



According to Article 40.1 of the Labour Law, an employment contract should be entered into in writing prior to commencement of work. Does it mean that an employment contract must be made in hard copy or, for the purposes of the Labour Law, an employment contract may also be considered made in writing if entered into electronically and confirmed with a secure electronic signature?

It should be noted that the Labour Law contains no explicit reference that an employment contract is considered to have been made in writing if it is entered into electronically and confirmed with a secure electronic signature; however, the fact that an employment contract may also be validly entered into electronically follows from other laws and regulations.

The Electronic Documents Law establishes that an electronic document is an electronic document within the meaning of Article 3.35 of Regulation No 910/2014/EU, namely, 'electronic document' means any content stored in electronic form, in particular text or sound, visual or audiovisual recording.

Article 3 of the Electronic Documents Law, in its turn, states that the requirement for a document in written form in relation to an electronic document is fulfilled if the electronic document has an electronic signature and the electronic document conforms to the requirements of other laws and regulations. An electronic document is considered to have been signed by hand if it has a secure electronic signature. An electronic document is considered to have been signed by hand also in such cases where it has an electronic signature and the parties have agreed in writing regarding the signing of electronic documents with an electronic signature. In such case, the written agreement is drawn up and signed on paper or electronically with a secure electronic signature.

Therefore it can be concluded that an employment contract may also be signed electronically using a secure electronic signature; however, in such case it is advisable to state in the employment contract that the employer and the employee have agreed that such employment contract may be signed electronically with a secure electronic signature.

It should be noted that the Labour Law envisages a possibility that the parties agree in the employment contract that they may give termination notice to each other electronically as well, using a secure electronic signature.

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