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EUROPEAN SOCIAL CHARTER

8th National Report on the implementation
of the European Social Charter

submitted by

THE GOVERNMENT OF THE SLOVAK REPUBLIC

- Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29 for the period 01/01/2013 - 31/12/2016

- Complementary information on Article 1§4, 9, 10§1, 10§4, 18§2 and 24 (Conclusions 2016)

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MINISTRY OF LABOUR, SOCIAL AFFAIRS AND FAMILY OF THE SLOVAK REPUBLIC

The European Social Charter (revised)

The Report of the Slovak Republic

on the implementation of the European Social Charter (revised)

(Conclusions 2014: ratified provisions of Articles 2, 4, 5, 6, 21, 22, 26, 28, 29 and Conclusions 2016: ratified provisions of Articles 1, 9, 10, 18, 24 of the Revised Charter)

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Article 2 Paragraph 1

Regarding the first question of the ECSR, it has to be stated that in accordance with article 87 paragraph 4 of the Labour Code, within a 24 hour period the working time cannot exceed 12 hours. This provision allows for no exception. Article 92 of the Labour Code states that an employer is obliged to arrange working time in enterprises with uneven distribution of working time in such a way that between the end of one shift and the beginning of another, an employee has the minimum rest period of 12 consecutive hours within 24 hour period. Such a rest period may be shortened to 8 hours in relation to urgent repair work concerning the averting of a threat endangering the lives or health of employees and in case of extraordinary events.

However, even if the rest period was shortened to 8 hours, this does not mean that a 16 hours working time is possible, due to the already mentioned provision of the Labour Code which allows a maximum 12 hours working time within a 24 hour period.

An example: Let us assume that working time of an employee starts at midnight (for easier calculation). This employee works from midnight to 8 AM in the morning. After this work shift, the employee´s rest period is shortened to 8 hours, meaning they will start working again at 4 PM in the afternoon. Because this employee has already worked for 8 hours (from midnight till 8 AM in the morning), they can only work for 4 hours more due to the provision of the Labour Code which allows for a maximum 12 hour working time. That means this employee continues to work from 4 PM in the afternoon to 8 PM in the evening (12 hours total). After this time, another rest period automatically starts and the employee cannot work anymore during this day. 16 hour working time is not possible in the Slovak Republic.

It has to be pointed out that the maximum 12 hour working time period concerns employees with uneven distribution of working time. Employees with even distribution of working time cannot work longer than 9 hours within a 24 hour period, in accordance with article 82 paragraph 2 of the Labour Code.

In conclusion, it has to be stressed again that the maximum working time within a 24 hour period is 12 hours for employees with uneven distribution of working time and 9 hours for employees with even distribution of working time.

Regarding the second question of the ECSR concerning the on-call duty, the Slovak Republic would like to state that inactive periods of on-call duty are not considered to be rest periods, they are considered to be normal working time.

Article 2 Paragraph 2

Regarding the first question of the ECSR the Slovak Republic would like to confirm that public holidays are fully paid and if an employee works during a public holiday, they are also entitled to their usual wage, in accordance with the Labour Code. As far as what categories of workers are concerned by the minimum 100% wage bonus, these are defined in Article 1 par. 1 of the Act 553/2003 as employees of:

a) State institutions;
b) Budgetary institutions of the state, municipality and self-governing region;
c) Contributory institutions of the state, municipality and self-governing region;
d) Municipalities and self-governing regions;

e) State funds;
f) Public universities and state universities;
g) Council for Broadcasting and Retransmission;
h) Slovak Academy of Sciences;
i) Education facilities;
j) Other employers defined by a separate legislation.

The minimum 50% wage bonus applies to other categories of workers.

Article 2 Paragraph 3

The ECSR did not ask any questions regarding this provision of the charter.

Article 2 Paragraph 4

The ECSR did not ask any questions regarding this provision of the charter.

Article 2 Paragraph 5

The Slovak Republic would like to state that it believes it is in conformity with this provision of the charter, even though it is, in theory, possible that a person would might work two weeks, i.e. more than twelve consecutive days, before being granted a rest period.. It has to be stated that an employer may not decide, together with an employee, that they will immediately apply this provision of the Labour Code when deciding on the weekly rest period. Article 93 par. 5 of the Labour Code is a cumulative provision, not alternative, which means that it can be, theoretically, applied only if the previous four arrangements of the weekly rest period (listed in par. 1-4 of the same article of the Labour Code) are not possible, given certain specific tasks of an employee. Therefore the conditions for such arrangement of the weekly rest period are very strict and applicable only under exceptional circumstances which in turn means they are a sort of "final possibility" e.g. when public safety, etc. is at risk. The social partners also never asked for abolishment of this provision as is it in the Labour Code listed as a final possibility.

Article 2 Paragraph 6

The ECSR did not ask any questions regarding this provision of the charter.

Article 2 Paragraph 7

The Slovak Republic would like to confirm that it is possible to transfer a night worker to daily work. This is in accordance with Article 55 of the Labour Code, which specifies that an employer is obliged to carry out such a transfer when:

a) The employee has lost their ability to carry out the work in question due to their health or due medical examination, or due to occupational disease or risk of occupational disease occurring;
b) A pregnant woman, a mother of child younger than 9 months and a breastfeeding woman carries out work which is forbidden for these women or which puts her at a risk according to a medical examination;

c) It is necessary according to a medical examination in the interest of protecting the health of other persons from infectious diseases;
d) Is it necessary according to a court ruling.

The employer may transfer the worker in question to a work of a different type, if the worker agrees.

Article 4 Paragraph 1

Regarding the situation of the minimum wage in the Slovak Republic, the government would like to inform the ECSR about the following:

Regarding the comparison between the net minimum wage and the net average wage in the period 2013 – 2016:

Indicator / Year	2013	2014	2015	2016
Minimum monthly gross wage in €/month	337,70	352,00	380,00	405,00
- minimum net monthly wage (MNMW) v €	***292,48***	***304,84***	***339,09***	***355,01***
Average nominal monthly gross wage in €	824,00	858,00	883,00	912,00
- average net monthly wage (ANMW) in €	***637,17***	***662,08***	***679,61***	***699,96***
Share MNMW / ANMW v %:	**45,90 %**	**46,04 %**	**49,89 %**	**50,72 %**

From the table above it is visible that the share rose from 45.9% in 2013 to 50.7% in 2016 and keeps steadily rising.

According to the prognosis of the Ministry of Finance of the Slovak Republic from September 13, 2017, the average wage for 2017 will reach 948 EUR and in 2018 it should reach 992 EUR. The proportion of the minimum wage vs. the average wage is expected to be as follows:

Indicator / Year	2017	2018
Minimum monthly gross wage in €/month	435,00	480,00
- minimum net monthly wage (MNMW) v €	***374,11***	***403,18***
Average nominal monthly gross wage in €	948,00	992,00
- average net monthly wage (ANMW) in €	***725,21***	***756,50***
Expected share MNMW / ANMW v %:	**51,6 %**	**53,3 %**

The Slovak republic would like to state that it dully fulfils its obligations related to this provision of the charter which is also shown by the substantial rise of the minimum wage in 2017 and 2018:

- In 2017 the government set the minimum wage at 435 EUR per month and the annual increase of the minimum wage was by 30 EUR (8.64%) in comparison with the previous year;

- On October 11, 2017, the government approved the increase of the minimum wage for 2018 to 480 EUR per month and the annual increase of the minimum wage is going to be 45 EUR (10.34%) in comparison with 2017;
- The government has the ambition to set the monthly minimum wage in 2019 above 500 EUR.

The regional differences in the Slovak Republic are specificity when it comes to economic and industrial development of the country. One of the direct results is a lower average monthly wage in all regions except for the capital city region. Due to this phenomenon it is possible to notice that the share of the net monthly minimum wage of the monthly net average wage is higher than 55% in all of the regions (except for the already mentioned capital city region). This phenomenon is clearly distinguishable in the table below:

Region	MNMW 2016:	**355,01 €**	MNMW 2017	**374,11 €**	MNMW 2018	**403,18 €**
	ANMW in €	MNMW / ANMW in %	ANMW in €	MNMW / ANMW in %	ANMW in €	MNMW / ANMW in %
Bratislavský (capitol)	874,62	40,59	906,89	41,25	946,59	42,59
Trnavský	647,35	54,84	670,49	55,80	698,98	57,68
Trenčiansky	640,36	55,44	663,48	56,39	691,96	58,27
Nitriansky	589,83	60,19	610,87	61,24	636,55	63,34
Žilinský	631,91	56,18	654,37	57,17	682,14	59,11
Banskobystrický	604,56	58,72	626,31	59,73	652,68	61,77
Prešovský	556,86	63,75	576,50	64,89	600,77	67,11
Košický	638,93	55,56	662,08	56,51	689,86	58,44
The Slovak Republic total	**699,96**	**50,72**	**725,21**	**51,59**	**756,50**	**53,30**

The Slovak Republic would also like to add that all persons are able to apply for benefits from the system of state social assistance should they feel their monthly earnings do not provide them with adequate resources. The benefits are e.g. material need allowance, housing allowance, etc.

Article 4 Paragraph 2

The Slovak Republic would like to inform the ECSR that during the reference period, the related legislation remained the same. However, discussions are currently underway to change this provision of the Labour Code. The ECSR will be informed about the outcomes of the discussions between the representatives of the Government and the social partners.

Article 4 Paragraph 3

Regarding the question of the ECSR concerning compensation for wage discrimination, it has to be said that the compensation shall amount at least to the actual wage difference. The court can make the compensation higher in its ruling if it finds out that increase is justified, taking into account the nature of the case itself.

Article 4 Paragraph 4

The ECSR noted that the notice period of three months on dismissal for workers who worked for an employer for more than five years is inadequate in the Slovak Republic.

The Slovak Republic would like to state that this conclusion of the ECSR does not take into consideration additional compensation that is provided to the employees who have been given a notice, more specifically the severance pay. Severance pay in the Slovak Republic is paid on top of the usual wage the employee earns during the notice period. The amount of the severance pay depends on the number of years the given employee has worked for their employer.

Therefore, the Slovak Republic believes that the ECSR´S conclusions should take into account the severance pay as an additional compensation for employees who have been given a notice on dismissal. The ECSR specifically referred to an employee who completed more than five years of service. In this case, such an employee would not only be given three months' notice period during which they are guaranteed their usual wage, but on top of it, at least two additional monthly wages as a severance pay plus additional monthly salary in case the employee has reached the pension age. To sum it up, the compensation for a worker who reached more than five years of service is at least 5 month wages, for a worker who reached more years of service it is even more, as was proposed by the social partners. It should also be stated that this compensation is provided to all employees, whether they work full time or part time.

Regarding the question on other means of termination of a fixed-term contract, the Slovak Republic would like to inform the ECSR that these grounds are e.g. termination based on an agreement between the employee and the employer, termination during probationary period (does not apply to the extension of a fixed-term contract, because when such an extension occurs, there is no probationary period) and termination due to the death of the employee.

Regarding the question on the length of the probationary period, the ECSR based its conclusions on the fact that previously it was possible to extend the duration of the probationary period up to the period of nine months.

The Slovak Republic would like to inform the committee that this provision of the Labour Code was abolished and the duration of probationary period is now fixed. The length of the probationary period is now three months for all workers, with the exception of highest managing positions in statutory organs where the probationary period is fixed at 6 months, without any further possibility of prolonging this period.

This was specifically based on the proposals of the social partners and the Government of the Slovak Republic then prepared the amendment which was then passed in the Parliament.

Regarding the question on the grounds for immediate termination of an employment contract (Article 69 of the Labour Code), these are as follows:

1) An employee may terminate the employment contract immediately if

a) They are unable to carry out their work on the basis of a medical examination and upon submitting the results of this examination to the employer, the employer did not transfer the employee to a different work within 15 days;
b) The employer did not pay them their wage or wage compensation for more than 15 days;
c) Their health or life is at risk.

2) A young employee may terminate their contract immediately if the work they carry out endanger their moral development.
3) In case of an immediate termination of their employment contract, an employee is entitled to a severance pay amounting to their average wage for two months.

Article 4 Paragraph 5

The ECSR concludes that the workers in the Slovak Republic may waive their right to limitations on deductions from wages. The ECSR based its conclusion on the provisions of Section 131 paragraph 3 of the Labour Code which says that deductions could be agreed upon between the employer and employee in written form.

However, the Slovak Republic believes that this is a case of misunderstanding of the Slovak legislation, because the given provision of the Labour Code has to be interpreted together with the paragraph following it, which says that deductions from wages cannot be higher than the amount specified by the Government Regulation No. 268/2006 on Deductions from Wages and the Act 233/1995 Coll. on Judicial Executors and Enforcement Actions (Enforcement Rules). The Article 71 paragraph 1 sentence 1 of the Enforcement Rules Act specifies that if there are deductions from the wage to be made, only one third of the net wage can be deduced.

This is to ensure that even if deductions are to be made, the person still has sufficient funds to ensure a decent standard of living for themselves and their dependants. The system of deductions from wage is set in a way which guarantees that the person in question is never left without adequate resources to ensure a decent standard of living. The threshold for deductions from wages was set on the basis of proposals from social partners.

Article 5

Regarding the question of the ECSR in which it asks for information on the consequences deriving from the fact of being a representative association of trade unions/employers in practice and especially what the consequences are for associations of trade unions/employers which are not considered to be "representative", it has to be stated that the associations which meet the criteria to be considered a representative association, are automatically members of the Economic and Social Council (the highest tripartite body approving all legislative proposals, strategies, etc. prior to their submission to the Government). Associations which do not meet the set criteria of representativeness are able to function independently, but they are not members of the Economic and Social Council. If these smaller associations wish to submit a proposal to the Government through the Economic and Social Council, they have to do that through the most representative organisations which are members of the council (the Confederation of Trade Unions as the most representative organisation of trade unions, and the Republic Union of Employers and the Federation of

Employer´s Associations). If an organisation gains enough members and meets the representativeness criteria, it becomes a regular member of the council. The criteria apply at the national level and are fully open to judicial review.

Regarding the question on consultation of public policies and legislative acts, unions in question are free to do so through the interministerial consultation process, as is mentioned in the conclusions of the ECSR. It can also be done by submitting the comments to the most representative organisations which can then present the comments during a session of the Economic and Social Council.

Regarding the question on the legal basis of third country nationals to perform duties of trade unions, these are set out in the Act 83/1990 Coll. on the Association of Citizens and the Act 365/2004 Coll. the Antidiscrimination Act.

Article 6 Paragraph 1

Regarding the question a) of the ECSR, the consultations held within the council take place at the national level between the representatives of the government, social partners and the Association of Towns and Cities of Slovakia. All parties can start discussions on topics of their interest (question b) of the ECSR) in accordance with Article 4 par. 4 of the Standing Orders of the Economic and Social Council ("The Council's plan of activities is constructed mainly on the basis of the plan of activities of the Government of the Slovak Republic, of the plan of legislative tasks of the Government of the Slovak Republic, and of proposals of the social partners."). As far as question c) of the ECSR is concerned, besides the Economic and Social Council, other consultative bodies of the Government include: Legislative Council; Government´s Council for Human Rights, National Minorities and Gender Equality; Accreditation Commission; Security Council of the Slovak Republic; Council of the Slovak Republic for Science, Technology and Innovations; Council of the Slovak Republic for Vocational Education and Training; Pandemic Commission of the Slovak Republic; Government´s Council for Non-governmental Non-profit Organisations; Government´s Council for Partnership Agreement for the Period 2014-2020; Government´s Council for Culture; Government´s Council for the Support of Export and Investments; Government´s Council for the Prevention of Criminality; Government´s Council for the Rights of the Elderly and Adjustment of Public Policies to the Ageing of the Population; Government´s Council for Anti-drug Policy.

The social partners are free to organise their own meetings and discussions on the bi-partite basis as they see fit.

Article 6 Paragraph 2

In 2014, the Act 416/2013 Coll. changed the way in which master level collective agreements are extended. Extension of higher level collective agreements is now possible even without the consent of the employer affected by the extension. The Ministry of Labour, Social Affairs and Family of the Slovak Republic will extend a higher level collective agreement to other employers if at least one of the contracting parties of the original higher level collective agreement submits a proposal for extension. This extension is possible if the employers bound by this collective agreement employ a higher number of workers in the

given industry branch than employers in the same branch that are not covered by this collective agreement.

In accordance with the new act, 5 master level collective agreements were extended in such a way in 2014. In these five cases, two of the extension proposals came from both contracting parties of the original collective agreement, while the remaining three proposals came from the trade unions.

In 2014, 20 master level collective agreements have been concluded, while in 2013 only 14 were concluded. This shows that collective bargaining is steadily rising and is promoted in the Slovak Republic, which is also proved by the fact that in 2014, the number of workers who were covered by a higher level collective agreement was increased by 44.12%.

Article 6 Paragraph 3

The ECSR did not ask any questions regarding this provision of the charter.

Article 6 Paragraph 4

The Government would like to confirm the ECSR´s opinion in that strikes outside the context of collective bargaining are permitted.

Regarding the request of the ECSR whether and how the limitations provided in the Slovak law have been interpreted and applied in practice, the Slovak Republic can only repeat what has been stated and listed in the conclusions of the ECSR - that judges, prosecutors, members of the armed forces, employees in charge of air traffic control, employees operating equipment of nuclear power stations are prohibited from striking. The situation has been like that since the adoption of the act in question (1991) and the act complies with the Constitution of the Slovak Republic. The restriction is there to ensure that no public interest, national security and/or public health are at risk. Even though the sectors in question represent a small amount of employees, the Government could consider introducing a variation of the minimum service concept.

Regarding the question of the ECSR related to the payment of health insurance, it has to be said that the employees participating on the strike have to pay the health insurance for themselves for each day of the strike in question. If the trade union organising the strike has the means to cover the health insurance for the strike participants, it is free to do so upon its own decision.

Article 21

Regarding the question of the ECSR whether there are any categories of workers whatsoever (e.g. part-time workers) who are excluded from the right to information and consultation and what the grounds are for such an exclusion, the Slovak Republic would like to inform the ECSR that in accordance with the provisions of the Labour Code mentioned in the conclusions, no categories of workers are excluded and there are no thresholds related to the number of employees covered by this right.

Regarding the question of the ECSR on the remedies arising from the employer´s failure to inform, if an employee suffers a loss as a direct result from this failure, they are able to submit a claim to the regional labour inspectorate. The reason would be the employer´s violation of provisions related to labour-law relations. The labour inspectorate then conducts an inspection within the employer´s premises and depending on the individual case either proposes the way to remedy the situation or applies a sanction in accordance with the Act on Labour Inspection. It has to be stated that the employee in question is free to turn to a regional court under the civil procedure should they feel the need.

Regarding the request of the ECSR on the application in practice of the right to information/supervision process, it has to be stated that the Labour Code does not prescribe the way the employer has to fulfil their obligation. It is up to each employer to choose the right way for abiding with this provision of the Labour Code. The legislation only stipulates what information the employer has to provide and that these information have to be provided in a comprehensible and timely manner. It is up to the decision of each employer whether they decide to use e.g. intranet of their company, emails, etc. If an employee feels the information is insufficient, they can contact employee representatives and these will evaluate whether the claim is justified. If it is, they will invite the employer to remedy the situation, if it is possible.

Article 22

Regarding the question of sanctions for not respecting this right, as is mentioned in the conclusions, the labour inspectorate carries out and inspection within the premises of the employer and depending on the result of this inspection, can impose sanctions and penalties. On top of that, each employee has the right to turn to a court and sue the employer for any harm that may have been done to them. The court also decides on the level of compensation for damages.

Article 26 Paragraph 1

Regarding the question on the prevention activities against sexual harassment at work, it has to be stated that on December 18, 2013, the government has adopted the National Action Plan for Prevention and Elimination of Violence Against Women for 2014 – 2019 which continues to be a crucial strategic document in this area (just like to previous one mentioned in the conclusions). This action plan was created in cooperation with the social partners and independent experts on this phenomenon, and prior to its adoption by the government it was approved by the Economic and Social Council.

In accordance with this action plan, the government has carried out several information campaigns focused on sexual harassment at work. The Ministry of Labour, Social Affairs and Family, the Ministry of Education, Science, Research and Sport, the Ministry of Health, the Slovak National Centre for Human Rights and social partners are continuously supporting the development of legal awareness related to this issue by organising seminars and education activities focused on violence and harassment in labour-law relations.

On top of that, in accordance with the action plan, the above mentioned institutions are preparing information-methodological materials for employers and employees focused on gender equality and sexual harassment at work and also on remedies for victims of this abuse. The Slovak National Centre for Human Rights is also tasked with monitoring of sexual

harassment cases and it is obliged to prepare annual reports on the situation of sexual harassment for the given calendar year.

Similarly, the National Labour Inspectorate is obliged to supervise equal treatment of all employees.

Regarding the question on the liability of employers for sexual harassment within their premises, it has to be stated that the employer is also liable for such harassment if it was conducted by their contractor or a self-employed person working for them. As for the liability for misconduct carried out by a client, etc., the victim is able to turn to a local court and sue the offender.

Regarding the question on reinstatement of an employee unfairly dismissed for reasons related to sexual harassment, it has to be stated that reinstatement of all employees unfairly dismissed (irrespective of the reason) is guaranteed in accordance with Article 79 of the Labour Code.

Article 26 Paragraph 2

Regarding the question of the ECSR on prevention activities that the Government has carried out with a view to expounding the right to protection against moral harassment at work, it has to be stated that in accordance with the Antidiscrimination act moral harassment is prohibited and each employer has to solve the problem of moral harassment if an employee lodges a complaint, while no employee may be punished for lodging against another employee or their employer a complaint, charge or petition for criminal prosecution. An employer also has to adopt a harassment policy at their internal level and this has to be approved by the employees´ representatives operating within the premises of the employer.

Regarding the question on the liability of employers for moral harassment within their premises, it has to be stated that the employer is also liable for such harassment if it was conducted by their contractor or a self-employed person working for them. As for the liability for misconduct carried out by a client, etc., the victim is able to turn to a local court and sue the offender.

Regarding the question on reinstatement of an employee unfairly dismissed for reasons related to moral harassment, it has to be stated that reinstatement of all employees unfairly dismissed (irrespective of the reason) is guaranteed in accordance with Article 79 of the Labour Code.

Article 28

The Slovak Republic would like to point out that it believes its legislation exceeds the requirements for this article of the charter. The ECSR´s conclusions mentioned, that in order to be in conformity, the state has to prove that in case of termination of employment on the ground of trade union activities, the compensation must at least correspond to the wage that would have been payable between the date of the dismissal and the date of the court decision or reinstatement. As is mentioned in the previous report, the Slovak legislation guarantees that in case of an illegal dismissal (not just because of trade union membership), the victim is guaranteed to receives compensation must that fully corresponds to the wage that would have

been payable between the date of the dismissal and the date of the court decision or reinstatement, amounting to the maximum of 36 months wage. On top of that, the court may grant the victim additional compensation on top of this minimum level. The Slovak Republic therefore believes it is in conformity with this provision of the charter on this ground.

The ECSR states that the participation in training courses on economic, social and union issues should not result on a loss of pay and that training costs should not be borne by the workers' representatives and asks the next report to confirm that this is the case in the Slovak Republic. The Slovak Republic confirms that this is the case, in accordance with Article 240 par. 5 of the Labour Code.

Article 29

Regarding the question of the ECSR on the consequences of the failure to fulfil an employer´s obligations related to collective redundancies, the Slovak Republic would like to point out that in accordance with Article 73 par. 8, the employee, with whom their employer terminates employment contract due to collective redundancy without fulfilling their obligations, is entitled to an additional compensation amounting to at least double their average monthly wage (on top of the usual compensation for termination of employment). The violation of this responsibility also leads to administrative proceedings carried out by the labour inspectorate. On top of the compensation, such an employee is free to turn to a court for protection.

Article 1 Paragraph 4

Several crucial changes related to the system of vocational education and training (VET) and apprenticeship occurred as of 2016 and onwards which is outside the reference period, as was acknowledged by the ECSR. It was initiated by employer representatives, particularly from the car manufacturing industry. The new act 61/2015 Coll. on Vocational Education and Training that was adopted supports closer partnerships between schools and companies and encourages the shift to labour market demand-driven VET. In this new approach, companies take responsibility for training provision. They find students and sign individual training contracts that must be complemented by an institutional contract between the company and a VET school.

In the first school year after the introduction of the new system, newly introduced dual programmes consisting of 50% training within a company have been put into practise. The year after that, programmes based on agreement between companies and a self-governing region were delivered by new VET schools, offering 70% of in-company learning to comply with requirements of the employers. These programmes offer graduates the VET qualification certificate of apprenticeship or the school-leaving certificate while being able to undertake practical training within companies. Employers that participate on the dual VET are then given financial and other reliefs from the state, such as tax reliefs, etc. A new amendment of the dual VET system has been recently adopted and will enter into force from 1 September 2018 which reflects on the comments made by the employers regarding the funding of the programmes and other aspects.

The legislative changes have also been positively evaluated by the European Centre for the Development of Vocational Training.

Article 9

Regarding the question of the ECSR on the vocational guidance within the education system, the Slovak Republic would like to inform the committee that in 2016 a total number of 20 234 pupils were provided with vocational guidance. Of this number, 9 233 (45.64%) were pupils of primary education and 11 001 (54.36%) were students of secondary education. These services were provided within 485 education facilities (278 primary schools and 207 secondary schools).

Regarding the vocational guidance within the labour market, in 2016 a total number of 85 522 clients were provided with such a guidance. 63.72% of this number represents the long-term unemployed. Vocational guidance services within the labour market are provided in the form of e.g. information exchange, the JOB EXPO job fair (annual nation-wide job fair during which various interactive presentations focused on guidance services regularly take place), mass-media information blocks dedicated to brief information for clients (guiding them to the nearest office providing the guidance). The expenses for these services amounted to 1 023 746 EUR. The services were provided free of charge for all clients. These types of guidance are provided either by internal or external guidance providers. In 2016 the total number of internal providers stood at 177. In average, one such person provided guidance to 560 clients in 2016.

Article 10 Paragraph 2

Several crucial changes related to the system of vocational education and training (VET) and apprenticeship occurred as of 2016 and onwards which is outside the reference period, as was acknowledged by the ECSR. It was initiated by employer representatives, particularly from the car manufacturing industry. The new act 61/2015 Coll. on Vocational Education and Training that was adopted supports closer partnerships between schools and companies and encourages the shift to labour market demand-driven VET. In this new approach, companies take responsibility for training provision. They find students and sign individual training contracts that must be complemented by an institutional contract between the company and a VET school.

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The legislative changes have also been positively evaluated by the European Centre for the Development of Vocational Training.

Article 10 Paragraph 4

The Slovak Republic would like to inform the ECSR that as far as the total number of the long-term unemployed is concerned, in 2016 the figure stood at 152 703. In comparison with 2015 when the number was 191 055. The similar trend is visible with young unemployed persons – 16 952 in 2016 and 22 230 in 2015.

One of the most important measures to support young unemployed persons is the so-called graduate practise which helps the young unemployed attain practical experience within an employer´s premises in accordance with the education achieved by the client. This in turn helps the clients to find a job within the field of their previous studies. In 2016, 5 683 young unemployed participated on this measure and the costs amounted to 3 446 954 EUR. Out of this number, only 2.83% (161) were long-term unemployed as the number of young long-term unemployed is low. After finishing their graduate practise, 59.20% persons were able to find a stable job, which is an increase when compared with 2015 (the success rate stood at 55.99% in 2015).

Another new measure aimed at requalification of long-term unemployed jobseekers is called REPAS – requalification as an opportunity to cooperation between jobseekers, offices of labour, social affairs and family and education institutions. Jobseekers are able to choose the type of work activity they wish to requalify for and offices cover 100% of the requalification costs. In 2016 a total number of clients stood at 15 351, the costs were at 6 769 208.93 EUR and 47.96% managed to find a stable job after such a requalification.

Several new projects aimed at supporting the employability of young persons were introduced in 2015 and 2016, e.g. the national project "From Practise to Employment" within which 1 614 new jobs for your persons were created (37.29% were young long-term unemployed); the national project "Graduate Practise Starts Employment" within which 5 683 new jobs for young persons were created (2.86% of which were young long-term unemployed); the national project "Successfully at the Labour Market" within which 2 058 new jobs for your persons were created (40.81% of which were young long-term unemployed); "Be Active and Find a Job" on which 73 885 young persons participated.

Another measure is a financial benefit for employers who give a job to a long-term unemployed person and the benefit covers part of the cost of work of these persons. In 2016, 1 739 clients were able to find a job and the related costs amounted to 7 054 949 EUR. Several new national projects aimed at the long-term unemployed were launched in 2015 and 2016, such as "A Chance for Employment" which aims to increase the employability of the long-term unemployed and it created 5 522 new jobs for the long-term unemployed while the total allocation for this project amounted to 41 543 474 EUR in 2016. A similar project (called "A Way out of the Unemployment Circle") gave a new job for 6 381 long-term unemployed, the total allocation was 15 318 078.17 EUR. Other projects focused specifically on the long-term unemployed included also the following projects: "Participation of the Long-term Unemployed on the Restoration of Cultural Heritage".

The Slovak Republic would like to confirm that all third country nationals legally residing within the territory of the Slovak Republic have access to all types of training for the unemployed.

Article 18 Paragraph 2

The Slovak Republic would like to inform the ECSR that a new simplified administrative procedure is currently in effect. This single permit means that a third country national does not have to separately ask for employment permit and residence permit for the purpose of employment, but only for the single permit. The application can be completed without the applicant leaving their home country. The issuance of the single permit cannot be longer than 20 work days in accordance with Article 22 par. 11 of the Act 5/2004 Coll. on Employment Services. The same applies for self-employed activities, the only difference is that for self-employed activities the permit is issued for the maximum period of 3 years (5 years for employment permit).

The Slovak Republic would like to state that there are no categories of work permit, there is just a single permit which is issued for different periods of time, on the basis of the individual application (the maximum period is 5 years).

Prior to the issuance of the permit, the applicant has to pay an administrative fee amounting to 165.50 EUR for employment permit or 232 EUR for self-employed activities. Recently, the Slovak Republic has approved an amendment of the related legislation in that certain categories of foreigners do not have to pay the administrative fee. These persons are as follows: third country nationals also seeking reunification of the family with a person who has been granted supplementary protection; third country nationals who are teachers or belong to education staff; third country nationals younger than 18 years of age.

Article 24

Regarding the question of termination of employment at the initiative of the employer due to the fact that an employee has reached the pension age, the Slovak Republic would like to confirm that such a termination would be illegal in accordance with the Antidiscrimination act.

Regarding the question whether damages for non-pecuniary loss can be recovered through other legal avenues it is important point out that each person is able to turn to court in this respect and depending on the individual case, the court may decide that the victim is entitled to non-pecuniary damages through civil procedure.

Regarding the burden of proof question of the ECSR it has to be stated that if an employer is sued for unlawful dismissal by an employee, the employer has to prove that the termination of the employment contract is justified, therefore the burden of proof rests on the employer.