and mental load during the shift and longer continuous rest for regeneration of power before the next work shift. **Another effect of such contracts and agreements is higher safety of road traffic, as the risk of accident due to exhaustion is lower.** Such agreements can be concluded anytime (valid are also those concluded before the act goes in effect) and on any level of social dialogue, from the highest, through the departmental, to the corporate level.

Working time, pursuant to the Labour Code (§ 85 par. 1) and directives (article 3 of the Directive 2002/15/ES, article 2 point 1 of the Directive 2003/88/ES), means the period of time, during which, in compliance with national legal regulations, a transport employee works or performs other activities as ordered by the employer. The act precisely defines the concept of stand-by duty in § 4 section 1. Stipulation of the given section defines the condition that

na petodnevnoj radnoj nedelji. Noćni rad, za svrhe ove uredbe, je rad koji se obavlja noću od 22h do 6h. Poslodavac ima pravo, po osnovu ugovora sa predstnikom radnika, da podeli radnu smenu transportnog radnika na dva dela, i prema ugovoru sa radnikom, na tri dela. Radno vreme transportnog radnika ne uključuje na primer vreme potrebno za put od kuće do posla i nazad, pauzu u radu, period odmora i vreme čekanja u stanju pripravnosti.

Uredba br. 462/2007 dopunjuje Član 3, stavovi 7 i 8, takođe u pogledu vanrednih situacija (naročito u slučaju raznih vremenskih nepogoda i nesreća na radu), kad je usled više sile potrebno spasiti vozila, posadu, putnike ili robu, a Uredba br. 462/2007 daje odgovor na opšti koncept uredbe u skladu sa transponovanim odredbama. precizirajući samo ograničenja potrebna da se obezbede minimalni uslovi za organizaciju radnog vremena u pogledu bezbednosti i zaštite zdravlja na radu. Uredbe Evropske Zajednice i Zakon o radu uopšte navode mogućnost da se dođe do sporazuma o najpovoljnijim uslovima za poslodavca u okviru kolektivnih pregovora u kolektivnim ugovorima na korporativnom nivou. Osim toga, najpovoljniji uslovi su oni koji određuju manja ograničenja maksimalnog radnog vremena i vremena čekanja u stanju pripravnosti, Dduže i češće pauze u radu i duže periode dnevnog i nedeljnog odmora, jer omogućavaju radnicima da smanje fizičko i psihičko opterećenje tokom smene a duži kontinuirani odmor omogućava obnavljanje snage pre sledeće radne smene. **Drugi efekat takvih ugovora i sporazuma je veća bezbednost drumskog saobraćaja, pošto je manja opasnost od nesreće usled iscrpljenosti.** Takvi ugovori se mogu zaključiti u bilo koje vreme (takođe važe oni koji su zaključeni pre nego što uredba stupa na snagu) i na bilo kojem nivou socijalnog dijaloga, sa najvišeg nivoa, preko nivoa odseka, do korporativnog nivoa.

Radno vreme, po osnovu Zakona o radu (Član 85 par. 1) i direktiva (član 3 Direktive 2002/15/ES, član 2 tačka 1 Direktive 2003/88/ES), označava vremenski period, tokom kojeg, u skladu sa nacionalnim zakonskim propisima, transportni radnik radi ili obavlja druge aktivnosti po nalogu poslodavca. Uredba precizno definiše koncept vremena u stanju pripravnosti iz člana 4 odeljak 1. Odredba datog odeljka definiše uslov da tokom vremena čekanja u pripravnosti transportni radnik

during the stand-by duty time a transport employee is not obliged to be at workplace but has to be available for the employer and be prepared to perform work assumable duration of which must be known in advance. Stand-by duty within the work shift of transport worker, except for plane crew member, must not exceed **24 hours within one week and 72 hours within one calendar month.** Time of stand-by duty within the work shift does not include breaks at work or rest period. Each hour of stand-by duty must be paid to a transport worker by the sum equal to at least the minimum hour wage, if the stand-by duty is ordered within the work shift, or at least in the amount of 20 % of the minimum hour wage, if the stand-by duty is ordered out of the work shift. Performance of work during the stand-by period above the determined weekly time represents over work.

Different specification is in the Act No. 462/2007 Coll. in its second part for the air transport – plane crew members [§ 20 section 1 letter c)] and for water transport – ship crew members (§ 24). The maximum limit, however, can be reduced by the collective contract or agreement between the employer and employees representatives (§ 11a of the Labour Code).

Rest period is any period of time which is not the working time. Term “rest” must be expressed in time units, i.e. days, hours, or sections thereof. Transport employees within the Community must be provided the minimum daily, weekly, and yearly rest period. Given periods of time are taken over from directives of the European Parliament and the Council. A transport employee is entitled for the minimum daily rest lasting 11 subsequent hours per 24 hours. This rest period can be shortened from the provable objective technical or organizational reasons, to at most six hours per 24 hours. If the previous work shift was shorter than six hours, the minimum daily rest period can be shortened to the time of work shift duration. A transport employee is entitled for the minimum continuous weekly rest period lasting at least 24 hours together with the minimum daily rest period. It is possible to deviate from the minimum daily rest period limits only in case of accident or immediate danger of accident or the shift work, when a transport employee changes his/her shift and is no longer able to utilize the daily or weekly rest period between the end of one shift and the

nije obavezan da bude na radnom mestu ali mora biti na raspolaganju poslodavcu i spreman da obavi posao pretpostavljanog trajanja koje mora biti poznato unapred. Čekanje u pripravnosti u okviru radne smene transportnog radnika, osim za člana avionske posade, ne sme biti duže od **24 sata u okviru jedne nedelje i 72 sata u okviru jednog kalendar skog meseca.** Vreme provedeno u pripravnosti u okviru radne smene ne uključuje pauze na radu ili period odmora. Svaki sat vremena u pripravnosti mora biti plaćen transportnom radniku u iznosu koji je jednak makar minimalnoj zaradi po satu, ukoliko je čekanje u pripravnosti naloženo u okviru radne smene, ili makar u iznosu od 20% minimalne zarade po satu, ukoliko je čekanje u pripravnosti naloženo van radne smene. Obavljanje posla tokom perioda pripravnosti iznad određenog nedeljnog vremena predstavlja prekovremeni rad.

Drugacije je određeno u Uredbi br. 462/2007 u njenom drugom delu u pogledu vazdušnog transporta - članova avio posade [Član 20 odeljak 1 pod c)] i vodenog transporta – članova posade broda (član 24). Međutim, maksimalno ograničenje se može umanjiti kolektivnim ugovorom ili sporazumom između poslodavca i prestavnika radnika (član 11 Zakona o radu).

Period odmora je bilo koji vremenski period koji nije radno vreme. Termin „odmor“ mora biti izražen u jedinicama vremena, odnosno danima, satima ili njihovim delovima. Transportni radnici u okviru EZ moraju imati obezbeden minimalni dnevni, nedeljni i godišnji period odmora. Dati periodi vremena su preuzeti iz direktiva Evropskog Parlamenta i Saveta. Transportni radnik ima pravo na minimalni dnevni odmor u trajanju od 11 uzastopnih sati na 24 sata. Ovaj period odmora se može skratiti iz dokazivih objektivnih tehničkih ili organizacionih razloga na najviše šest sati u 24h. Ukoliko je prethodna radna smena bila kraća od šest sati, minimalni dnevni period odmora se može skratiti na vreme trajanja radne smene. Transportni radnik ima pravo na minimalni neprekidni nedeljni period odmora koji traje najmanje 24 sata zajedno sa minimalnim dnevnim periodom odmora. Moguće je odstupiti od okvira minimalnog dnevнog odmora samo u slučaju nesreće ili neposredne opasnosti od nesreće ili odstupiti od smenskog rada, kada transportni radnik promeni svoju smenu i nema prostora u rasporedu za korišćenje dnevнog ili nedeljnog perioda odmora između

beginning of the next shift. Breaks at work and rest periods must be adequate and in compliance with safe work principles and principles of health protection at work. Adequacy, for the purposes of the Act No. 462/2007 Coll. means that a transport employee has determined regular time for breaks at work and determined regular rest period, duration of which is expressed in time units and which are sufficiently long and continuous, in order to ensure that a person shall not cause injury to himself/herself or to other persons due to exhaustion or irregular work schedule, and that health of the person will not be damaged in any way.

Second section of the Act No. 462/2007 Coll. deals specifically with the road transport, railway transport, and air transport with regard to working time organization; the third section deals with checks in road transport and the last fourth section reglements the state administration in the given sphere.

3 CONCLUSION

Transport brings certain specific features in comparison with other work activities and that is why the modification of working time in this field requires serious legal standards. Previous legal regulations were not a flexible reflection of constantly turbulent legal regulations of EC/EU in form of directions and regulations in this field. A positive feature of the given act can be represented by the fact that it contains issues which shall be applicable in the Community later (already mentioned objective paragraphs with the postponed effect). This act is special with relation to general legal regulations of the Labour Code (*lex specialis*). The act brings new terms into the Slovak legislation like for example a mobile worker. The article concentrates in its first part mainly on the need of such code from the point of view of valid EC/EU legislation. Due to extent of the article, the second part is concentrated only on the first part of the Act No. 462/2007 Coll. called the General Stipulations and their detailed description and analysis. In this section the article deals with the subject matter of the legal regulations, working time organization, the maximum working time, including the stand-by duty and the maximum rest periods. For the completeness sake it is necessary to note that in the second part the Act deals specifically with the road transport, railway transport, and air traffic;

kraja jedne smene i početka druge. Pauze u radu i periodi odmora moraju biti adekvatni i u skladu sa principima bezbednog rada i principima zaštite zdravlja na radu. Adekvatnost, za svrhe Uredbe br. 462/2007 znači da je transportni radnik odredio redovno vreme za pauze na radu i regularan period odmora, čije je trajanje izraženo u vremenskim jedinicama i koji su dovoljno dugi i neprekidni, kako bi se obezbedilo da osoba neće prouzrokovati povredu drugih i sebe zbog iscrpljenosti ili neredovnog rasporeda rada, i da zdravlje te osobe neće biti ugroženo na bilo koji način.

Drugi odeljak Uredbe br. 462/2007 naročito se bavi drumskim transportom, železničkim transportom i vazdušnim transportom u pogledu organizacije radnog vremena; treći odeljak se bavi proverama u drumskom prevozu a poslednji četvrti odeljak reguliše državnu upravu u dатој oblasti.

3 ZAKLJUČAK

Transport ima izvesne posebne odlike u poređenju sa drugim radnim aktivnostima i zbog toga modifikacija radnog vremena u ovoj oblasti zahteva ozbiljne pravne standarde. Prethodni zakonski propisi nisu bili fleskibilni odraz konstantno burnih zakonskih propisa EZ/EU u obliku uputstava i regulativa u ovoj oblasti. Pozitivna odlika date uredbe može se predstaviti činjenicom da sadrži pitanja koja će kasnije važiti u Zajednici (već pomenuti predmetni članovi sa odloženim dejstvom). Ova uredba je posebna u pogledu opštih zakonskih odredbi Zakona o radu (*lex specialis*). Ova uredba unosi nove termine u slovačko zakonodavstvo, na primer, u pogledu mobilnog radnika. Član se usredsređuje u svom prvom delu uglavnom na potrebu za takvim zakonom sa stanovišta važeće regulative EZ/EU. Zbog obima člana, drugi deo je usmeren samo na prvi deo Uredbe br. 462/2007 pod nazivom Opšte odredbe i na njihov detaljan opis i analizu. U ovom delu član se bavi tematikom zakonskih propisa, organizacije radnog vremena, maksimalnog radnog vremena, uključujući vreme u pripravnosti i maksimalne periode odmora. Radi potpunosti potrebno je napomenuti da se u drugom delu Uredba bavi naročito drumskim transportom, železničkim transportom i vazdušnim saobraćajem; treći deo je usmeren na

the third part is concentrated on controls in road transport, and in the last fourth part the Act deals with the state administration in the given field.

kontrolu drumskog transporta, a u poslednjem, četvrtom delu, Uredba se bavi državnom upravom u datoj oblasti.

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