

Legal Duties of Superior Employees SCI MU

E-learning

Contents

– Introduction	3
– Statutory principles of labour law that superior employees should be familiar with	4
– Recommendations following from the principles	5
– Recommendations	6
– Duties of superior employees under the Labour Code	7
– Duties of superior employees laid down by the Work Rules	8
– Position of superior employees in claims procedures	15
– Duties of superior employees in the employee evaluation process	16
– Duties of superior employees in the employee adaptation process	18
– Conclusion	19
– Contacts	20

Introduction

- Superior employees are all employees who are authorised, at individual management levels, to determine and assign work tasks to subordinate employees, organise, manage and check their work, and give them binding instructions to this end.
- The duties of a superior employee are laid down primarily in Section 302 of the Labour Code and in the employer's internal regulations (at the university level and also at the level of the Faculty of Science).
- Every superior employee should be aware of the employer's basic duties towards employees and ensure that these duties are complied with.
- The following presentation lists the basic duties of superior employees and highlights the principles that should guide each superior employee in his communication with his subordinates.
- For convenience, we use the generic masculine to denote the individual roles and positions. This is not meant to exclude anyone and all such references should be understood to include both women and men.

Statutory principles of labour law that superior employees should be familiar with

- Special statutory protection of an employee's position –being aware that the subordinate is in a weaker position vis-à-vis the employer. Subordinate employees should thus be treated transparently and predictably.
- Satisfactory and safe working conditions for the performance of work.
- Fair remuneration of employees.
- Proper performance of an employee's work in accordance with the employer's justified interests.
- Equal treatment of employees and prohibition of discrimination.

Recommendations following from the principles

- Always set in advance clear rules and parameters for your decision-making that will be available to everyone. Tell the employees about these rules and your decisions well in advance by all available means of communication.
- The requirements for an employee's work should correspond to the employer's legitimate needs. This means you should avoid any form of bullying and not assign impossible tasks to employees, etc.
- You are responsible for the safe working environment of your subordinates.
- Decisions should always be based on objective criteria allowing for a subsequent review.

Recommendations

- Please be aware that you represent and bind the employer by your actions in relation to the subordinates.
- It is understandable that situations may arise that will be difficult in both interpersonal and professional terms. In that case, please contact the Faculty's HR or Legal Department sufficiently in advance. They will be happy to help and assist you in resolving any issues.
- Please present any major communication and make your decisions in such a way that the content of your decision and the steps that led to it can later be documented.

Duties of superior employees under the Labour Code

- Managing and controlling the work of subordinate employees.
- Work performance and results evaluation.
- Organising work in the best possible way.
- Creating favourable working conditions and ensuring occupational safety and health protection.
- Employee remuneration.
- Creating preconditions for increasing the employees' professional qualifications.
- Providing for compliance with legal and internal regulations.
- Providing for the adoption of measures to protect the employer's property.

Duties of superior employees laid down by the Work Rules I

- Managing, organising and checking the work of subordinate employees and regularly evaluating their performance. The process should be guided by the principles outlined above. Specifically, the employee evaluation process is regulated by Directive of the Faculty of Science of Masaryk University No. 5/2019 ([HERE](#)). Should you have any questions or concerns regarding employee training, I recommend contacting the HR Department.
- Staying informed about the applicable legal regulations, the employer's regulations pertaining to their work and work of their subordinates, and acquainting subordinate employees with the applicable regulations and the ensuing rights and obligations. Masaryk University has launched an application helping employees get familiarised with the regulations; from time to time, the application will ask you to read new regulations and will inform you about changes to the internal regulations. As a superior, you will be asked by the application to decide which employees need to be familiarised with regulations relevant to their work. Should you have any questions, please contact the Legal Department of the Faculty of Science. I recommend that you be proactive and follow regularly the Documents Server operated by Masaryk University and by the Faculty of Science, where all the employer's internal regulations are published. The 'track changes' function is available.

Duties of superior employees laid down by the Work Rules II

- Ensuring compliance with legal and other regulations by subordinate employees. You have the right to check on your subordinate employees, ask them questions and request that they make corrections if needed.
- Communicating information to employees on the employer's behalf. You are one of the employer's points of contact for subordinate employees; proper communication and sharing of information can prevent many problems.
- Familiarising subordinate employees with new work procedures, tools, work aids and relevant regulations. Please be proactive – this is an effective way to prevent accidents and damage.
- Make sure the subordinate employees have the necessary professional knowledge and supervise their expertise and compliance with the qualification criteria and requirements.
- Creating preconditions for increasing the employees' professional qualifications.
- Appreciating any initiative, good performance and high-quality work results on the part of subordinate employees.

Duties of superior employees laid down by the Work Rules III

- Ensuring employees' remuneration according to the Labour Code and the employer's applicable regulations. As was the case earlier, remuneration should be based on transparent criteria ensuring equal treatment of employees. superior employees need to know the Masaryk University internal salary regulation and Dean's Directive No. 1/2020, Salary claims of employees at the Faculty of Science. According to Directive No. 5/2019 of the Faculty of Science, the outcome of performance evaluation should be the basis for setting the personal remuneration for the next period, as well as any performance bonuses.
- Supervising the proper performance of employees' responsibilities and drawing consequences from any breach of these responsibilities. If you believe that a subordinate employee has violated his legal obligations, please contact your supervisor and the HR Department.
- Creating favourable working conditions and providing for occupational safety and health protection. In case of any doubts, please contact the OSHP officer or the Legal Department of the Faculty of Science.

Duties of superior employees laid down by the Work Rules IV

- Notifying employees, without undue delay, of any breach of their duties following from the legal regulations and the employer's regulations pertaining to the work performed; advising them about the problems related to their conduct, and determining corrective measures. In case of a serious or repeated breach, ensuring that the employee is warned in writing of possible dismissal, or even initiating the process of the employee's termination or summary dismissal. Please avoid taking this step without previously consulting the HR or Legal Department of the Faculty of Science. These departments will always assist you in achieving an effective resolution of the problem.
- Ensuring that employees are assigned to jobs and workplaces with due regard to their abilities and medical condition; not allowing employees to perform work that would be at variance with the legal regulations, the employer's regulations in the field of occupational safety and health protection or with their medical report. In case of any doubts, please contact the OSHP officer or the Legal Department of the Faculty of Science.
- Providing for the adoption of timely measures to protect the employer's (tangible and intangible) property, and informing the employees about these measures.

Duties of superior employees laid down by the Work Rules V

- Seeking out and monitoring risks that may occur within the respective area of competence; adopting measures to eliminate or minimise the risks; if appropriate, notifying a more senior superior of the existence of such risks.
- Providing for cost-effective use of the employer's funds entrusted to them. At this point, it is necessary to stress the need to be familiar with Masaryk University Directive No. 3/2013 on financial control ([HERE](#)) and Faculty of Science Directive No. 1/2013 on ensuring financial control at the Faculty of Science ([HERE](#)).
- If the results of work, industrial property or any other facts comprise the employer's business secrets, the superior employees where the secrets are used have to determine the scope of the facts that the employer considers to be business secrets; determine the rights of access to the business secrets for specific employees; familiarise the relevant employees with the facts that the employer considers to be business secrets and with their obligations in protecting such secrets, including the consequences of violating these obligations; and ensure the confidentiality of the business secrets in an appropriate manner. The Legal Department of the Faculty of Science and, if appropriate, CTT MU will assist superior employees in the performance of this duty.

Duties of superior employees laid down by the Work Rules VI

- Take steps to ensure that the employer is entitled to exercise proprietary rights related to copyright (for employee works) or grant sublicenses to third parties in all cases where the law, the subsidy provider, or a contract between the employer and the third party provides that the copyright to the relevant results is to belong to the employer. The Legal Department of the Faculty of Science and, if appropriate, CTT MU will assist superior employees in the performance of this duty.
- Performing obligations related to the application of the rules for keeping records of working time; checking regularly the compliance with and keeping records of the subordinate employees' working time, according to the rules specified in the employer's regulations. It is therefore necessary to be familiar with Dean's Directive No. 4/2019 on the organisation and records of working time ([HERE](#)), according to which the head of the given workplace is responsible for the conclusiveness of the working time records.

Duties of superior employees laid down by the Work Rules VII

- Determining when subordinate employees are to take their annual leave so that they use up the whole entitlement to annual leave in the relevant calendar year unless this is prevented by impediments to work on the part of the employee or urgent operational reasons. In doing so, an account must be taken of the employer's operational reasons and justified interests of the employee. The Legal or HR Department of the Faculty of Science shall be consulted should there be any doubts as to the justified interests of an employee.
- Superior employees are authorised to ask their subordinate employees to take indicative alcohol or drug test by means of a breath, saliva or sweat sampling when the presence of alcohol or other addictive substances is suspected. Please contact the HR Department or the Legal Department for assistance.

Position of superior employees in claims procedures

- Article 11 of Masaryk University Directive No. 9/2013, claims procedures and compensation for damage ([HERE](#)).
- The superior employee where damage has occurred is required to initiate a damage compensation procedure. The occurrence of damage has to be reported immediately to the head of the relevant economic unit via the specific IS MU damage management tool ('agenda') in the form of a duly completed "Damage Report" form (available in the template repository).
- The head of the economic unit or an employee he authorised shall check the details specified in the form, ensure that any missing details are supplemented, and send the final version of the document to the chairman of the claims committee via the IS MU Document Office. The departments of Masaryk University that do not form an economic unit shall send all the copies of the Damage Report form via the head of the relevant MU department.

Duties of superior employees in the employee evaluation process

- Regulated by Faculty of Science Directive 5/2019 ([HERE](#)) Employee evaluation process at the Faculty of Science.
- The result of performance evaluation is one of the key criteria for setting the amount of personal remuneration for the next period and the amount of performance bonuses, as their amount depends on the results achieved, the intensity of work or the employee's contribution to the commitments related to project activities. Furthermore, the employee's performance is taken into account in the extension of employment contracts or facilitating the employee's further career development.
- The employee's evaluation is carried out by the employee's direct supervisor.

Evaluation principles

The following principles apply in employee performance evaluation:

- **Transparency** – the criteria for employee evaluation must be clear
- **Equal treatment** – different criteria may not be set for employees holding identical or similar positions within a workplace
- **Proportionality** – evaluation of employee performance must be carried out with regard to the position held and the employee's working hours
- **Comprehensiveness** – all the areas of work performance must be taken into consideration
- **Objectivity** – apart from specific work outputs, account must also be taken of other objective external and internal circumstances
- **Openness** – the evaluated employee has to be given the opportunity to comment on the evaluation results
- **Conclusiveness** – a written record is made of the evaluation

Duties of superior employees in the employee adaptation process

- A superior employee or a person authorised by him shall provide for the necessary steps sufficiently in advance before the arrival of a new employee, according to Template 19 – Pre-onboarding checklist, which is part of the [Practical Guide to the Recruitment Process at the Faculty of Science of Masaryk University](#).
- The superior employee will use the [Employee adaptation](#) application in INET to record the status of the implementation of the necessary steps before, on the day of and during the adaptation of the new employee.
- Here, the superior employee can suggest specific training for the employee, appoint a mentor to help and advise the employee, and facilitate his orientation in the new working environment, learning work tasks, etc.

Conclusion

- Superior employees are obliged to comply with the employer's duties towards the employees and as such, act at all times in accordance with the Labour Code and the employer's internal regulations.
- The HR Department, the Legal Department and other departments of the Dean's Office, as appropriate, will assist superior employees in the performance of their duties, if need be.
- If you, as a superior employee, are facing a difficult personal, legal or work situation, please consult the HR or Legal Department of the Faculty of Sciences; together, we can find an effective solution to your problem.

Contacts

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