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EUROPEAN SOCIAL CHARTER

2nd National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF SLOVAKIA

(Articles 1, 9, 10, 15, 18, 20, 24 and 25
for the period 01/01/2007 – 31/12/2010)

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CYCLE 2012

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)

(for the reference period of 1 January 2007 – 31 December 2010:

ratified provisions of Articles 1, 9, 10, 15, 18, 20, 24, 25 of the Revised Charter)

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Article 1 – The right to work

With a view to ensuring the effective exercise of the right to work, the Parties undertake:

1. to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment,
2. to protect effectively the right of the worker to earn his living in an occupation freely entered upon,
3. to establish or maintain free employment services for all workers,
4. to provide or promote appropriate vocational guidance, training and rehabilitation.

Article 1(1)

Articles 35 and 36 of the Constitution of the Slovak Republic (Act No. 460/1992 Coll., as amended, hereinafter only "the Constitution of the Slovak Republic") establish employees' right to work and to just and satisfactory working conditions. The right to work is given specific form in the Labour Code (Act No. 311/2001 Coll., as amended, hereinafter also "the Labour Code") and other legislation and regulations.

The right to work is expressed in Article 1 of the Fundamental Principles of the Labour Code – natural persons shall have the right to work and to the free choice of employment, to fair and satisfying working conditions and to protection against unemployment. These rights belong to them without any restriction and direct or indirect discrimination on grounds of sex, marital status or family status, race, skin colour, language, age, unfavourable health condition or disability, belief or religion, political or other conviction, trade union activity, national or social origin, national or ethnic group affiliation, property, lineage or other status except in cases laid down by law or where there are objective reasons resulting from the conditions, requirements or character of the work that the employee should perform.

The right of access to employment is defined in Section 14(1) of Act No. 5/2004 Coll. on employment services and on the amendment of certain acts, as amended (hereinafter also "Act No. 5/2004 Coll.") as the right of a citizen who wishes to work, is able to work and who is seeking employment to services under the act intended to assist and support him/her in finding work including assistance and support for disadvantaged jobseekers in finding and retaining employment for at least six consecutive calendar months.

The Slovak Republic performs many functions in the area of employment policy with the objective of achieving and maintaining full employment. The government of the Slovak Republic associates employment growth with the creation of new jobs, support for employment through the implementation of the principles of flexicurity, lighter burdens for employers, an improved business environment and better transport infrastructure.

Active labour market policies (hereinafter only "ALMP") are used to increase the employment rate and reduce the unemployment rate. The legislative framework for the implementation of ALMP is laid down by Act No. 5/2004 Coll. This act defines the conditions for claiming most ALMP instruments and the framework for co-financing ALMP using ESF financing. ALMP are intended to increase employability and employment for disadvantaged groups of jobseekers in particular and to support and assist them in finding and keeping employment.

The following ALMP are provided for by Act No. 5/2004 Coll.:

As of 31 December 2010 the following ALMP were available to jobseekers, persons interested in employment and employees for the purposes of placing and maintaining them in jobs and to employers:

a) support for increasing the employability of jobseekers and persons interested in employment

- information and advice services (Section 42),
- professional guidance services (Section 43)
- education and preparation for the labour market for jobseekers and persons interested in employment (Section 46)
- allowance for labour market training and training to improve the employment prospects of a disabled person (Section 48b)
- contribution for the trial employment of a disadvantaged jobseeker (Section 49a)
- allowance for participation in graduate work experience (Section 51)
- allowance for activation activity in the form of minor municipal services for a municipality (Section 52)
- allowance for activation activity in the form of voluntary service (Section 52a)
- training to improve the employment prospects of a disabled person (Section 55a)

b) support for employment, creation and maintenance of jobs

- employment agency services (Section 32)
- education and preparation for the labour market for an employee (Section 47)
- allowance for self-employment (Section 49)
- contribution for the employment of a disadvantaged jobseeker (Section 50)
- contribution to maintain low-qualified employees in employment (Section 50a)
- contribution to support the creation and maintenance of jobs in a social enterprise (Section 50c)
- contribution to support the employment of persons who have completed labour market training (Section 51a)
- allowance for travel to work (Section 53)
- allowance for relocation for work (Section 53a)
- contribution for employee transport (Section 53b)
- contribution for the integration of disadvantaged jobseekers in the labour market (Section 53c)
- contribution for the creation of a new job (Section 53d)
- Projects and programmes (Section 54)
- contribution for the establishment of a sheltered workshop or sheltered workplace (Section 56)
- contribution for keeping a disabled citizen in employment (Section 56a)
- contribution for a disabled citizen to operate or perform business activities on a self-employed basis (Section 57)
- contribution to the renovation or technical improvement of the tangible assets of a sheltered workshop or sheltered workplace (Section 57a)
- contribution for the activities of a work assistant (Section 59)
- contribution towards the operating costs of a sheltered workshop or sheltered workplace and towards the cost of employee transport (Section 60)

c) anti-crisis measures

- contribution to support the maintenance of employment (Section 50d)
- contribution to support the creation of a new job (Section 50e)
- contribution to employee wages (Section 50f)
- contribution to support self-employment (Section 50g)
- contribution for self-employment in the processing and selling of agricultural products (Section 50h)
- contribution to support regional and local employment (Section 50i)
- contribution to support employment in implementing flood prevention measures and dealing with the effects of extraordinary situations (Section 50j).

The conditions for admission to the civil service are regulated by Act No 400/2009 Coll. on the civil service and on the amendment of certain acts, as amended.

The conditions for admission to the performance of work in the public interest are regulated by Act No. 552/2003 Coll. on the performance of work in the public interest, as amended.

The conditions for admission to service as a member of the Police Force, the Slovak Information Service, the Prison and Justice Guard Corps and the Railway Police are regulated by Act No. 73/1998 Coll. on the state service of members of the Police Force, the Slovak Information Service, the Prison and Justice Guard Corps and the Railway Police, as amended (hereinafter "Act No. 73/1998 Coll.").

The conditions for admission to the service relationship of a member of the Fire and Rescue Service and the Mountain Rescue Service are governed by Sections 16 to 19 of Act No. 315/2001 Coll. on the Fire and Rescue Service, as amended (hereinafter only "Act No. 315/2001 Coll."). Until the coming into effect on 1 January 2008 of Act No. 519/2007 Coll. on the amendment of Act No. 328/2002 Coll. on social security for police officers and soldiers and on the amendment of certain acts, as amended, and on the amendment of certain acts, members of the Mountain Rescue Service were employees of the Mountain Rescue Service and their employment relations were regulated by Act No. 552/2003 Coll. on the performance of work in the public interest, Act No. 553/2003 Coll. on remuneration for the performance of work in the public interest and the Labour Code. Act No. 315/2001 Coll. is not the only law regulating the service relationships of members of these services. The Labour Code is applied to these service relationships according to the principle of subsidiarity, as defined by Section 12(6) in combination with Section 193 of Act No. 315/2001 Coll. Members of the Mountain Rescue Service are also subject to Act No. 544/2002 Coll. on the Mountain Rescue Service, as amended, which regulates qualification requirements.

The service relations of members of the Police Force, the Fire and Rescue Service and the Mountain Rescue Service are also subject to other legislation which applies implicitly or whose application is required by law, e.g. Act No. 124/2006 Coll. on occupational safety and health and on the amendment of certain acts. These acts on specific areas apply to the service conditions for members of services without the need to expressly amend Act No. 73/1998 Coll. or Act No. 315/2001 Coll. The same principle applies in connection with the application to Act No. 73/1998 Coll. and Act No. 315/2001 Coll. or Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and on the amendment of certain acts (the Anti-discrimination Act), as amended, which follows from (amongst other things) Section 2a of Act No. 73/1998 Coll. and Section 16(2) Act No. 315/2001 Coll. Under

Section 2a of Act No. 73/1998 Coll., the rights established by this act are guaranteed equally for all citizens entering state service and for police officers performing state service in accordance with the principles of equal treatment in employment and equivalent legal relations established by other legislation (the Anti-discrimination Act). Section 16(2) Act No. 315/2001 Coll. likewise states that the rights established by the act are guaranteed equally for all citizens entering state service and for members of the service performing state service in accordance with the principles of equal treatment in employment and similar legal relations established by other legislation (the Anti-discrimination Act).

The conditions for admission to the service relationship of a professional soldier are regulated by Act No. 346/2005 Coll. on the state service of professional soldiers in the armed forces of the Slovak Republic and on the amendment of certain acts (hereinafter only "Act No. 346/2005 Coll.").

The conditions for admission to the service relationship of a customs officer are regulated by Act No 200/1998 Coll. on the state service of customs officers and on the amendment of certain acts, as amended.

There are other specific acts that regulate the status of certain persons and legal relationships in some professions, e.g. lawyers, judges, prosecutors, court executors, notaries, auditors, authorised architects and authorised civil engineers, tax advisors, patent attorneys, forensic experts, interpreters and translators etc.

Article 1(2)

Under Article 35(1) of the Constitution of the Slovak Republic, everyone shall have the right to choose his/her profession and appropriate training freely, as well as the right to conduct entrepreneurial or other gainful activity.

According to the Labour Code, labour-law relations can be established only with the consent of a natural person and an employer.

Under Section 13 of the Labour Code, an employer is obliged to treat all employees in labour-law relations in accordance with the principle of equal treatment established for the area of employment relations by the separate act on equal treatment in certain areas and on protection against discrimination and on the amendment of certain acts (the Anti-discrimination Act).

The principle of equal treatment prohibits discrimination on grounds of marital and family status, skin colour, language, political or other conviction, trade union activities, national or social origin, property, lineage or other status.

The enforcement of rights and duties resulting from relations under labour law must be in accordance with good morals. No one may abuse these rights and duties to harm a counterparty in a relationship under labour law or co-employees. No one can be subject to harassment or otherwise sanctioned in a workplace in connection with the performance of employment for filing a complaint, suit or criminal complaint against another employee or their employer.

An employee has the right to submit a complaint to an employer in connection with a breach of the principle of equal treatment. An employer is obliged to respond to an

employee's complaint without undue delay, to take corrective action, refrain from infringing conduct and eliminate the effects of infringement.

An employee who believes that his/her rights or legally protected interests have been infringed through a failure to abide by the principle of equal treatment or a failure to abide by the terms of the Constitution can have recourse to a court in accordance with other legislation (Act No 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and on the amendment of certain acts, as amended, the Anti-discrimination Act).

Employment in the civil service is regulated by Act No. 400/2009 Coll. on the civil service and on the amendment of certain acts, as amended (hereinafter only "the Civil Service Act").

Under Section 4 of this act, a service office is obliged to treat civil servants in accordance with the principle of equal treatment as established by the applicable legislation, which is Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and on the amendment of certain acts (the Anti-discrimination Act), as amended, in particular as regards the conditions for the performance of civil service activities, remuneration and other monetary and non-monetary benefits provided in relation to the performance of civil service activities, training, opportunities for promotion in the civil service and the termination of employment in the civil service.

All citizens are guaranteed equal conditions for admission to the civil service, including the conditions and method of selection procedures or selection for a vacancy in the civil service, provided that they satisfy the conditions laid down by the Civil Service Act and other applicable legislation. Discrimination is prohibited in civil service employment, and in relations with citizens who apply for admission to the civil service as regards discrimination on grounds of sex, sexual orientation, religious belief or faith, racial, national or ethnic origin, skin colour, language, social origin, property, lineage, unfavourable health condition or disability, age, marital status, family status, family duties, membership or activities in a political party or political movement, in a trade union organisation, in another association or on other grounds.

A service office and a civil servant must not abuse the exercise of rights and the enforcement of duties resulting from civil service employment to the detriment of another civil servant or other natural person, or to degrade their human dignity. A service office must not penalise or disadvantage a civil servant in any way for seeking to enforce his/her rights in connection with civil service employment in a lawful manner.

A civil servant who believes that his/her rights or legally protected interests have been infringed through a failure to abide by the principle of equal treatment can seek protection from the service office or a court. Such protection can be claimed in the same way by an applicant for admission to the civil service. A service office is obliged to respond to the complaint of a civil servant or a citizen applying for admission to the civil service without undue delay, to take correction action and eliminate the effects of infringement of the principle of equal treatment.

Under Section 5 of Act No. 552/2003 Coll. on the performance of work in the public interest, the position of a senior employee who performs the function of the statutory body for

an employer covered by this act, and the position of other senior employees specified by work regulations, are filled according to the results of selection procedures unless separate regulations provide for the election or appointment of the relevant senior employee by a collective body.

Selection proceedings must conform to the principle of equal treatment in employment and equivalent legal relations as defined in applicable legislation (the Anti-discrimination Act). The principle of equal treatment prohibits discrimination on grounds of marital and family status, skin colour, language, political or other conviction, trade union activities, national or social origin, property, lineage or other status.

Under Article 18 of the Constitution of the Slovak Republic, no one can be sent to perform forced work or forced services. This does not apply to labour lawfully imposed on prisoners or persons serving a sentence that replaces imprisonment, military service or other service performed instead of compulsory military service, the performance of minor municipal services in accordance with the law, service required by law in the event of natural disasters, accidents or other hazards endangering life, health or significant property values, and activity required by law for the protection of life, health or the rights of others. These provisions are based on the International Labour Organisation Convention concerning forced or compulsory labour No. 29 of 1930 (Notice No. 506/1990 Coll. and Point 14 of Notice No. 110/1997 Coll.) and the International Labour Organisation Convention concerning the abolition of forced labour, No. 105 of 1957 (Notice No. 340/1998 Coll.), by which the Slovak Republic is bound.

Article 1(3)

Act No 453/2003 Coll. on state administration bodies in the area of social affairs, family, employment services and on the amendment of certain, as amended, applies to this area.

The following bodies provide employment services under Act No. 5/2004 Coll. free of charge:

- the Central Office of Labour, Social Affairs and Family,
- offices of labour, social affairs and family,
- external workplaces of the offices of labour, social affairs and family.

The offices of labour, social affairs and family and the external workplaces of the offices of labour, social affairs and family provide participants in the labour market with assistance in finding employment, changing employment, filling job vacancies and support measures for the creation of new jobs, education and preparation for the labour market and counselling within the context of active labour market policies, with a particular emphasis on the improving the employment prospects of disadvantaged jobseekers.

They also provide the following services:

- arranging suitable employment for jobseekers and persons interested in employment including use of the services of job agents, who research employers' requirements for employees and the working conditions that they offer, and who also monitor the situation in the labour market,
- providing information and advice services,

- providing professional guidance services in the form of individual and group consultations,
- monitoring for at least six months the adaptation process for employees who were previously registered jobseekers,
- providing information and consulting services to employers to facilitate the adaptation of employees to new employment for at least six months.

The principle of equal treatment is applied in the provision of assistance to jobseekers and persons interested in employment, which is guided by an individualised, client-focussed approach (first contact services, timely identification of the individual needs of jobseekers).

Article 1(4)

Under Section 42 of Act No. 5/2004 Coll. the offices of labour, social affairs and family provide citizens, jobseekers, persons interested in employment and employers with information and advice services free of charge. These include vocational and job guidance services, including guidance on changing jobs, employee selection services and services to promote the adaptation of employees to new employment.

These services also include the provision of information and specialised advice on the specific skills, general competences, practical experience, health requirements and other conditions and requirements for the performance of a specific occupation or profession.

Vocational guidance services include the provision of information and specialised advice on types of careers and on the conditions and requirements for pursuing a particular career and also on appropriate vocational training for a particular career.

With regard to vocational training, see the commentary on Article 10 of the Charter – The right to vocational training.

Section 95 of Act No 461/2003 Coll. on social insurance, as amended, regulates work rehabilitation:

(1) Work rehabilitation can be provided to an injured party whose ability to perform work has been impaired as a result of an occupational accident or occupational disease, if an assessment doctor is of the opinion that the injured party could return to the work process, unless Act No. 461/2003 Coll. provides otherwise.
(2) Work rehabilitation shall not be provided if the injured party receives an old-age pension.
(3) Work rehabilitation is training necessary to acquire work abilities for the performance of the injured party's previous activities or another activity suitable for the injured party. Another activity suitable for the injured party is an activity of an employee or an activity of a natural person referred to in Section 17(2) of Act No. 461/2003 Coll. compatible with the injured party's health capacity for work taking into account his/her age, work competences and qualifications.
(4) The Social Insurance Agency shall arrange for work rehabilitation to be provided by an employer, a health-care facility specified by applicable regulations (Section 7 of Act No. 578/2004 Coll. on providers of healthcare, medical personnel, professional organisations in healthcare and on the amendment of certain acts, as amended) or an a specialised facility for the provision of work rehabilitation. A written agreement shall be concluded with the employer or facility providing work rehabilitation specifying the objective, scope and costs for the provision of work rehabilitation. Costs for the provision of work rehabilitation will be

paid by the Social Insurance Agency; they will also include costs for board and lodging and travel costs in accordance with applicable legislation (Act No. 283/2002 Coll. on reimbursement for travel, as amended).
(5) Work rehabilitation for the same occupational accident or one occupational illness can be provided for a maximum of six months. In cases where there is reason to believe that an injured party will acquire a work competence to perform their previous activity or another activity suitable for him/her after the end of the sixth month, work rehabilitation can be provided after the end of this period, up to a maximum of a further six months.
(6) Work rehabilitation can be suspended where there are serious grounds on the side of the injured party at his/her written request. Periods when work rehabilitation is suspended are not included in the period referred to in paragraph 5.

Section 96 of Act No. 461/2003 Coll. regulates rehabilitation benefit:

(1) an injured party receiving work rehabilitation is entitled to rehabilitation benefit.
(2) Rehabilitation benefit is paid for days on which work rehabilitation takes place besides days,
a) on which the injured party did not take part in work rehabilitation, except where there were serious grounds recognised by the Social Insurance Agency or on which work rehabilitation could not take place,
b) for which the injured party was entitled to income compensation for an employee's temporary incapacity to work under applicable legislation (Act No. 462/2003 Coll. on income compensation during an employee's temporary incapacity to work and on the amendment of certain acts, as amended), or was entitled to a sickness or injury supplement, or
c) during which work rehabilitation was suspended
(3) The amount of rehabilitation shall be 80% of the daily assessment basis for the injured party.
(4) If a recipient of rehabilitation benefit is also paid an early old-age pension or disability pension, the amount of rehabilitation benefit shall be set as the difference between the amount of rehabilitation benefit calculated pursuant to paragraph 3 and the amount of the early old-age pension or disability pension corresponding to one day.

Work rehabilitation, including rehabilitation benefit, is a benefit provided in cash and in kind through the social insurance system. Furthermore it is a non-obligatory benefit from accident insurance (i.e. there is no automatic claim to it but it can be awarded depending on the assessment of an assessment doctor of the Social Insurance Agency and the agency's subsequent decision).

Article 9 – The right to vocational guidance

With a view to ensuring the effective exercise of the right to vocational guidance, the Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including schoolchildren, and to adults.

Professional vocational guidance services are provided within the area of education by school counsellors at the school level and by specialised employees in pedagogical-psychological centres. Their services implement the right to vocational guidance. They constitute a system of services and assistance for the pupils of elementary and secondary schools for the optimisation of their career development through advice on appropriate choices of educational paths and subsequent professional employment.

Schools counsellors receive guidance on the content and methodology of careers development for pupils and students from pedagogical and psychological counselling centres, whose qualified specialists provide

- assistance in life planning, education, vocation and job selection, activation of inner potential for adaptation to a chosen school or occupation, formation of personal characteristics and the social-psychological competences that are essential for good employment prospects,
- communication of information on opportunities, conditions and requirements for study at secondary schools and in higher education, information on the labour market etc. ,
- individual and group work with pupils with career development problems.

The services of schools counsellors and the specialised employees of pedagogical and psychological counselling centres are part of the Slovak education system and are provided free of charge. The activity of pedagogical and psychological counselling centres is overseen by the state.

Offices of labour, social affairs and family provide citizens, jobseekers, persons interested in employment and employers with information and advice services. The provision of information and advice services is regulated by Section 42 of Act No. 5/2004 Coll.

Information and advice services provided under Act No. 5/2004 Coll. relate to

a) career selection,
b) job selection, including changes of job,
c) employee selection,
d) employee adaptation to a new job.

Information and advice services under the act also include the provision of information and specialised consultation on

a) the requirements for specialised skills and practical experience necessary to work in jobs in the labour market according to the National System of Occupational Standards,
b) job opportunities in the Slovak Republic and abroad,
c) prerequisites for the performance of an occupation,

d) opportunities and conditions for participation in active labour market policy programmes and activation activities,
e) conditions for entitlement to unemployment benefit and
f) conditions for participation in partnerships created to support employment growth in the territory of an office of labour, social affairs and family.

The information and advice services provided by offices of labour, social affairs and family include the provision of free vocational guidance services. Vocational guidance services include the provision of information and specialised advice on occupation types and on the conditions and requirements for pursuing a particular occupation. The offices organise Information Fairs for pupils in the eighth and ninth years in cooperation with representatives of higher tier territorial units, the education system and employers.

The primary channel for vocational guidance is direct communication with pupils in school and then through information and advice centres established in all workplaces of the offices of labour, social affairs and family in National Project VII A, where clients – pupils of elementary and secondary schools, young people and persons interested in vocational guidance as well as other citizens – are provided with specialised professional guidance services.

For disabled citizens, professional vocational guidance and consultation on preparation for the labour market is provided in specialised consultation and information centres for disabled citizens established in offices of labour, social affairs and family in the Phare Consensus III project.

An office of labour, social affairs and family may arrange professional guidance services for a jobseeker or a person interested in employment; the provision of such services is regulated by Section 43 of Act No. 5/2004 Coll.

For the purposes of Act No. 5/2004 Coll., professional guidance services are intended to solve problems affecting the employment prospects of a jobseeker, to align a jobseeker's personal profile with the requirements for performing a certain type of employment, to influence the decision-making and behaviour of a jobseeker and to promote his/her adaptation to society and work.

Professional guidance services are provided by a consultant who has completed the second stage of higher education.

An office of labour, social affairs and family can arrange professional guidance services in the form of individual consultation or group consultation.

An office of labour, social affairs and family can prepare an individual action plan for a disadvantaged jobseeker in cooperation with him/her in order to improve his/her employment prospects. An individual action plan is a written document that sets out a procedure and schedule for the implementation of steps to improve a disadvantaged jobseekers employment prospects in the labour market based on an assessment of his/her completed level of education, vocational skills, personal characteristics, competences, practical experience and opportunities. After the individual action plan is agreed by both sides it becomes binding for the disadvantaged jobseeker and for the office of labour, social affairs and family.

An office of labour, social affairs and family is obliged to offer preparation of an individual action plan to disadvantaged jobseekers under the age of 25 years or over the age of 50 years, to disadvantaged jobseekers who have not engaged in gainful activity or participated in vocational training in the vocational training system or in the continuing education system in the 24 months preceding the date of entry in the register of jobseekers on other grounds as a result of difficulty in balancing work and family life; the offer shall be made no later than four calendar months after a jobseeker's entry in the register of jobseekers. An office of labour, social affairs and family is obliged to offer preparation of an individual action plan to a jobseeker who has been registered in the register of jobseekers for over 24 months no later than four months after the expiry of 24 months from the jobseeker's entry in the register. Such disadvantaged jobseekers are obliged to accept an offer for preparation of an individual action plan made by an office of labour, social affairs and family.

Article 10 – The right to vocational training

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

1. to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude,
2. to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments,
3. to provide or promote, as necessary:
a) adequate and readily available training facilities for adult workers,
b) special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment,
4. to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed,
5. to encourage the full utilisation of the facilities provided by appropriate measures such as:
a) reducing or abolishing any fees or charges,
b) granting financial assistance in appropriate cases,
c) including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment,
d) ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

Article 10(1)

Vocational training for citizens is based on the following legislation:

- Article 42 of the Constitution of the Slovak Republic, which states:

(1) Everyone shall have the right to education. School attendance shall be compulsory. The length of attendance shall be determined by law.

(2) Citizens shall have the right to free education at elementary and secondary schools and depending on the abilities of the individual and the potential of the society also at universities.

(3) The establishment of non-state schools and teaching in them shall be possible only subject to conditions laid down by law; such schools may charge tuition fees.

(4) A law shall set conditions of eligibility for the provision of state support to students.

- Act No. 245/2008 Coll. on upbringing and education (the Schools Act) and on the amendment of certain acts;

- Act No. 131/2002 Coll. on higher education institutions and on the amendment of certain acts, as amended;

- Act No. 568/2009 Coll. on lifelong learning and on the amendment of certain acts, which defines the different types of institutions offering continuing education, the types of continuing education, the conditions for the accreditation of education activities, the issuing of certificates to successful participants and potential sources of financing for continuing education;

- Act No. 5/2004 Coll. on employment services and on the amendment of certain acts, as amended, which defines ALMP including training and preparation for the labour market provided to jobseekers, persons interested in employment, employees and disabled citizens;

- Act No 311/2001 Coll. Labour Code, as amended, which lays down, amongst other things, duties for employees and employers connected with enhancing and extending their qualifications;

- Act No 455/1991 Coll. on trade licensing (the Trade Licensing Act), as amended, which defines the provision of continuing education as an unrestricted trade.

The establishment of non-state schools and teaching in them shall be possible only subject to conditions laid down by law; such schools may charge tuition fees – private schools and private school establishments are subject to the provisions of Act No. 245/2008 Coll. except for the provisions of Section 29(8) and Section 53(9); the provisions of Section 130 to 137 apply *mutatis mutandis* (Section 160(2) of Act No. 245/2008 Coll.). Church schools and church school establishments are subject to the provisions of Act No. 245/2008 Coll. except for the provisions of Section 29(8) and Section 53(9); the provisions of Section 130 to 137 apply *mutatis mutandis* (Section 160(1) of Act No. 245/2008 Coll.). Part Four (Sections 47 to 49b) of Act No. 131/2002 Coll. on higher education institutions and on the amendment of certain acts, as amended, regulates the establishment, status and activities of private higher education institutions and foreign higher education institutions.

For certain professions (including, for example, the medical professions, education, justice, finance and public administration) continuing education is regulated by legislation. Below are given a number of examples:

- Specific standards have been set for the vocational training of civil servants since 2002. The reinforcement of qualifications is regulated by Act No. 400/2009 Coll. on the civil service, as amended, which covers approximately 36 000 citizens employed in the civil service. Sections 77 and 78 of Act No. 400/2009 Coll. (Title Five: “Reinforcing and extending civil servants’ qualifications”) requires that a service office grant its civil servants at least five days of leave per calendar year to reinforce or extend their qualifications. Civil servants are entitled to their tariff pay during this period. Civil servants who wish to extend their qualifications (in particular those who wish to achieve a higher education degree) can apply for additional leave from work, during which they shall receive their tariff pay. In this case the service office may require the civil servant to remain in the civil service for an agreed period after the completion of the education activity. In 2004 the government approved Resolution No. 79/2004, The conception of education for civil servants, which defines objectives and priorities in the area of continuing education and vocational training for civil servants. Priority is given to the following target groups: senior civil servants, newly admitted civil servants and officials for European affairs.

- Vocational training for pedagogical employees (teachers) is based on Decree of the Ministry of Education of the Slovak Republic No. 42/1996 Coll. on continuing education for pedagogical workers. Continuing education activities are provided by the following specialised institutions of the Ministry of Education of the Slovak Republic: methodological-pedagogical centres (MPC), the State Institute for Vocational Education (SIVE), the National Institute for Education (NIE), etc.; they can also be provided by schools and school establishments.
- Education for medical personnel is provided for by the Slovak Medical University. It is based on a variety of legislation, e.g. Act No. 578/2004 Coll. on providers of healthcare, medical personnel, professional organisations in healthcare and on the amendment of certain acts.
- Vocational training for professional soldiers in the armed forces of the Slovak Republic is supervised by the Ministry of Defence of the Slovak Republic and is regulated by Section 27 of Act No. 346/2005 Coll. on the state service of professional soldiers in the armed forces of the Slovak Republic and on the amendment of certain acts, as amended. It is carried out in education establishments.
- The Ministry of Agriculture of the Slovak Republic supervises education for employees in the food industry, private farmers, agro-entrepreneurs, private forest managers, employees of state forestry businesses and water management organizations. Education is based on the strategy document "Strategy for education for the years 2007–2013 in the agriculture and food sectors". The Ministry of Agriculture has three education establishments.
- Education for members of the Police Force, members of the Fire and Rescue Service and members of civil defence units is overseen by the Ministry of Interior of the Slovak Republic, which has its own education establishments.
- Continuing education and vocational training for workers in the area of justice (e.g. clerks of district and regional courts, trainee judges and judges) is supervised by the Ministry of Justice of the Slovak Republic.
- Education for meteorologists and climatologists is overseen by the Ministry of Environment of the Slovak Republic, which provides it through institutions falling under the Slovak Hydro-meteorological Institute and education for the employees of the customs administration and employees of the tax authorities are provided for by the Ministry of Finance of the Slovak Republic, which uses its own education establishments for these purposes.

In addition to the above cases, there are many other professions that are subject to specific requirements and standards for continuing education and vocational training. For example, there are very specific provisions in relation to professions where there is a high risk of occupational accident (electricity workers and the like). Legislation mandating regular training in occupational safety for these professions is issued by the Ministry of Labour, Social Affairs and Family of the Slovak Republic. There are also professions in which vocational training is subject to a number of international standards and regulations (e.g. welding).

Article 10(2)

Act No 245/2008 Coll. on upbringing and education (the Schools Act) and on the amendment of certain acts (hereinafter also "Act No. 245/2008 Coll.") does not recognise the term "apprentice", using instead the term "pupil".

Section 42 of Act No. 245/2008 Coll. regulates the status of secondary vocational schools.

A secondary vocational school is an internally differentiated secondary school providing training for pupils in a relevant vocation lasting at least two years and at most five years. The education programmes offered by a secondary vocational school are primarily oriented towards preparation for occupations and professions in the national economy, healthcare, public administration, culture, the arts and other areas; they may also prepare pupils for higher education.

Secondary vocational schools that prepare pupils for specific occupations and professions are classified by types. Vocational training in a secondary vocational school develops the knowledge, skills and aptitudes that pupils have acquired in earlier education and provides the knowledge, skills and aptitudes necessary for a particular occupation or profession.

A practical instruction centre is responsible for providing tuition according to teaching plans and curricula and cooperates with a secondary vocational school providing the theoretical side of pupils' education.

A secondary vocational school shall ensure practical and theoretical instruction of pupils. If a secondary vocational school provides only theoretical instruction, the pupils shall attend practical instruction in a practical instruction centre or practical instruction workplace.

Practical instruction is regulated by Section 43 of Act No. 245/2008 Coll. and Sections 7 and 8 of Decree of the Ministry of Education of the Slovak Republic No. 314/2008 Coll. on secondary schools and on the list of study areas and teaching areas in which it is necessary to test special abilities, skills or talents.

Practical instruction is an integral part of vocational training in secondary vocational schools and conservatories.

Practical instruction lays the foundations for the performance of an occupation and work activities.

It provides pupils with practical skills, habits and the acquisition of competences necessary for the performance of an occupation and work activities.

The main forms of practical instruction are:

a) vocational training,
b) technical or artistic practice,
c) practical exercises.

Vocational training is a practical vocational subject carried out in the form of training work.

Training work is carried out by producing products, providing services or performing relevant activities relevant for the occupation and work activities for which pupils are being prepared.

Technical practice and artistic practice is a practical, vocational subject. Technical practice or artistic practice falling under approved education programmes may also be performed during school holidays.

Practical exercises are intended to verify and reinforce theoretical knowledge, to practice and develop skills in technological, technical, calculation, medical, drawing and other activities.

Practical instruction is provided on a group basis in schools, in practical instruction centres and in school establishments and healthcare facilities, or on an individual basis in practical instruction workplaces and the workplaces of other legal entities or natural persons.

Under Section 100(1) of Act No. 245/2008 Coll. a vocational training centre is a type of school whose teaching programmes in the area of upbringing and education provide vocational training for the performance of light work by pupils with a mental disorder or a mental disorder with a physical disability. Details are given in Sections 100 to 102 of Act No. 245/2008 Coll.

Article 10(3)(a)

Retraining is an important instrument for improving the employment prospects (employability) of unemployed citizens and the development of human resources in general. Act No. 568/2009 Coll. on lifelong learning and on the amendment of certain acts defines retraining as a part of vocational training, which is one of the forms of continuing education in the lifelong learning system. Retraining is also a part of the National Education Programme for the Slovak Republic, in which it finds its place in a purposeful linking of the labour market to the market for education, increased involvement of employers and professional, territorial and other bodies in the change and development of the structure of education and qualifications, an increase in potential employability, lifelong professional success, improved access to new technologies and the ensuring of professional mobility in the labour market. Conditions for retraining as preparation of a professional soldier for civilian occupations are laid down in Act No. 570/2005 Coll. on compulsory military service and on the amendment of certain acts.

Schools, school establishments and non-school education institutions represented by legal entities or natural persons provide continuing education and retraining for adults in their areas of competence.

The field of continuing education is regulated by Act No. 568/2009 Coll. on lifelong learning and on the amendment of certain acts. The above act defines continuing education as education that enables any person to extend and reinforce their acquired education, to retrain (Act No. 245/2008 Coll. on upbringing and education (the Schools Act) and on the amendment of certain acts, Act No. 131/2002 Coll. on higher education institutions and on the amendment of certain acts, as amended), to pursue their interests or to prepare to achieve a higher level of education in the school system. Under this act, everyone who expresses an interest in continuing education has the right to learn according to their aptitude and interests.

Within the field of continuing education, tuition and retraining is provided by workers in various institutions (types of educational institution):

- Secondary schools,
- Higher education institutions/Universities,
- Civil service educational institutions
- Educational institutions established by towns and villages
- Educational institutions of professional organisations,
- Educational institutions of cooperatives,
- educational institutions of civil associations and interest associations,
- Educational institutions of trade union organisations,
- Educational institutions of churches and religious communities,
- Educational institutions of cultural institutions,
- Educational institutions established by natural persons and legal entities
- Other educational institutions.

Section 44 of Act No. 5/2004 Coll. regulates labour market training.

Act No. 5/2004 Coll. defines labour market training as theoretical or practical training for the acquisition of new vocational skills and practical experience that will make it easier for a jobseeker or person interested in employment to obtain suitable employment and to keep an employee in his/her job. The content and scope of labour market training should take into account the current knowledge and vocational skills of the jobseeker, person interested in employment or employee so that they can be reasonably used in the acquisition of knowledge and vocational skills.

For the purposes of Act No. 5/2004 Coll., labour market training does not include increases in the level of education pursuant to applicable legislation (Act No. 245/2008 Coll. on upbringing and education (the Schools Act) and on the amendment of certain acts) or preparation for the performance of special vocational activities requiring special competences pursuant to applicable legislation (e.g. Act No. 578/2004 Coll. on providers of healthcare, medical personnel, professional organisations in healthcare and on the amendment of certain acts, as amended). The provisions of the first sentence do not apply to the completion of primary school education or secondary school studies by a jobseeker or person interested in employment for the purposes of obtaining proof of the completion of primary school education or secondary school studies in the last year of the relevant school through projects and programmes falling under Section 46(3) of Act No. 5/2004 Coll.

Section 45 of Act No. 5/2004 Coll. defines the forms of labour market training available to jobseekers, persons interested in employment and employees.

Labour market training for jobseekers, persons interested in employment and employees is provided in the form of training in:
a) accredited continuing education programmes
b) accredited programmes for the acquisition of specific vocational skills,
c) training activities in international programmes,
d) individual training programmes in primary schools and in individual training programmes in secondary schools within the system of areas of tuition and study,
e) other accredited training activities for the acquisition of new qualifications or the extension of an existing qualification,

f) programmes to acquire practical experience.

Training programmes falling under the previous paragraph can be combined with each other and implemented as regional, national or pilot labour market training projects.

Regional, national or pilot labour market training projects can be developed and implemented by the Central Office of Labour, Social Affairs and Family and offices of labour, social affairs and family in cooperation with state administration bodies, representatives of employers' organisations and representatives of trade union organisations, employers, self-governing regions, towns and villages, a legal entity or a natural person under Section 2(1)(m) of Act No. 5/2004 Coll., with civil associations, non-profit organisations or foundations.

Article 10(3)(b)

Under Section 154 of the Labour Code, if an employee enters into an employment relationship without a qualification, his/her employer shall ensure acquisition of the qualification through training or tuition. After the completion of training or tuition, the employer shall issue the employee confirmation of it.

If an employee transfers to a new workplace or a new type or method of work, if this is necessary particularly in connection with changes in the organisation of work or other rationalisation measures, the employer is obliged to retrain the employee.

An employer shall adopt measures for the reinforcement of employees' qualifications, and shall discuss the measures with employees' representatives. In these adopted measures the employer may require employees to reinforce their qualifications for the performance of the work agreed in the employment contract, e.g. to attend at a set time a certain training, seminar, course to develop their vocational knowledge, skills, language skills either in Slovakia or abroad in line with new developments in technology. Participation in training is deemed to be the performance of work for which an employee is entitled to receive pay. Employees are also obliged to systematically reinforce their qualifications for the performance of the work agreed in their employment contract. Reinforcement of a qualification includes activities for its maintenance and renewal.

Qualification reinforcement can also be provided to employees who have been away from work for a longer period due to responsibility for a child or family member or as a result of long term incapacity to work caused by illness or injury. For example, an employer shall provide for the participation of men and women who return to work after maternity leave or parental leave in training to restore and reinforce knowledge for the performance of work.

If an employee decides to raise the level of his/her qualification, i.e. to obtain or extend education through further study, e.g. at secondary school or a higher education institution, this shall be an obstruction to work on the side of the employee pursuant to Section 140 of the Labour Code. An employer may provide an employee with work concessions and wage compensation equal to his/her average earnings, in particular if the expected rise, extension or acquisition of the employee's qualification is in accordance with the employer's needs.

It is the sole power of the employer to decide whether it is interested in raising the level of an employee's qualifications in a particular area of study in a relevant school and

subsequently to provide him/her with time off work and wage compensation. The employer's decision shall take account mainly of the employer's operational and financial conditions and thereafter an agreement can be concluded with the employee in accordance with Section 155(1) of the Labour Code.

Under Section 47 of Act No. 5/2004 Coll. an office of labour, social affairs and family may pay an employer a contribution for an employee's general labour market training and an employee's specific labour market training if the employer will continue to employ the employee for at least 12 months or if labour market training is carried out as part of a package of measures to avoid a collective redundancy or to limit a collective redundancy.

Under Section 97 of Act No. 461 Coll. on social insurance, as amended, retraining can be provided to an injured party whose ability to perform work has been impaired as a result of an occupational accident or occupational disease, if an assessment doctor is of the opinion that the injured party could return to the work process. Retraining is a change of the previous qualification of the injured party that must be provided for by the acquisition of new knowledge and skills, through theoretical or practical training permitting the injured party to take up other suitable activities.

Article 10(4)

Labour market training is defined by Section 44 of Act No. 5/2004 Coll. as theoretical and practical training intended to provide new knowledge and skills to improve the prospects of a jobseeker or person interested in employment for obtaining suitable employment, or to enable an employee to remain in employment. Labour market training under Act No. 5/2004 Coll. does not include activity to achieve a higher level of education. Under Section 46, an office of labour, social affairs and family may arrange labour market training for a jobseeker or person interested in employment (including disadvantaged jobseekers, which include the long-term unemployed) in the form of training activities according to an assessment of their competences, work experience, specialised skills, their achieved level of education and their health competence for work and in particular where there is:

a) a lack of technical knowledge and specialised skills,
b) the need to change knowledge and specialised skills to meet labour market demand and
c) a loss of capacity to perform work in the recipient's current employment.

The jobseeker's assessment, including the form of labour market training, is prepared by professional guidance services or as part of the individual action plan of a disadvantaged jobseeker, if one is made. The office of labour, social affairs and family may provide a jobseeker with labour market training no later than the day following the date of entry into force of a decision on entry in the register of jobseekers.

An office of labour, social affairs and family may pay a contribution for training a jobseeker for the labour market equal to 100% of the costs of labour market training and costs connected with labour market training. The office of labour, social affairs and family shall reimburse costs for board and lodging and travel costs to a jobseeker who takes part in labour market training; if the jobseeker is the parent of a pre-school-age child, the office shall also pay an allowance for services for a family with children. A jobseeker is entitled to benefit during labour market training equal to the subsistence minimum for one adult under Act No. 601/2003 Coll. on the subsistence minimum, as amended.

The amendment to Act No. 5/2004 Coll. that came into effect on 1 May 2008 extended the range of active labour market policies intended to promote the employability and employment of disadvantaged jobseekers with an emphasis on the long-term unemployed to include the following policies:

- support for disadvantaged groups of jobseekers, in particular the long-term unemployed, to enter and remain in the labour market,
- support for the maintenance of employment of, in particular, the long-term unemployed, the disabled and citizens who have found jobs but, because of their low qualifications, perform low-paid work,
- better orientation of active labour market policies to target disadvantaged groups of jobseekers,
- extension of the supported groups of disadvantaged jobseekers.

Act No. 139/2008 Coll. on the amendment of Act No. 5/2004 Coll. on employment services and on the amendment of certain acts, as amended, and on the amendment of Act No. 599/2003 Coll. on assistance in material need and on the amendment of certain acts, as amended, increased the scope of active labour market policies aimed at disadvantaged jobseekers, including the long-term unemployed, with the following forms of assistance:

- Contribution for the trial employment of a disadvantaged jobseeker,
- Contribution to help keep employees with low pay in employment,
- Contribution to support the creation and maintenance of jobs in a social enterprise,
- Contribution for activation activity in the form of minor municipal services for a municipality,
- Contribution for activation activity in the form of voluntary service.

Article 10(5)(a)

The rights falling under Article 10(5)(a) are applied in the Slovak Republic by the following provision of the Constitution of the Slovak Republic: Article 42(2), which declares: "Citizens shall have the right to free education at elementary and secondary schools and depending on the abilities of the individual and the potential of the society also at universities".

In the area of continuing education and vocational training this is applied as follows:

- Education activities intended for all adult citizens for the development of knowledge and professional skills but which do not lead to the acquisition of a higher level of education – adults usually pay the cost themselves. Certain forms of support may occur at the regional level. An example would be courses in foreign languages offered by language schools: the costs of such courses are partially covered from regional funds. It may also happen that the regional or local government will provide non-financial support for the development of activities in the form of open access to continuing education and vocational training (e.g. making available buildings or classes on a non-profit basis). Financial support from the European Union may also cover (at least a part) of the financial costs of continuing education and vocational training open to all interested persons.

- Labour market training for jobseekers and persons interested in employment is regulated by Section 46 of Act No. 5/2004 Coll. An office of labour, social affairs and family may arrange

labour market training for a jobseeker or person interested in employment in the form of training activities according to an assessment of their competences, work experience, specialised skills, their achieved level of education and their health competence for work and in particular in where there is
a) a lack of technical knowledge and specialised skills,
b) the need to change knowledge and specialised skills to meet labour market demand or
c) a loss of capacity to perform work in the recipient's current employment.

An office of labour, social affairs and family may pay a contribution for training a jobseeker for the labour market equal to 100% of the costs of labour market training and costs connected with labour market training under a written agreement concluded between
a) the office of labour, social affairs and family and a jobseeker,
b) the office of labour, social affairs and family and a provider of labour market training services or
c) the office of labour, social affairs and family and a legal entity or natural person falling under Section 2(1)(m) of Act No. 5/2004 Coll.

An office of labour, social affairs and family may pay a contribution for training a person interested in employment for the labour market for up to 100% of the costs of labour market training and costs connected with labour market training during two years from his/her entry in the register of persons interested in employment.

The office of labour, social affairs and family shall reimburse costs for board and lodging and travel costs to a jobseeker who takes part in labour market training. These costs shall be reimbursed for a person interested in employment if he/she is responsible for a pre-school-age child or is over 50 years of age. The office of labour, social affairs and family shall provide a contribution to services for a family with children to a jobseeker or a person interested in employment who participates labour market training and who is a parent taking care of a pre-school-age child or to persons specified in other applicable legislation (e.g. Act No. 36/2005 Coll. on the family and on the amendment of certain acts, as amended by ruling of the Constitutional Court of the Slovak Republic No. 297/2005 Coll., Act No. 195/1998 Coll. on social assistance, as amended).

- Labour market training for employees. Section 47 of Act No. 5/2004 Coll. states that labour market training for employees under Act No. 5/2004 Coll. is provided by the employer to maintain and develop the work competences of the employer's employees through general labour market training for employees and specific labour market training for employees under applicable legislation (Commission Regulation (EC) No 68/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to training aid, OJ L 10, 13.1.2001, as amended).

Labour market training for employees takes place during working time and is an obstacle to work on the side of the employee; for such periods, employees are entitled to wage compensation equal to their average monthly earnings. Labour market training for employees shall take place outside working time only if this is necessary in view of the manner in which it is provided.

An office of labour, social affairs and family may conclude a written agreement with an employer to pay the employer a contribution for general labour market training of an employee or specific labour market training of an employee up to the maximum amount

permitted by applicable regulations (Commission Regulation (EC) No 68/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to training aid, OJ L 10, 13.1.2001, as amended), if the employer will employ the employee for at least 12 months after the end of training or if the labour market training for the employee is provided as part of a package of measures to avoid a collective redundancy or limit a collective redundancy,

Eligible costs for labour market training, the provision of benefits during labour market training and during training to improve the employment prospects of a disabled citizen, and the amount of such benefits, are regulated by Section 48 to 48c of Act No. 5/2004 Coll.

- Section 54(2)(e) of Act No. 5/2004 Coll. states that active labour market policies shall include projects and programmes financed and co-financed from the state budget or other sources, in particular individual state aid for an investor approved by the government of the Slovak Republic or the European Commission in response to a request for the provision of state aid under applicable regulations (Act No. 231/1999 Coll., as amended, Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty, OJ L 83, 27.3.1999). in the form of a contribution for the creation of a new job and a contribution for the training of an employee taken on in a newly created job provided by the Central Office of Labour, Social Affairs and Family according to the method and subject to the conditions laid down in the agreement concluded between the Central Office and the beneficiary of individual state aid.

- Vocational training activities and programmes connected with certain professions (e.g. in healthcare, education or public administration) are always financed from public funds.

Article 10(5)(b)

Section 144(1) of Act No. 245/2008 Coll. lays down the rights and duties of a child, pupil and his/her legal representative or the representative of an institution.

The child or pupil shall have the right to:
a) equal access to education,
b) education free of charge in elementary schools and in secondary schools (Article 42 of the Constitution of the Slovak Republic),
c) education free of charge in nursery schools for a five-year-old child before the start of compulsory school attendance,
d) education in the state language and in his/her native language within the scope laid down by Act No. 245/2008 Z. z.,
e) an individual approach respecting his/her aptitudes and abilities, talents and health condition in the extent established by Act No. 245/2008 Coll.,
f) the free loan of text books and teaching texts for compulsory educational subjects,
g) respect for his/her belief, world view, national identity and ethnic identity,
h) the provision of guidance and services connected with upbringing and education,
i) upbringing and education in a safe and hygienically appropriate environment,
j) organisation of upbringing and education appropriate to his/her age, aptitudes, interests and health condition, and conforming to the principles of mental hygiene,
k) respect for his/her person and the assurance of protection against physical, mental or sexual violence,
l) a free choice of optional and non-compulsory subjects in accordance with his/her capacity, interests and preferences in the scope established by the education programme,

m) information relating to his/her person and his/her educational results,
n) individual education subject to the conditions laid down by Section 24 of Act No. 245/2008 Coll.

In the context of the above, it is also necessary to recall Decree of the Ministry of Education of the Slovak Republic No. 304/2008 Coll. on upbringing and education with intellectual talents, and state assistance to promote healthy nutrition for children and pupils established by Regulation of the government of the Slovak Republic No. 339/2008 Coll. on the provision of assistance to promote the consumption of milk and milk products for children in nursery schools, for pupils in primary school and for pupils in secondary school.

Section 149 of Act No. 245/2008 Coll. regulates the provision of scholarships. A scholarship can be awarded to a pupil who is a full-time pupil of a secondary school, vocational training institution or a practical school, if they are assessed jointly with persons,

a) who receive material need benefit and allowances for material need benefit under applicable legislation (Sections 10 to 14 of Act No. 599/2003 Coll. on assistance in material need and on the amendment of certain acts, as amended) or

b) one twelfth of whose income (Section 4(1) and (2) of Act No. 601/2003 Coll. on the subsistence minimum and on the amendment of certain acts, as amended) for the calendar year preceding the calendar year in which a scholarship is requested was at most equal to the subsistence minimum defined by applicable legislation (Sections 2 and 5 of Act No. 601/2003 Coll. on the subsistence minimum and on the amendment of certain acts, as amended).

A scholarship is provided from the start of the school year for the school year in question during periods when school teaching is taking place as defined in Section 150 of Act No. 245/2008 Coll.

Title Three of Act No. 131/2002 Coll. on higher education institutions and on the amendment of certain acts, as amended, regulates the system of social support for students.

Under Section 94 of the above act, social support for students is provided in direct and indirect forms.

The direct form of social support is scholarships.
The indirect form of social support is provided in the form of the following services:
a) catering and accommodation services as possible, including contributions to costs associated with board and lodging,
b) financial and organisational support for sports and cultural activities.

The social support system includes the provision of cheap loans to students (e.g. Act No. 200/1997 Coll. on the Student Loan Fund, as amended).

Every student has the right to apply for services from the social support system if they satisfy the set criteria for the provision of these services. If the number of applicants for services that are not automatic entitlements exceeds total capacity, services will be provided to applicants according to criteria determined in advance by the higher education institution, taking into account the social situation and study prospects of the applicant.

If a student uses the services of the social support system for purposes other than those for which they are intended, or if he/she uses them without being entitled to them, or if he/she abuses support in any other way, he/she thereby commits a disciplinary offence (Section 72 of the Act on higher education institutions).

Section 95 of the Act on higher education institutions regulates the provision of scholarships.

A higher education provides scholarships for students

a) from funds provided for this purpose from the state budget,

b) from its own scholarship fund (Section 16(7)(c) of the Act on higher education institutions).

Equality of opportunity and access to study is declared in the Constitution of the Slovak Republic and other legislation affecting education policy in Slovakia.

Equality in access to vocational training for foreigners is ensured through Section 146(2) of Act No. 245/2008 Coll., which states "the children of foreigners with permission to reside in the territory of the Slovak Republic and the children of applicants for asylum and Slovaks living abroad shall be provided with upbringing and education, board and lodging in schools pursuant to Act No. 245/2008 Coll. subject to the same conditions as citizens of the Slovak Republic". In order to eliminate language barriers for the children of foreigners, elementary and extended language courses in the state language are provided. The way in which equal access to vocational education is ensured was significantly changed for all interested parties as a result of the application of Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and on the amendment of certain acts (the Anti-discrimination Act), as amended.

Article 10(5)(c)

Act No. 311/2001 Coll. the Labour Code, as amended, contains three sections that relate to the provision of training during employment and that define the responsibilities of employees and employers in matters relating to the reinforcement of qualifications:

Section 153 of the Labour Code states: "An employer shall give attention to the reinforcement or raising to a higher level of employees' qualifications. An employer shall discuss with employees' representatives measures taken in relation to employees' qualifications, for their reinforcement or raising to a higher level."

Section 154 of the Labour Code states:

- If an employee enters into an employment relationship without a qualification, his/her employer shall ensure acquisition of the qualification through training or tuition.";
- "If an employee transfers to a new workplace or a new type or method of work, if this is necessary particularly in connection with changes in the organisation of work or other rationalisation measures, the employer is obliged to retrain the employee.";
- "Employees are obliged to systematically reinforce their qualifications for the performance of the work agreed in their employment contract. Reinforcement of a qualification includes activities for its maintenance and renewal. An employer is

entitled to require an employee to participate in continuing education for the reinforcement of his/her qualifications. Participation in education and training is deemed to be the performance of work for which an employee is entitled to receive pay".

Section 155 of the Labour Code permits an employer and an employee to conclude an agreement on continuing education and vocational training: "An employer may conclude an agreement with an employee by which the employer undertakes to permit the employee to seek a higher level qualification by providing him/her with time off work, wage compensation and reimbursement of other study-related costs, and the employee undertakes to remain an employee of the employer for a certain time or to reimburse the study costs to the employer, even in cases where the employee terminates employment before the end of his/her studies."

Some professions may be subject to special rules on paid study leave. Sections 77 to 80 of Act No. 400/2009 Coll. on the civil service and on the amendment of certain acts, as amended, define the forms through which the qualifications of civil servants can be reinforced or raised to a higher level.

Section 77 of the Civil Service Act (Title Five: "Reinforcing of civil servants' qualification and raising of civil servants' qualifications to a higher level") states that a civil servant's service office must provide him/her with five days of leave each year for the reinforcement and extension of his/her qualifications. Civil servants shall be entitled to their tariff pay during such periods. Civil servants who wish to study for a higher level qualification (in particular those who wish to achieve a higher education degree) can apply for additional leave from work, during which they shall receive their tariff pay. In this case the service office may require that the civil servant will remain in the civil service for an agreed period after the completion of the education activity.

Furthermore, all employers in Slovakia must provide newly taken on employees with training in the areas of occupational safety and health, and fire prevention. Employers are also obliged to update their employees' knowledge in these areas on a regular basis. This duty is defined by Act No 124/2006 Coll. on occupational health and safety and on the amendment of certain acts, as amended, Act No. 314/2001 Coll. on protection against fire, as amended, and also Decree of the Ministry of Interior of the Slovak Republic No. 121/2002 Coll. on fire prevention.

Article 10(5)(d)

Act No. 245/2008 Coll. on upbringing and education (the Schools Act) and on the amendment of certain acts does not recognise the term "apprentice", using instead the term "pupil".

The vocational training system for pupils – young people is based on Act No. 245/2008 Coll.
The schools system in the Slovak Republic is made up of the following types of school under Act No. 245/2008 Coll.

a) nursery schools (Decree of the Ministry of Education of the Slovak Republic (hereinafter only "The Ministry of Education") No. 306/2008 Coll. on nursery schools),
b) primary schools (Decree of the Ministry of Education No. 320/2008 Coll. on primary schools).

c) gymnázium (secondary school preparing students for higher education – secondary grammar school)
d) secondary vocational school,
e) conservatory,
f) schools for children and pupils with special educational needs (Decree of the Ministry of Education No.322/2008 Coll. on special schools),
b) primary art schools (Decree of the Ministry of Education No. 324/2008 Coll. on primary art schools).
h) language schools (Decree of the Ministry of Education No. 321/2008 Coll. on language schools).

Upbringing and education in schools and school establishments is carried out according to upbringing and education programmes.

Upbringing and education programmes are subdivided into:

a) upbringing and education programmes for schools (hereinafter only "education programmes"),
b) upbringing and education programmes for school establishments (hereinafter only "upbringing programmes").

Education programmes determine the form and content of upbringing and education that contribute to completion of a level of education pursuant to Sections 16 and 17 of Act No. 245/2008 Coll.

Education programmes can be subdivided into

a) national education programmes,
b) school education programmes.

Upbringing programmes determine the form and content of upbringing and education that do not contribute to completion of a level of education pursuant to Sections 16 and 17 of Act No. 245/2008 Coll.

National education programmes define the obligatory content of upbringing and education in schools required pursuant to Act No. 245/2008 Coll. for the acquisition of competences. National education programmes are issued and disseminated by the Ministry of Education of the Slovak Republic (hereinafter only "the Ministry of Education").

National education programmes for vocational education are issued by the Ministry of Education after consultation with employers, the controlling authorities of schools and their professional and interest associations operating on the national level, and with other ministries on topics within their areas of competence; for medical school departments that prepare pupils to enter medical professions (Regulation of the government of the Slovak Republic No. 742/2004 Coll. on professional qualifications for the medical professions, as amended) programmes are issued by the Ministry of Health of the Slovak Republic (hereinafter only "the Ministry of Health").

Where schools provide vocational education in areas falling under the competence of other central state administration bodies, national education programmes are issued by the

competent central state administration bodies, in relation to general educational subjects after agreement with the Ministry of Education.

A school education programme is the basic document determining the implementation of upbringing and education in schools in accordance with Act No. 245/2008 Coll.

A school education programme is issued by the director of the school after consultation with the school pedagogical board and the school board.

The controlling authority may require the director of a school to submit the education programme for approval.

A school education programme must be prepared in accordance with the principles and objectives for upbringing and education laid down in Act No. 245/2008 Coll. and the corresponding national education programme.

School education programmes shall include:

a) the name of the education programme,
b) definition of the school's own objectives and mission for upbringing and education,
c) the level of education that will be achieved by completing the school education programme or an integrated part thereof,
d) the school's own orientation,
e) the length of study and the forms of upbringing and education,
f) curriculums,
g) the teaching plan,
h) the language of teaching in accordance with Section 12 of Act No. 245/2008 Coll.,
i) the procedure and conditions for the completion of upbringing and education and the issuing of proof of completion of education,
j) the assigned personnel,
k) requirements for materials, equipment and space,
l) conditions for ensuring occupational safety and health during upbringing and education,
m) internal system for inspection and evaluation of children and pupils,
n) the internal system for inspection and evaluation of school employees,
o) continuing education requirements for pedagogical and specialist employees.

An international programme implemented with the written consent of the Ministry of Education and conforming to the principles and objectives of upbringing and education laid down by Act No. 245/2008 Coll. can also be a school education programme.

Conformity between the school education programme and the national education programme, the objectives and principles of upbringing and education laid down by Act No. 245/2008 Coll. is checked by the State School Inspection (Section 13 of Act No. 596/2003 Coll. on state administration in education and self-government in education and on the amendment of certain acts, as amended).

In the case of a newly established school, the controlling authority of the school shall ensure the professional preparation of the school education programme and attach it to the application for the incorporation of schools in the network of schools and school establishments in accordance with applicable legislation (Section 16 of Act No. 596/2003

Coll. on state administration in education and self-government in education and on the amendment of certain acts, as amended).

The director of the school shall display the school education programme in a location accessible to the public.
Secondary schools carry out the vocational training of young people – pupils. Secondary schools are subdivided into:

a) *gymnázia* (secondary school preparing students for higher education – secondary grammar schools)
b) secondary vocational schools,
c) conservatories.

A secondary vocational school is an internally differentiated secondary school providing training for pupils in a relevant vocation lasting at least two years and at most five years. The education programmes offered by a secondary vocational school are primarily oriented towards preparation for occupations and professions in the national economy, healthcare, public administration, culture, the arts and other areas; they may also prepare pupils for higher education.

Secondary vocational schools providing training for the performance of occupations and professions are classified into types. Vocational training in a secondary vocational school develops the knowledge, skills and aptitudes that pupils have acquired in earlier education and provides the knowledge, skills and aptitudes necessary for a particular occupation or profession.

Practical instruction is an integral part of vocational education in secondary vocational schools and conservatories.

Practical instruction lays the foundations for the performance of an occupation and work activities. It provides pupils with practical skills, habits and the acquisition of competences necessary for the performance of an occupation and work activities.

The main forms of practical instruction are:

a) vocational training,
b) technical or artistic practice,
c) practical exercises.

Conservatories

Conservatories provide comprehensive education in the arts and art-teaching. They prepare pupils for a professional career in the arts or teaching the arts or vocational subjects in arts-oriented education programmes. Upbringing and education in a conservatory is carried out on an individual basis, in small groups or collectively. Upbringing and education in a Conservatory is based on a six-year education programme in which pupils take the *maturita* exam (testing completion of secondary education – school-leaving exam) at the end of their fourth year and a final graduation test at the end of the sixth year. Dance students follow an eight-year education programme, taking the *maturita* exam (testing completion of secondary education – school-leaving exam) and a final graduation test at the end of their final year.

Conservatories provide:

a) lower secondary education falling under Section 16(3)(b) of Act No. 245/2008 Coll. through successful completion of the fourth year of an eight-year education programme,

b) completion of secondary vocational education under Section 16(4)(d) of Act No. 245/2008 Coll. by successful passing of the *maturita* exam (testing completion of secondary education – school-leaving exam).

c) completion of higher vocational education under Section 16(5)(b) of Act No. 245/2008 Coll. by successful passing of a final graduation test.

Post-secondary vocational education is subdivided into:

a) extended study,
b) post-*maturita* study.

Extended study

Extended study is organised in connection with subjects offered by secondary vocational schools and extends previous vocational training in a given area beyond the level of completed secondary vocational education; it ends with the *maturita* exam (testing completion of secondary education).

Extended study provides a higher level of general education and broad vocational training enabling pupils to

a) fully prepare themselves to follow their chosen career and specialise in the performance of certain technical-economic activities of an operational character,
b) prepare for further education.

Post-*maturita* study is organised in secondary vocational schools in order to achieve a higher level of qualification and to reinforce qualification for the performance of an occupation and work activities.

Post-*maturita* study is subdivided into:
a) finishing study,
b) qualification study,
c) specialisation study,
d) higher vocational study.

The Ministry of Education defines through generally applicable legislation the types of secondary vocational schools, the types of conservatories, the system of fields of education for secondary school, the types of education and the length of education in specific areas of education and their connection to subsequent education, the organisation of education within each area, the scope of study, the length of study and the course of education, the evaluation and classification of pupils, a list of areas of study for secondary vocational schools for which an apprenticeship certificate is awarded as well as the *maturita* certificate, and the details of the different forms of study and changes in the course of study; the system of fields of

education for secondary vocational schools are defined after agreement with interested central state administration bodies. The system of fields of education for secondary vocational schools falling under other central state administration bodies is defined in generally applicable legislation by the Ministry of Education after agreement with the competent central state administration body (e.g. Decree of the Ministry of Education No. 314/2008 Coll. on secondary schools and on secondary schools and on the list of study areas and teaching areas in which it is necessary to test special abilities, skills or talents, Decree of the Ministry of Education No. 319/2008 on the recognition of alternatives to the *maturita* exam for foreign languages).

Section 153 of the Labour Code regulates training for employees including young workers.

An employer shall have regard for the reinforcement or raising to a higher level of employees' qualifications. An employer shall discuss with employees' representatives measures taken in relation to employees' qualifications, for their reinforcement or raising to a higher level.

Under Section 154(1) of the Labour Code, if an employee enters into an employment relationship without a qualification, his/her employer shall ensure acquisition of the qualification through training or tuition. After the completion of training or tuition, the employer shall issue the employee confirmation of it.

Section 154(2) of the Labour Code – If an employee transfers to a new workplace or a new type or method of work, if this is necessary particularly in connection with changes in the organisation of work or other rationalisation measures, the employer is obliged to retrain the employee.

Section 154(3) of the Labour Code – Employees are obliged to systematically reinforce their qualifications for the performance of the work agreed in their employment contract. Reinforcement of a qualification includes activities for its maintenance and renewal. An employer is entitled to require an employee to participate in continuing education for the reinforcement of his/her qualifications. Participation in training is deemed to be the performance of work for which an employee is entitled to receive pay.

Section 155(1) of the Labour Code – An employer may conclude an agreement with an employee by which the employer undertakes to permit the employee to seek a higher level qualification by providing him/her with time off work, wage compensation and reimbursement of other study-related costs, and the employee undertakes to remain an employee of the employer for a certain time or to reimburse the study costs to the employer, even in cases where the employee terminates employment before the end of his/her studies." The agreement must be concluded in writing otherwise it shall be invalid.

Section 155(2) of the Labour Code – An agreement pursuant to paragraph 1 must include:

a) the type of qualification and the method for achieving a higher level,
b) the field of study and the name of the school,
c) the period for which the employee undertakes to remain in the employment relationship with the employer,

d) the types of costs and the total amount that the employee will be obliged to reimburse to the employer if he/she does not fulfil his/her commitment to remain in the employment relationship for the agreed period.

Section 155(3) of the Labour Code – The total agreed period for remaining in an employment relationship must not exceed five years. The amount of invested costs for reimbursement must not exceed three quarters of the total invested costs. If an employee fulfils his/her commitment only part, the duty to reimburse costs shall be reduced by a corresponding proportion.

Section 155(4) of the Labour Code – The period of remaining in the employment relationship shall not be deemed to include:

a) national service, alternative service and civilian service,
b) parental leave,
c) absence from work due to serving an non-suspended sentence of imprisonment, and imprisonment on remand, if subsequently convicted.

Section 155(5) of the Labour Code – An employer may conclude an agreement with an employee pursuant to paragraph (2) also in relation to reinforcement of a qualification, if the expected costs are greater than EUR 3 319.39. An employer who employs fewer than 20 employees may conclude an agreement with an employee pursuant to paragraph (2) also in relation to reinforcement of a qualification, if the expected costs are greater than EUR 1 659.70. In such cases, the employee cannot be obliged to reinforce the qualification.

Section 155(6) of the Labour Code – The employee shall not be obliged to repay costs if:

a) the employer ceased to provide time off work and wage compensation because the employee, through no fault of his/her own, became long-term incapable to perform the work for which he/she was pursuing a higher-level qualification,
b) the employment relationship was terminated with notice given by the employer on the grounds falling under Section 63(1)(a) and (b) of the Labour Code or by agreement on the same grounds,
c) according to a medical opinion or a decision of a state health administration body or a decision of a social security body, the employee cannot perform the work for which he/she was pursuing a higher-level qualification, or has become long-term incapable to continue performing his/her previous work for reasons falling under Section 63(1)(c) of the Labour Code,
d) the employer did not utilise the higher-level qualification that the employee achieved for at least six months within the last 12 months.

With regard to the adequate protection of young workers, this is addressed by special provisions on the working conditions for young workers in Sections 171 to 176 of the Labour Code and in Regulation of the government of the Slovak Republic No. 286/2004 Coll. establishing a list of work and workplaces that are prohibited for young employees and establishing certain duties for employers who employ young employees.

With regard to this provision of the Charter, note should also be taken of Act No. 282/2008 Coll. on support for work with young people and on the amendment of Act No.

131/2002 Coll. on higher education institutions and on the amendment of certain acts, as amended, and also Act No. 300/2008 Coll. on the organisation of support for sport and on the amendment of certain acts.

The Slovak Republic is bound by the ILO Convention concerning paid educational leave No. 140 of 1974 – Notice No. 491/1990 Coll. and Point 48 of Notice No 110/1997 Coll.

Article 15 – The right of persons with disabilities to independence, social integration and participation in the life of the community

With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

1. to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private,
2. to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services.

Article 15(1)

An office of labour, social affairs and family may arrange professional guidance services for a jobseeker or a person interested in employment. The provision of professional guidance services is regulated by Section 43 of Act No. 5/2004 Coll.

For the purposes of Act No. 5/2004 Coll., professional guidance services are intended to solve problems affecting the employment prospects of a jobseeker, to align a jobseeker's personal profile with the requirements for performing a certain type of employment, to influence the decision-making and behaviour of a jobseeker and to promote his/her adaptation to society and work.

Professional guidance services are provided by a consultant who has completed the second stage of higher education.

An office of labour, social affairs and family can arrange professional guidance services in the form of individual consultation or group consultation.

An office of labour, social affairs and family can prepare an individual action plan in cooperation with a disadvantaged jobseeker (including a person with a disability – Section 8(1)(h) of Act No. 5/2004 Coll.) to improve the disadvantaged jobseeker's employment prospects (hereinafter only "the individual action plan"), which is prepared based on an offer made by the office of labour, social affairs and family or at the written request of the disadvantaged jobseeker. If a disadvantaged jobseeker makes a written request for preparation of an individual action plan, the office of labour, social affairs and family is obliged to begin preparation of this plan within 30 calendar days of the submission of the written request.

For the purposes of Act No. 5/2004 Coll. is a written document setting a procedure and timetable for the performance of individual measures to improve the employment prospects of a disadvantaged jobseeker in the labour market based on an assessment of his/her completed level of education, vocational skills, personality profile, aptitudes, practical experience and the opportunities open to him/her. The individual action plan is drafted, evaluated and updated by a professional consultant in cooperation with the disadvantaged

jobseeker. After the individual action plan is agreed by both sides it becomes binding for the disadvantaged jobseeker and for the office of labour, social affairs and family.

Further details are given in Section 43 of Act No. 5/2004 Coll.

Section 58 of Act No. 5/2004 Coll. defines the status and activities of a supported employment agency.

For the purposes of Act No 5/2004 Coll. a supported employment agency is a legal entity or natural person that provides services to citizens with a disability, long-term unemployed citizens and employers with the aim of making it easier to find and keep a job or making it easier to recruit employees from amongst disabled citizens and the long-term unemployed. A supported employment agency carries out the following types of activity in particular:

a) providing professional guidance services to support and assist the acquisition and retention of a job, providing advice on labour law and financial matters to help settle the claims of disabled citizens resulting from their disabilities and providing professional guidance on finding and keeping a job for long-term unemployed citizens.
b) determining the abilities and vocational skills of disabled citizens and the long-term unemployed in relation to the requirements of the labour market,
c) finding suitable employment for a citizen with disability or a long-term unemployed citizen and arranging employment,
d) providing professional consultation to employers on recruiting employees who are disabled citizens or long-term unemployed, and on solving problems that arise during their employment,
e) selecting a suitable disabled citizen or a suitable long-term unemployed citizen for a job according to the requirements and requests of an employer,
f) provision of professional guidance for an employer when setting the conditions of a job and working conditions for the employment of a specific disabled citizen.

A supported employment agency can perform the above activities for a jobseeker who is a disabled citizen or a jobseeker who is a long-term unemployed citizen under a concluded, written agreement with the competent office of labour, social affairs and family. A supported employment agency can charge an employer an agreed amount for the activities listed in points (d) to (f).

Section 44 of Act No. 5/2004 Coll. regulates labour market training. Act No. 5/2004 defines labour market training as theoretical or practical training for the acquisition of new vocational skills and practical experience that will make it easier for a jobseeker or person interested in employment to obtain suitable employment and for an employee to remain in work. The content and scope of labour market training should take into account the current knowledge and vocational skills of the jobseeker, person interested in employment or employee so that they can be reasonably used to acquire new knowledge and vocational skills

For the purposes of Act No. 5/2004 Coll., labour market training does not include the pursuit of a higher level of education pursuant to applicable legislation (Act No. 245/2008 Coll. on upbringing and education (the Schools Act) and on the amendment of certain acts) or preparation for the performance of special vocational activities requiring special competences pursuant to applicable legislation (e.g. Act No. 578/2004 Coll. on providers of healthcare,

medical personnel, professional organisations in healthcare and on the amendment of certain acts, as amended). The provisions of the first sentence do not apply to the completion of primary school education or secondary school studies by a jobseeker or person interested in employment for the purposes of obtaining proof of the completion of primary school education or secondary school studies in the last year of the relevant school through projects and programmes falling under Section 46(3) of Act No. 5/2004 Coll.

The same procedure as for labour market training is applied in the case of a course for a disabled citizen to permit him/her to participate in labour market training.

Labour market training under Act No. 5/2004 Coll. is provided for by:

a) the Central Office of Labour, Social Affairs and Family in the case of a jobseeker or a person interested in employment, or
b) an employer, in the case of an employee.

A jobseeker can also arrange labour market training under Act No. 5/2004 Coll. on his/her own initiative and at his/her own expense.

The provision of benefits during labour market training and during training to improve the employment prospects of a disabled citizen is regulated by Section 48b of Act No. 5/2004 Coll.

If a jobseeker participates in labour market training or a disabled citizen who is a jobseeker and who takes part in training to improve his/her employment prospects under Section 55a of Act No. 5/2004 Coll. for a period of more than one month, he/she shall be entitled to benefit during labour market training or benefit during training to improve employment prospects (hereinafter only “the benefit”).

The benefit is provided on a per-calendar-month basis at the rate of the subsistence minimum for one adult person to the applicable legislation (Act No. 601/2003 Coll. on the subsistence minimum and on the amendment of certain acts, as amended) in force on the first day of the calendar month in which the jobseeker entered labour market training or the disabled citizen, who is a jobseeker, entered training to improve employment prospects.

With regard to disabled children:

Section 2(j) of Act No 245/2008 Coll. on upbringing and education (the Schools Act) and on the amendment of certain acts defines, for the purposes of the act, a child with a disability or a pupil with a disability as a child or pupil with an intellectual impairment, impaired hearing, impaired sight, impaired mobility, speech and language impairments, autism or other pervasive developmental disorders or multiple impairments.

The act defines a physically or intellectually disadvantaged child or a physically or intellectually disadvantaged pupil as a child with a disability or a pupil with a disability, a child who is sick or has weakened health or a pupil who is sick or has weakened health, a child with a development disorder or a pupil with a development disorder, a child with a behavioural disorder or a pupil with a behavioural disorder.

The upbringing and education of children with disabilities takes account of requirements resulting from their special educational needs to adjust the conditions, content, forms, methods and approaches used in the upbringing and education of the child or pupil resulting from their health impairment or their development in a socially disadvantaged environment and which are essential for the development of the aptitudes and personality of the child or pupil and the achievement of an appropriate level of education and adequate integration into society.

Part Seven of Act No. 245/2008 Coll. on upbringing and education (the Schools Act) and on the amendment of certain acts regulates the establishment and the activity of schools for children or pupils with special educational needs – the upbringing and education of physically or intellectually disadvantaged children and physically or intellectually disadvantaged pupils.

The upbringing and education of physically and intellectually disadvantaged children and pupils follows educational programmes for:

a) children and pupils with intellectual impairments,
b) children and pupils with impaired hearing,
c) children and pupils with impaired sight,
d) children and pupils with impaired mobility,
e) children and pupils with speech and language impairments,
f) children and pupils with autism or other pervasive developmental disorders.
g) children and pupils who are ill or have weakened health,
h) children and pupils with impaired sight and hearing,
i) pupils with developmental learning disorders
j) pupils with activity and attention disorders,
k) children and pupils with multiple disabilities,
l) children and pupils with behavioural disorders.

The education programmes falling under points a) to l) are included in national education programmes.

Article 15(2)

Who is a disabled citizen for the purposes of the provision of employment services is regulated by Section 9 of Act No. 5/2004 Coll.

For the purposes of the above act a disabled citizen is a citizen recognised as having a disability under applicable legislation (Section 71 of Act No. 461/2003 Coll. on social insurance as amended by Act No. 310/2006 Coll., and Act No. 328/2002 Coll. on social security for police officers and soldiers and on the amendment of certain acts, as amended).

Disabled citizens shall prove their disability and the percentage reduction in their ability to perform gainful activity due to a physical disorder, an intellectual disorder or a behavioural disorder by a decision or notice of the Social Insurance Agency or an assessment by the social security section pursuant to applicable legislation (Act No. 461/2003 Coll. on social insurance, as amended, Act No. 328/2002 on social security for police officers and soldiers and on the amendment of certain acts, as amended).

Section 39a of Act No. 5/2004 Coll. regulates special records of disabled citizens.

An office of labour, social affairs and family keeps special records of jobseekers who are disabled citizens and special records of persons interested in employment who are disabled citizens, which includes the information types listed in Section 33(1) and Section 37(1) of Act No. 5/2004 Coll. plus information on the reduction in the person's ability to perform gainful activity and information on the legal grounds on which he/she is recognised a disabled citizen.

Information from the special register of disabled jobseekers and information from the special register of disabled persons interested in employment can be used only to support these citizens in finding and retaining jobs in the labour market and for statistical purposes.

If an office of labour, social affairs and family terminates the provision of services under Act No. 5/2004 Coll. for a disabled citizen or if a disabled jobseeker or disabled person interested in employment ceases to be disabled, the office of labour, social affairs and family must prevent access to the data on these citizens until a time when there are new grounds for their further use and processing.

The provision of benefits during labour market training and during preparation for the entry into work of a disabled citizen is regulated by Section 48b of Act No. 5/2004 Coll.

If a jobseeker participates in labour market training or a disabled citizen who is a jobseeker and who takes part in preparation for entry into work under Section 55a of Act No. 5/2004 Coll. lasting more than one month, he/she shall be entitled to benefit during labour market training or benefit during training to improve employment prospects.

Support for the employment of disabled citizens is regulated by Part Eight of Act No. 5/2004 Coll. and primarily takes the form of contributions intended to promote the employability and employment of this group of citizens. Policies are as follows:

- training to improve the employment prospects of a disabled citizen, during which the following are paid:
- eligible costs for training and preparation for work;
- eligible costs connected with training and preparation for work;
- contribution for the establishment of a sheltered workshop or sheltered workplace,
- contribution for keeping a disabled citizen in employment;
- contribution for a disabled citizen to operate or perform business activities on a self-employed basis;
- contribution to the renovation or technical improvement of the tangible assets of a sheltered workshop or sheltered workplace;
- contribution for the activities of a work assistant;
- contribution towards the operating costs of a sheltered workshop or sheltered workplace and towards the cost of employee transport.

Section 63 of Act No. 5/2004 Coll. regulates the duties of an employer who employs disabled citizens.

The employer is obliged:

a) to ensure that disabled citizens in their employment have suitable conditions for performing their work,

b) to carry out training and preparation for work for disabled citizens and to have especial regard for improvements in their qualifications during their employment,
c) to keep records of disabled citizens,
d) to employ disabled citizens in numbers equal to 3.2% of the employers total number of employees (hereinafter only "the statutory proportion") if the employer has at least 20 employees and if the office has disabled jobseekers in its register of jobseekers.

An employer who employs a disabled citizen whose ability to perform gainful activity has been reduced by more than 70% as a result of a long-term adverse state of health is deemed to employ three disabled citizens for the purposes of calculating compliance with the statutory proportion of employees who are disabled under paragraph (d).

The total number of disabled employees is the average registered number of employees in natural persons for the calendar year. The total number of employees does not include employees who perform tasks for the employer abroad.

The calculated number of disabled citizens that the employer is obliged to employ, and the actual number of disabled citizens that the employer employs are rounded to whole numbers, rounding upwards from 0.5 inclusive.

If an employer becomes obliged to employ the statutory proportion of employees who are disabled, this obligation can also be fulfilled by alternative means.

An employer shall prove compliance with the statutory proportion of all employees who are disabled for the previous year no later than 31 March of the following calendar year using the form set by the Central Office of Labour, Social Affairs and Family.

Alternative means of fulfilment (to 31.12.2010)

a) Orders given for the purposes of compliance with the compulsory proportion of employees who are disabled, under Section 64 of Act No. 5/2004 Coll.

An employer could fulfil the duty to employ the statutory proportion of employees who are disabled laid down by Section 63(1)(d) of Act No. 5/2004 Coll. by giving orders suitable for the employment of disabled citizens or giving orders to a disabled citizen who operated or carried on a business on a self-employed basis.

b) Purchase of goods or services for the purposes of compliance with the compulsory proportion of employees who are disabled, under Section 64a of Act No. 5/2004 Coll.

An employer could also fulfil the duty to employ the statutory proportion of citizens who are disabled by purchasing goods or services from:

- a sheltered workshop or sheltered workplace,
- a disabled citizen who operates or carries on a business on a self-employed basis,
- an employer whose disabled employees participated in the production of the purchased goods or the provision of the purchased services.

c) Levies for non-compliance with the compulsory proportion of citizens who are disabled, under Section 65 of Act No. 5/2004 Coll.

An employer whose workforce does not have the statutory proportion of employees who are disabled pursuant to Section 63(1)(d) of Act No. 5/2004 Coll. is obliged to pay to the account of the office of labour, social affairs and family no later than 31 March of the following calendar year a levy equal to 0.9 times the total cost of labour under Section 49(4) of Act No. 5/2004 Coll. based on the average wage of an employee in the economy of the Slovak Republic in the first to third quarter of the calendar year preceding the calendar year for which the employer pays the levy; the levy shall be paid for each citizen missing from the statutory proportion of employees with disabilities.

The employer's duty to employ the statutory proportion of employees who are disabled can also be fulfilled by a combination of means of compliance, by employment under Section 63(1)(d), submission of orders under Sections 64 and 64a or levies under Section 65 of Act No. 5/2004 Coll.

The status of employees with disabilities is regulated by sections 158 and 159 of the Labour Code (Act No. 311/2001 Coll., as amended).

Employers are obliged to employ employees with disabilities in suitable positions and to enable them to acquire necessary qualifications through training or study, and also to have regard for the development of their qualifications. The employer is further obliged to create conditions that allow employees with disabilities to participate in work and to improve the equipment of workplaces so that employees with disabilities can achieve, to the greatest possible extent, the same results in work as the other employees, and their work is made as easy as possible.

An employer may establish a sheltered workshop or sheltered workplace for employees with disabilities who cannot be employed under usual working conditions.

The duties of employers in relation to the employment of employees with disabilities laid down in the two paragraphs above are specified in more detail in other legislation (e.g. Act No. 5/2004 Coll.).

An employer shall enable a disabled employee to participate in theoretical training or practical retraining (retraining) to conserve, raise, extend or change his/her current qualifications or adapt them to technical developments in order to enable the employee to remain in employment.

Retraining provided by an employer in order to support the continued employment of a disabled employee shall be based on a written agreement concluded between the employer and the employee.

Retraining of a disabled employee takes place in working time and is an obstacle to work on the side of the employee. For such periods, employees are entitled to wage compensation equal to their average earnings. Retraining can take place outside working time only if this is necessary due to the method of provision.

Employers shall discuss measures to create conditions for the employment of disabled employees and fundamental issues regarding the welfare of these employees with employees' representatives.

In order to facilitate access to the labour market for the parents of young children, the Ministry of Labour, Social Affairs and Family prepared amendments to the act on the parental allowance and the act on the child-care allowance that came into effect on 1 January 2011. The objective of the amendments to eliminate legislative obstacles to parents' performance of gainful activity while receiving a parental allowance and to allow parents with low incomes to have access to child-care services. The amended legislation allows gainful activity to be performed alongside receipt of a parental allowance by disabled parents and parents who provide care for a child with a long-term adverse state of health under six years of age.

The payment of a parental allowance is regulated in law by Act No. 571/2009 Coll. on the parental allowance and on the amendment of certain acts, as amended. Through the parental allowance the state supports parents during the period when they care for a child under three years of age, or under six years of age in the case of a child with a long-term adverse state of health, or up to three years within the period when a child is under six years of age in case of a child placed in foster care. The eligible claimant is the mother or father of the child, according to their agreement even if they are not married to each other, or a foster parent. The child's parents may "alternate" within the three or six-year period.

With effect from 1 January 2011 it is permissible for all parents, including disabled parents, to perform gainful activity while receiving a parental allowance. The parent can perform gainful activity in any form and neither the income from such activity nor the period for which work is performed affects the parent's entitlement to a parental allowance or its amount. When performing gainful activity parents may entrust their child to the care of the child's other parent, grandparents or another adult, or to a private, church or state establishment, including a nursery school. The amount of the parental allowance has also changed. Every parent without exception is now entitled to a parental allowance of EUR 190.10 per month.

For the first time since the introduction of the parental allowance as a state social benefit a higher parental allowance is now paid if parents have two or more children at once. The parental allowance of EUR 190.10 per month is increased by 25% for every child born at the same time, which in absolute terms represents a sum of EUR 237.60 per month for the parents of twins and EUR 285.10 per month for the parents of triplets.

Another innovation was the reduction of the parental allowance to only 50% of its monthly rate if an older child in parental care is negligent in his/her compulsory school attendance, i.e. if he she misses more than 15 teaching hours in a month without excuse in three or more consecutive months. The parental allowance is paid to the parent at the reduced rate for three calendar months.

The payment of child-care allowance is regulated in law by Act No. 561/2008 Coll. on the child-care allowance and on the amendment of certain acts, as amended. A child-care allowance is intended for a parent who begins performing gainful activity or returns to work before a child reaches the age of three years, or six years in the case of a child with a long-term adverse state of health, and who places his/her child in the care of another legal entity or natural person while he/she is at work, e.g. if the child attends an establishment such as a private nursery school or crèche. The state contributes to parents' expenses for such care based on documented expenditure for each child.

In order to increase the availability of more flexible forms of services for children, in particular for parents with low incomes and having regard for the high cost of such services, with effect from 1 January 2011, the upper limit for a child-care allowance was raised to EUR 230 per month depending on the demonstrable expenditure of the parent. A more precise definition was also given to gainful activity of the parent, which is deemed to be activity on the part of a parent as a result of which he/she is insured for pension purposes as an employee or as a self-employed entrepreneur, or as a result of which he/she is entitled to service social security or contributes to a foreign pension scheme.

The amended legislation on the provision of parental allowances and child-care allowances allows parents to choose one or the other of these benefits to best satisfy the needs of their family and also to create conditions for balancing child care and a successful career in the labour market while fully respecting the needs of the child.

Article 18 – The right to engage in a gainful occupation in the territory of other Parties

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

1. to apply existing regulations in a spirit of liberality,
2. to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers,
and recognise:
4. the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Parties.

Article 18(1)

The employment of foreign workers in the territory of the Slovak Republic is regulated primarily by the following legislation:

- Act No 5/2004 Coll. on employment services and on the amendment of certain acts, as amended, sections 21 to 24 – employment of foreign workers,
- Act No. 48/2002 Coll. on the residence of foreigners and on the amendment of certain acts, as amended (hereinafter also "the Residence Act"),
- Act No. 480/2002 Coll. on asylum and on the amendment of certain acts, as amended (hereinafter also "the Asylum Act" or "Act No. 480/2002 Coll. on asylum"),
- Act No 311/2001 Coll. the Labour Code, as amended,
- Act No 461/2003 Coll. on social insurance, as amended,
- Act No 82/2005 Coll. on illegal work and illegal employment and on the amendment of certain acts, as amended by Act No. 125/2006 Coll.,
- Act No. 580/2004 Coll. on health insurance and on the amendment of Act No. 95/2002 Coll. on insurance and on the amendment of certain acts, as amended,
- Act No. 293/2007 Coll. on the recognition of professional qualifications.

The procedure and more detailed conditions for the employment of foreigners including:

- application forms,
- a sample employment permit,
- their income,
- the assessment of applications,
- the granting of employment permits,
- the validity of permits,
- the extension of an employment permit,
- refusal of an employment permit,
- withdrawal of an employment permit,
- instructions for applicants,
- the procedure and duties of employers

are published on the website of the Ministry of Labour, Social Affairs and Family www.employment.gov.sk – the citizen in social policy – employment of foreigners in the Slovak Republic.

Under Section 21 of Act No. 5/2004 Coll. a foreigner shall have the same status as a citizen of the Slovak Republic if the foreigner is a party to legal relations established under this act and has been granted an employment permit and a permit for temporary residence for

the purposes of employment, or if he/she is an asylum seeker who is permitted access to the labour market under applicable legislation (Act No. 480/2002 Coll. on asylum and on the amendment of certain acts, as amended).

Section 3 of Act No. 400/2009 on the civil service and on the amendment of certain acts, as amended, states that a citizen of the Slovak Republic, a citizen of another Member State of the European Union, a citizen of a state that is a state that is a state party to the Agreement on the European Economic Area and a citizen of the Swiss Confederation shall have the right to apply for admission to the civil service subject to the conditions laid down in the Civil Service Act and other applicable legislation."

An employer whose registered office is in the territory of the Slovak Republic can take on as an employee only a foreigner who has been granted an employment permit and a permit for temporary residence for the purposes of employment or who is an asylum seeker who is permitted access to the labour market under Act No. 480/2002 Coll., unless Act No. 5/2004 Coll. stipulates otherwise.

The competent authority for the granting of an employment permit is the office of labour, social affairs and family in whose territory the foreigner will be employed.

A foreigner is obliged to submit a written application for an employment permit to the competent authority before entering the territory of the Slovak Republic; the foreigner may submit the application themselves or through their future employer, or through the legal entity or natural person to whom they will be posted to work. It is prohibited to charge a foreigner any fee for the submission of the application, because submission of an application is not the arrangement of employment.

An application for an employment permit shall include the following:

- the name, surname and date of birth of the foreigner,
- his/her correspondence address in his/her state of permanent residence
- the number of his/her travel document and the name of the body that issued it,
- the name, address and identification number of the employer and the type of economic activity performed by the employer,
- the type of work, the location for the performance of work and the period for which employment should be performed
- the application for granting of an employment permit shall include a promise by the employer to accept the foreigner in employment.

Proof of education must be officially translated into Slovak language and attached to the application. If the application for granting of an employment permit is not submitted to the competent authority by the employee himself but by his/her future employer or another person, an officially notarised authorisation to submit the application must be attached to the application.

Applications and granted employment permits are classified according to whether they relate to employment under a labour-law relationship with an employer in the territory of the Slovak Republic or a posting to perform work (for which there is a further subgroup for intra-company transfers under the WTO agreement).

The competent authority may grant an employment permit to a foreigner if a job vacancy cannot be filled by a jobseeker in the register of jobseekers. When issuing an employment permit the office shall take into consideration the situation in the labour market, i.e. whether a job vacancy could not be filled by a citizen of the Slovak Republic or a Member State of the EU. The office shall not grant an employment permit to a foreigner who does not satisfy all requirements for granting of an employment permit laid down by Act No. 5/2004 Coll. The competent office of labour, social affairs and family is obliged to grant or refuse an application for an employment permit within 30 days. An employment permit is non-transferrable. There is no legal title to the granting of an employment permit.

The office of labour, social affairs and family shall grant an employment permit to a foreigner without having regard for the situation in the labour market:

- if this is required under an international treaty by which the Slovak Republic is bound and which has been published in the Collection of Laws of the Slovak Republic (*Coll.*),
- if he/she will be employed for a set period to increase his/her qualifications in his/her occupation (work experience) for up to one year,
- if he/she is under 26 years of age and is employed in occasional and short-term work as part of a school exchange programme or a programme for young people in which the Slovak Republic participates,
- if he/she participates in systematic education activity or research activity in the Slovak Republic as a pedagogical employee or as an academic employee of a higher education institution or as a scientific employee, research employee or development employee in research activity,
- if he or she performs pastoral duties under licence from a church or religious community registered in the Slovak Republic,
- if he or she has been granted subsidiary protection (Act No. 480/2002 Coll. on asylum and on the amendment of certain acts, as amended),
- if he/she has been granted extended permission for tolerated residence on the grounds that he/she is the victim of a crime related to human trafficking (Section 43(8) of Act No. 48/2002 Coll. on the residence of foreigners and on the amendment of certain acts, as amended),
- if he or she has been granted permission for tolerated residence on grounds of respect for his/her private and family life (Section 43(1)(f) of Act No. 48/2002 Coll. on the residence of foreigners and on the amendment of certain acts, as amended).

If workers are posted as part of the provision of services or an intra-company transfer, the granting of the employment permit does not take into consideration the situation in the labour market but the office will check contract for work or commercial contract under which the workers will be posted to perform work and the posted employees' satisfaction of relevant qualification requirements.

An office of labour, social affairs and family shall grant an employment permit for no longer than the duration of the relationship under labour law and at most for a period of two years; in the case of seasonal employment, the maximum duration shall be six months within each calendar year such that there shall be at least six months between each period of employment in the territory of the Slovak Republic. The office of labour, social affairs and family that granted the employment permit shall withdraw the employment permit if the

foreigner does not take up employment or his/her employment is terminated before the end of period specified in the employment permit or if the foreigner breaks the law.

The competent office of labour, social affairs and family may extend the employment permit at the request of the foreigner if the situation in the labour market permits; employment permits may be extended repeatedly, each time for up to two years. A condition for the extension of an employment permit is that the employment must be performed for the same employer. The foreigner shall submit a written request for the extension of an employment permit to the competent office of labour, social affairs and family up to 30 days before the expiry of an existing employment permit. The application must include a statement of the employer confirming their continued employment of the foreigner.

An employment permit is not required in the case of a foreigner:

- who has permission for permanent residence in the territory of the Slovak Republic or a permit for temporary residence for the purposes of employment under applicable legislation (Section 38(1)(b)(1) of Act No. 48/2002 Coll. on the residence of foreigners and on the amendment of certain acts, as amended),
- who has been granted permission for temporary residence for the purposes of family reunification and he or she is permitted to enter relations under labour law or equivalent work relationships under the applicable act (Section 23 of Act No. 48/2002 Coll. on the residence of foreigners and on the amendment of certain acts, as amended),
- who has been granted permission for temporary residence for the purposes of study and whose employment in the Slovak Republic does not exceed 10 hours per week or a corresponding number of days or months per year,
- who has been granted permission for temporary residence for the purposes of a special activity which is research or development (Section 22(2) of Act No. 48/2002 Coll. on the residence of foreigners and on the amendment of certain acts, as amended) and whose pedagogical activity in the relationship under labour law or equivalent work relationship does not exceed 50 days in any calendar year,
- who is a foreign Slovak (Section 2 of Act No. 70/1997 Coll. on foreign Slovaks and on the amendment of certain acts, as amended),
- who is an asylum seeker and who is permitted access to the labour market under applicable legislation (Section 23(6) of Act No. 480/2002 Coll. on asylum and on the amendment of certain acts, as amended) or who has been granted asylum (Section 2(d) of Act No. 480/2002 Coll. on asylum and on the amendment of certain acts, as amended),
- who has been received temporary protection (Section 2(e) of Act No. 480/2002 Coll. on asylum and on the amendment of certain acts, as amended),
- if his/her employment in the territory of the Slovak Republic has not exceeded seven consecutive calendar days or a total of 30 calendar days in a calendar years and he/she is:
  1 a pedagogical employee, an academic employee of a higher education institution, a science, research or development worker participating in a professional academic event,
  2 a performing artist taking part in an artistic performance,
  3 a person who provides for the delivery of goods or services in the Slovak Republic and who delivers the relevant goods or carries out assembly under a commercial contract or who carries out warranty and repair work,
- who is taken on as an employee under an international treaty by which the Slovak Republic is bound, which has been published in the Collection of Laws of the Slovak Republic (*Coll.*) and which stipulates that the foreigner can be taken on as an employee without an employment permit.

- who is the family member of a member of a diplomatic mission, an employee of a consular office or a family member of an employee of an international governmental organisation with its seat in the territory of the Slovak Republic, if an international treaty concluded in the name of the government of the Slovak Republic guarantees reciprocity,
- who is a member of a rescue team providing assistance under an inter-governmental agreement on mutual assistance in the elimination of the effects of an accident or natural disaster and in cases of humanitarian assistance,
- who is a member of the armed forces or a civilian unit attached to the armed forces of a posting state (Notice of the Ministry of Foreign Affairs of the Slovak Republic No. 324/1997 Coll. on the conclusion of a Treaty between the states that are parties to the North Atlantic Treaty and other states participating in the Partnership for Peace with regard to the status of their armed forces),
- who performs work within systematic vocational training in schools and school establishments incorporated into the network of schools, school establishments and pre-school establishments,
- who has been posted to the Slovak Republic by an employer whose registered office is in another Member State of the European Union in connection with the provision of services supplied by this employer,
- who is a partner in a company or the statutory body of a company or a member of the statutory body of a company performing tasks for a company carrying on activity in the territory of the Slovak Republic or who is a member of a cooperative or a member of the statutory body of a cooperative or another body of a cooperative carrying on activities for the cooperative in the territory of the Slovak Republic,
- who is employed in international mass transportation, if he/she is posted by his/her employer to perform this work in the territory of the Slovak Republic by his/her foreign employer,
- who is an accredited media worker.

An employer is obliged to notify the competent office of labour, social affairs and family of the commencement and termination of the employment of a foreigner for whom an employment permit is not required within seven working days of the commencement of employment and no later than seven working days after the termination of employment. An employer is also obliged to notify the competent office of labour, social affairs and family within seven working days if a foreigner does not commence employment or his/her employment terminates before the expiry of the period specified in the employment permit.

After obtaining an employment permit, a foreigner is obliged to apply to a representative office of the Slovak Republic in his/her home country for permission for temporary residence for the purposes of employment. Employment in the territory of the Slovak Republic is legal only if both permits are obtained. On the date when the employee commences work the employer is obliged to make out an employment contract and register the foreigner with the Social Insurance Agency and a health insurance fund.

Article 18(2)

The submission of an application for an employment permit by foreign workers (foreigner) and the granting of permission is free of charge. The submission and issuing of permission of temporary residence for the purposes of employment is subject to an administrative fee (Act No. 145/1995 Coll. on administrative fees, as amended – item 24 including the exemption from the administrative fee) amounting to EUR 165.50, or EUR 33 in the case of seasonal employment (EUR 232 for business purposes). Renewal of permission for temporary residence for the purposes of employment is subject to an administrative fee of

EUR 99.50 or EUR 16.50 in the case of seasonal employment (EUR 132.50 for business purposes).

Article 18(4)

Under Article 23(1) and (2) of the Constitution of the Slovak Republic, freedom of movement and residence are guaranteed and everyone residing legally on the territory of the Slovak Republic has the right to leave its territory freely.

Under Article 23(3) of the Constitution of the Slovak Republic – the freedoms defined in paragraphs (1) and (2) can be restricted by law only insofar as this is necessary for national security, the maintenance of public order, for health protection or for the protection of the rights and freedoms of others and in the interest of nature conservation in specified territories.

Under Article 23(4) of the Constitution of the Slovak Republic – every citizen has the right to free access to the territory of the Slovak Republic. A citizen cannot be forced to leave or be deported from his/her homeland.

A foreigner can be deported only in the cases provided by the Act No. 48/2002 Coll. on the residence of foreigners, as is specified by Article 23(5) of the Constitution of the Slovak Republic. Such cases are, for example, unauthorised entry to the Slovak Republic, being a threat to the national security, being involved in narcotics smuggling, being convicted, using forged documents.

Under Section 14(7) of Act No. 5/2004 Coll. a citizen of the Slovak Republic has the right to freely choose and carry out employment throughout the territory of the Slovak Republic or to seek employment abroad.

Section 184 of the Criminal Code (Act No. 300/2005 Coll., as amended) defines the crime Restriction of freedom of movement:

(1) whoever by deceit, violence or the threat of violence or other harm
a) illegitimately forces another person to reside in a certain place, or
b) illegitimately prevents another person from residing in a certain place, shall be sentenced to imprisonment of six months to three years.
(2) An offender shall be sentenced to imprisonment of one year to five years if the crime defined in paragraph 1 is committed
a) in a more serious manner,
b) for a special motive, or
c) by a public official.
(3) The same sentence as in paragraph 2 shall be imposed on whoever illegitimately forces another person to leave the territory of the Slovak Republic or illegitimately prevents another person from residing in the territory of the Slovak Republic.

Article 20 - The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:
a) access to employment, protection against dismissal and occupational reintegration,
b) vocational guidance, training, retraining and rehabilitation,
c) terms of employment and working conditions, including remuneration,
d) career development, including promotion.

Article 20(a)

Legislative provisions on the prevention of discrimination in employment are currently laid down in Act No. 5/2004 Coll. on employment services and on the amendment of certain acts, as amended, in the Labour Code (Act No. 311/2001 Coll., as amended), in Act No. 400/2009 Coll. on the civil service and on the amendment of certain acts, as amended, in Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and on the amendment of certain acts, as amended (the Anti-discrimination Act).

The principle of non-discrimination is applied rigorously in the labour market in the Slovak Republic. The rights and duties of citizens in relation to access to employment are defined on the basis of citizenship in Act No. 5/2004 Coll. and not on an ethnic or other basis.

In accordance with the principle of equal treatment in matters of employment, the provisions of the Section 14 of Act No. 5/2004 Coll. establish the right of citizens to access to employment without any restrictions. Discrimination on the grounds of marital and family status, skin colour, language, political or other conviction, trade union activities, national or social origin, disability, age, property, lineage or other status is prohibited.

Enforcement of the rights and duties resulting from the right to access to employment must be in accordance with good morals. Nobody may abuse such rights and obligations to the detriment of another citizen. Nobody may be persecuted or otherwise sanctioned for exercising the right of access to employment by making a complaint against another citizen to an office of labour, social affairs and family or by making a complaint, bringing a charge or an action to commence criminal proceedings against an employer.

A citizen shall have the right to submit a complaint to an office of labour, social affairs and family in the event of infringement of rights and duties; the office of labour, social affairs and family is obliged to respond to the citizen’s complaint without undue delay, to take remedial action, to refrain from infringing behaviour and to eliminate the consequences thereof. An office of labour, social affairs and family must not penalise or disadvantage a citizen for claiming rights resulting from the right to access to employment.

Section 62 of Act No. 5/2004 Coll. defines a non-discriminatory procedure under which an employer is prohibited to publish job offers containing any restriction or discrimination relating to, *inter alia*, marital and family status, skin colour, language, political or other conviction, trade union activities, national or social origin, property, lineage or other status.

Selection proceedings for work in the public interest (under Section 5(2) of Act No. 552/2003 Coll.) are also obliged to comply with the principle of equal treatment in employment matters.

Pursuant to Article 6 of the fundamental principles of the Labour Code, women and men shall have the right to equal treatment with regard to access to employment, remuneration and promotion, vocational training and working conditions. Working conditions for women shall enable them to participate in work while having regard for their physiological characteristics and their social function in motherhood, and working conditions for women and men shall take into consideration their family duties in connection with the upbringing of children and care for them.

Under Section 41 of the Labour Code, before the conclusion of an employment contract the employer is obliged to acquaint a natural person with the rights and duties established by the employment contract, and the working conditions and pay conditions under which he/she shall perform work.

If applicable legislation specifies a particular health condition, mental condition or other requirement for work, the employer may conclude an employment contract only with a natural person who has the necessary health condition or mental condition or satisfies any other statutory requirement.

An employer can only require a natural person applying for a job to provide information relating to the work to be performed. An employer may require a natural person who has already been employed to submit an employment evaluation and proof of employment.

An employer must not require a natural person to provide information:

a) concerning pregnancy,
b) concerning family relationships,
c) on integrity, except where integrity is a statutory requirement for the work or where integrity is required in view of the character of the work that the natural person shall perform,
d) on political affiliation, trade union membership or religious affiliation.

A natural person is obliged to inform an employer of circumstances that prevent him/her performing work or that could prove detrimental to the employer, and of the length of working time for another employer in the case of an adolescent.

When recruiting a natural person as an employee, an employer must not breach the principle of equal treatment as it relates to access to employment.

If an employer infringes the principle of equal treatment in matters of access to employment when establishing an employment relationship, a natural person (jobseeker) has the right to file a suit before a competent court and seek reasonable financial compensation.

In judicial proceedings the defendant must prove that the principle of equal treatment was not infringed if the plaintiff presents evidence to the court providing grounds to believe that an infringement of the principle of equal treatment took place.

In accordance with the principle of equal treatment, discrimination is prohibited on grounds of a person's sex, belief and religion, racial origin, national or ethnic origin, disability, age or sexual orientation in relations under labour law, equivalent work relationships and related relations. Differences of treatment that are objectively justified by the character of activities performed in employment or the circumstances in which such activities are performed, are not discrimination, provided that the extent or method of such differences of treatment are reasonable and necessary in relation to the activities or circumstances that justify them.

Section 6(2) of the Anti-discrimination Act provides that the principle of equal treatment under Section 6(1) of the Anti-discrimination Act shall apply only in combination with the rights of persons provided for under separate legal provisions regulating:

a) access to employment, occupation, other gainful activities or functions (hereinafter "employment") including recruitment requirements and selection requirements and procedures,
b) employment and conditions of work in employment including remuneration, promotion and dismissal,
c) access to vocational training, continuing education and participation in active labour market policy programmes including access to vocational guidance services (hereinafter "vocational training") or
d) membership and activity in employees' organisations, employers' organisations and the organisations of associated persons in certain professions including the provision of the benefits that these organisations provide to their members.

Discrimination on the grounds of:
a) pregnancy or maternity and discrimination on grounds of sexual or gender identity shall also be deemed to constitute discrimination on grounds of sex,
b) a relationship with a person of a particular racial, national or ethnic origin shall also be deemed to constitute discrimination on grounds of racial, national or ethnic origin,
c) a relationship with a person of a certain religion or belief and discrimination against a person without religious belief shall also be deemed to be discrimination on grounds of religion and belief,
d) on grounds of a previous disability or discrimination against a person who may appear to have a disability based on outward appearances shall also be deemed to constitute discrimination on grounds of disability.

Admissible forms of different treatment under Section 8 of the Anti-discrimination Act:

(1) Differences of treatment shall not constitute discrimination if they are objective justified by the nature of occupational activities or the circumstances under which such activities are carried out, provided that the grounds are a real and determining condition for employment, subject to the condition that the objective is legitimate and the requirement proportionate.

(2) In the case of registered churches, religious communities and other legal entities whose activities are based on religion or belief, differences of treatment on grounds of age, sex, religion or belief shall not be discrimination if they relate to employment in these organisations or the performance of activities for these organisations where the character of the activities or the context in which they are performed mean that the religion or belief of the person constitutes a fundamental occupational requirement.

(3) Differences of treatment on grounds of age shall not be deemed to constitute discrimination if they are objectively justified by a legitimate aim for the achievement of which the differences of treatment are appropriate and necessary, if provided by applicable legislation. Differences of treatment on grounds of age shall be deemed to constitute discrimination if the consist in:

a) the fixing of a minimum or maximum age as a recruitment condition,
b) the setting of special conditions for access to employment and vocational training, and special conditions of employment including remuneration and dismissal for persons falling into a certain age bracket or persons with caring responsibilities, where these special conditions are intended to promote or protect the vocational integration of such persons,
c) the fixing of minimum requirements for age, professional experience or years worked as recruitment conditions or in connection with certain employment benefits.

(4) Differences of treatment on grounds of age in an occupational social security scheme shall not be deemed to constitute discrimination where they involve the setting of different age requirements for entitlement to old age pensions and disability pensions in the scheme and also the setting of different age limits in the scheme for employees or groups of employees and the use of age criteria in actuarial calculations for these pensions, provided that this does not result in discrimination on grounds of sex.

(5) Differences of treatment on grounds of disability shall not be deemed to constitute discrimination where they result from conditions set for access to a job or conditions for the performance of certain activities within employment that are necessary in view of the character of the job or activity.

(6) Differences of treatment on grounds of age or disability in the provision of insurance services shall not be deemed to constitute discrimination if such differences of treatment result from different levels of risk verifiable by statistical or the like data and the terms of the insurance services adequately reflect such risks.

(7) Differences of treatment on grounds of sex shall not be deemed to constitute discrimination where:

a) they consist in the fixing of a different retirement age for men and women,

b) their purpose is to protect pregnant women and mothers (e.g. Regulation of the government of the Slovak Republic No. 272/2004 Coll., establishing a list of work and workplaces that are prohibited for pregnant women, mothers who have given birth within the last nine months and breast-feeding women, a list of work and workplaces that represent a specific risk for pregnant women, mothers who have given birth within the last nine months and breast-feeding women and establishing certain duties of employers who employ such women),

c) they involve the provision of goods and services exclusively or with priority to members of one sex for the purposes of achieving a legitimate objective, provided that the means used to achieve this objective are proportionate and necessary.

(8) Differences of treatment in setting insurance premiums and in the calculation of insurance benefit by an insurance company or a branch of a foreign insurance company (Act no. 95/2002 Coll. in insurance and on the amendment of certain acts, as amended) shall not be deemed to constitute discrimination where they are based on sex differences such differences are determining factors for the assessment of insurance risk in insurance contracts concluded under applicable legislation (Sections 788 to 828a of the Civil Code) and such assessment is based on actuarial and statistical data.

(9) Costs linked to pregnancy and maternity must not lead to differences in premiums and the calculation of insurance benefit.

Section 8a of the Anti-discrimination Act:

(1) The adoption of temporary special measures by state administration authorities (for example Act no. 575/2001 Coll. on the organisation of the activities of the government and the organisation of the central state administration, as amended, Act no. 515/2003 Coll. on regional authorities and territorial authorities and on the amendment of certain acts, as amended) shall not be deemed to constitute discrimination where they are intended to eliminate forms of social and economic disadvantage and disadvantages resulting from age and disability with the objective of ensuring equality of opportunity in practice. Such temporary special measures are, in particular, measures that:

a) are intended to promote the interest of members of disadvantaged groups in employment, education, culture, health care and services,

b) promote equal opportunities in access to employment and education, in particular through targeted preparatory programmes for members of disadvantaged groups or through the dissemination of information on such programmes or on opportunities to apply for jobs in places in the education system.

(2) The temporary special measures under paragraph 1 can be adopted if:

a) a demonstrable inequality exists,

b) the measure’s objective is to reduce or eliminate this inequality,

c) the measures are appropriate and necessary for the achievement of the set objective.

(3) Temporary special measures can be adopted only in areas specified in this act. Such measures can remain in force only until the elimination of the inequalities that lead to their adoption. The authorities under paragraph 1 are obliged to end the implementation of these measures after they achieve their set objective.

(4) The authorities under paragraph 1 are obliged to carry out regular interim monitoring and evaluation of temporary special measures and to publish information in order to evaluate the justification for their continuation; they shall submit reports on these matters to the Slovak National Centre for Human Rights (Act no. 308/1993 Coll. on the establishment of the Slovak National Centre for Human Rights, as amended).

(5) The provisions of paragraphs 1 to 4 are not affected by Sections 7 and 8(3)(b) of the Anti-discrimination Act.

Protection against dismissal:

Since an employee's dismissal from work can have serious legal consequences for him/her, the validity of termination of employment under the Labour Code is dependent on the satisfaction of set conditions.

An employer may give an employee notice or immediately terminate the employment relationship with him/her only for the lawful reasons laid down in Section 63(1) and Section 68(1) of the Labour Code, otherwise the termination of employment shall be invalid.

Notice or immediate termination of employment by an employer must be done in writing and delivered to the recipient in person, otherwise it shall be invalid. The reason for giving notice or the reason for the immediate termination of employment must be specified so that it cannot be confused with another reason for giving notice.

Under Section 74 of the Labour Code, any termination of employment by notice or with immediate effect from the side of the employer must be discussed in advance with employees' representatives (provided that they operate in the employer's workplace), otherwise the termination of employment shall be invalid.

The employer must provide the set notice period, which is at least two months or, in the case of an employee who has worked for the employer for over five years, three months. Under Section 68(2) of the Labour Code, immediate termination of an employee's employment is possible only within two months of the date when the employer became aware of the grounds for immediate termination of the employment relationship and no more than one year from the date when the cause of dismissal took occurred.

Under Section 63(2) of the Labour Code, the only grounds on which an employer may give an employee notice besides notice for the unsatisfactory performance of work tasks, less serious infringements of work discipline and grounds for the immediate termination of employment are if:

a) the employer is no longer able to employ the employee even with shorter working time in the location agreed for the performance of work,
b) the employee is not willing to transfer to other work suitable for him/her that the employer offered him/her in the location that was agreed as the location for the performance of work or the employee is not willing to undertake preliminary training for the other type of work.

The Labour Code makes special provision for the protection of pregnant women and women and men with responsibility for a child against the termination of employment. Under Section 64(1)(c) of the Labour Code, an employer must not give notice in a protected period, i.e. a period during which an employee is pregnant, is on maternity leave, is on parental leave or is a single parent caring for a child under three years of age. Under Section 64(3) of the Labour Code, the prohibition of notice does not apply to notice given to an employee if the employer or a part thereof is wound up or relocated (Section 63(1)(a) of the Labour Code) and in cases where the employer could terminate employment with immediate effect under Section 68 of the Labour Code, except in the case of an employee on maternity leave or parental leave (Section 166(1) of the Labour Code).

Under Section 77 of the Labour Code, an employee may challenge in court the validity of the termination of an employment relationship by notice from the side of the employer up to two months from the claimed date of termination of the employment relationship.

Under section 157 of the Labour Code, if an employee returns to work after the termination of performance of a public function or activity for a trade union organisation, after training or after the completion of special service or alternative service, or after the end of maternity leave or parental leave (Section 166(1) of the Labour Code), or if an employee returns to work after the end of temporary incapacity for work or quarantine (a quarantine measure), the employee is obliged to assign him/her to his/her original work and workplace. If this is not possible because the work is no longer performed or the workplace has been cancelled, the employer must assign the returning employee to different work in line with the employment contract.

A prohibition of notice in certain cases is provided in Section 49 of Act No. 400/2009 Coll. on the civil service and on the amendment of certain acts, as amended; section 50 provides protection for disabled civil servants.

Article 20(b)

Offices of labour, social affairs and family apply the principle of gender equality in the provision of employment services to jobseekers and persons interested in employment. Current active labour market policies target mainly disadvantaged jobseekers, which include both men and women whose family responsibilities have a negative effect on their employment prospects. In particular, they are applied for citizens who have not participated in gainful activity or vocational training in the vocational training system because they have not been able to balance work and family responsibilities, and citizens who are responsible for three or more children or single parents who are responsible for one child.

Under Section 42 of Act No. 5/2004 Coll. the offices of labour, social affairs and family provide citizens, jobseekers, persons interested in employment and employers with information and advice services free of charge. Information and advice services provided under Act No. 5/2004 Coll. relate to:

a) career selection,

b) job selection, including changes of job,

c) employee selection,

d) employee adaptation to a new job.

Information and advice services under the act also include the provision of information and specialised consultation on:

a) the requirements for specialised skills and practical experience necessary to work in jobs in the labour market according to the National System of Occupational Standards,

b) job opportunities in the Slovak Republic and abroad,

c) prerequisites for the performance of an occupation,

d) opportunities and conditions for participation in active labour market policy programmes and activation activities,

e) conditions for entitlement to unemployment benefit and

f) conditions for participation in partnerships created to support employment growth in the territory of an office of labour, social affairs and family.

Under Section 43 of Act No. 5/2004 Coll. an office of labour, social affairs and family may arrange professional guidance services for a jobseeker or a person interested in employment. For the purposes of Act No. 5/2004, professional guidance services are intended to solve problems affecting the employment prospects of a jobseeker, to align a jobseeker's personal profile with the requirements for performing a certain type of employment, to

influence the decision-making and behaviour of a jobseeker and to promote his/her adaptation to society and work.

Another measure that helps to improve the employment prospects of persons with family responsibilities is support to increase jobseekers' participation in labour market training and the use of professional guidance services by providing an allowance for services for a family with children.

Under Section 46(10) of Act No. 5/2004 Coll. a jobseeker who participates in labour market training or activities connected with professional guidance services and who is a parent who takes care of a pre-school age child, or a person who takes care of a pre-school age child can be provided with an allowance to cover a part of documented expenditure for the child's stay in a pre-school facility or reimbursement of a part of the documented costs of care for the child provided by a natural person who is authorised to provide such a service.

Labour market training is defined by Section 44 of Act No. 5/2004 Coll. as theoretical and practical training intended to provide new knowledge and skills to improve the prospects of a jobseeker or person interested in employment for obtaining suitable employment, or to enable an employee to remain in employment. Labour market training under Act No. 5/2004 Coll. does not include activity to achieve a higher level of education. Under Section 46, an office of labour, social affairs and family may arrange labour market training for a jobseeker or person interested in employment (including disadvantaged jobseekers, which include the long-term unemployed) in the form of training activities according to an assessment of their competences, work experience, specialised skills, their achieved level of education and their health competence for work and in particular where there is:

d) a lack of technical knowledge and specialised skills,
e) the need to change knowledge and specialised skills to meet labour market demand and
f) a loss of capacity to perform work in the recipient's current employment.

The jobseeker's assessment, including the form of labour market training, is prepared by professional guidance services or as part of the individual action plan of a disadvantaged jobseeker, if one is made. The office of labour, social affairs and family may provide a jobseeker with labour market training no later than the day following the date of entry into force of a decision on entry in the register of jobseekers.

An office of labour, social affairs and family may pay a contribution for training a jobseeker for the labour market equal to 100% of the costs of labour market training and costs connected with labour market training. The office of labour, social affairs and family shall reimburse costs for board and lodging and travel costs to a jobseeker who takes part in labour market training; if the jobseeker is the parent of a pre-school-age child, the office shall also pay an allowance for services for a family with children. A jobseeker is entitled to benefit during labour market training equal to the subsistence minimum for one adult under Act No. 601/2003 Coll. on the subsistence minimum, as amended.

The amendment to Act No. 5/2004 Coll. that came into effect on 1 May 2008 extended the range of active labour market policies intended to promote the employability and employment of disadvantaged jobseekers with an emphasis on the long-term unemployed to include the following policies:

- support for disadvantaged groups of jobseekers, in particular the long-term unemployed, to enter and remain in the labour market,
- support for the maintenance of employment of, in particular, the long-term unemployed, the disabled and citizens who have found jobs but, because of their low qualifications, perform low-paid work,
- better orientation of active labour market policies to target disadvantaged groups of jobseekers,
- extension of the supported groups of disadvantaged jobseekers.

Act No. 139/2008 Coll. on the amendment of Act No. 5/2004 Coll. on employment services and on the amendment of certain acts, as amended, and on the amendment of Act No. 599/2003 Coll. on assistance in material need and on the amendment of certain acts, as amended, increased the scope of active labour market policies aimed at disadvantaged jobseekers, including the long-term unemployed, with the following forms of assistance:

- Contribution for the trial employment of a disadvantaged jobseeker,
- Contribution to help keep employees with low pay in employment,
- Contribution to support the creation and maintenance of jobs in a social enterprise,
- Contribution for activation activity in the form of minor municipal services for a municipality,
- Contribution for activation activity in the form of voluntary service.

Under Section 11 of Act No. 124/2006 Coll. on occupational safety and health and on the amendment of certain acts, as amended (Act No. 124/2006 Coll.) an employer is obliged to provide for **occupational rehabilitation** in order to prevent the occurrence of occupational diseases through convalescent stays for employees in certain occupations. Convalescent stays and occupational rehabilitation are provided to employees without any restrictions and without direct or indirect discrimination. Their purpose is to prevent the effect of harmful working conditions on employees' health.

An employer shall provide rehabilitation on a regular basis during the performance of work. A requirement for the provision of a convalescent stay and occupational rehabilitation is the performance of work classified by a public health authority in the third or fourth category and fulfilment of the requirement that the convalescent stay help to prevent the occurrence of occupational health damage. Work that exposes an employee to a risk factor causing an occupational skin allergy, biological factors, electromagnetic radiation, ultraviolet radiation, infrared radiation and laser shall not be deemed to contribute to fulfilment of the requirement that a convalescent stay and occupational rehabilitation help to prevent occupational health damage.

Convalescent stays or occupational rehabilitation shall be planned by the employer in cooperation with an occupational health service physician and after agreement with employees' representatives including employees' representatives for occupational safety and health. An employer shall draw up a list of employees who perform relevant occupations in cooperation with an occupational health service physician after agreement with employees' representatives including employees' representatives for safety. The occupational health service physician shall plan the content of the convalescent stay or occupational rehabilitation in cooperation with the employer and after agreement with employees' representatives

including employees' representatives of occupational safety and health; the employer shall present the plan to the employee before it begins.

A convalescent stay or occupational rehabilitation shall be overseen and directed by a medical professional qualified in the field of physiotherapy specialising in physiatry, balneology and rehabilitation therapy, who shall develop a programme for the convalescent stay based on the general programme taking into consideration the factors to which employees are exposed in their work and working environment; he/she shall cooperate with medical professionals specialising in preventative occupational medicine and toxicology, food hygiene, health education and public health and in the field of public health and psychology.

Based on the recommendation of an occupational health service physician and after agreement with employees' representatives including employees' representatives for occupational safety and health the employer may provide for a convalescent stay or occupational rehabilitation for an employee performing work in the second category, if the recondition stay fulfils the requirement to help prevent occupational health damage.

An employee can take part in a convalescent stay or occupational rehabilitation if he/she does not have symptoms of an acute illness or infectious disease.

An employee must receive a convalescent stay or occupational rehabilitation if he/she has continuously performed work classified in the third category for at least five years or if he/she has continuously performed work classified in the fourth category for at least four years. Continuous performance of work is not interrupted by a break of up to eight weeks.

An employee must receive a repeated convalescent stay or occupational rehabilitation every three years if he/she has worked at least 600 shifts in a listed occupation or at least 400 shifts with a proven chemical carcinogen. An employee must receive a repeated convalescent stay or occupational rehabilitation every two years if he/she has works underground in mining operations or tunnelling and has worked at least 275 shifts in the given period.

For the purposes of a convalescent stay, a shift is deemed to be worked when the employee worked at least the majority of the shift in the listed occupation. For the purposes of assessing the requirements for numbers of shifts in the case of employees with unevenly distributed working time, working hours shall be converted to a number of shifts based on the length of shift of an employee with evenly distributed working time.

The employer shall set the start date, location and length of a convalescent stay or occupational rehabilitation based on the recommendations of the occupational health service physician. The length of a convalescent stay shall be at least two weeks; the length of occupational rehabilitation shall be at least 80 hours over two years. A convalescent stay shall always be linked to use of leave and shall not be cancelled without serious reason. Occupational rehabilitation need not be linked to use of leave.

Medical procedures, full board and lodging must be provided for an employee on a convalescent stay. Full board and lodging shall not be provided in the case of occupational rehabilitation. The employer shall set the method of transport for the employee to use and other conditions as in the case of a business trip, and shall reimburse travel costs. The cost of a convalescent stay and occupational rehabilitation must be paid by the employer.

Article 20(c)

When recruiting a natural person as an employee, an employer must not breach the principle of equal treatment as it relates to access to employment.

The enforcement of rights and duties resulting from relations under labour law must be in accordance with good morals (Section 13 of the Labour Code – Act No. 311/2001 Coll., as amended).

In practice this means that everyone has the right to equal treatment and protection against discrimination. They can seek recourse not only from their employer but also through employees' representatives, the labour inspectorate and a competent court if they believe that their rights, legally protected interests or freedoms are or were infringed through infringement of the principle of equal treatment. In particular they can seek to obtain that the person who infringed the principle of equal treatment cease such actions, where possible correct any illegal state of affairs and provide adequate compensation.

Article 6 of the Fundamental Principles of the Labour Code guarantees women and men the right to equal treatment with regard to access to employment, remuneration, promotion, vocational training and working conditions. Working conditions for women shall enable them to participate in work while having regard for their physiological characteristics and their social function in motherhood, and working conditions for women and men shall take into consideration their family duties in connection with the upbringing of children and care for them.

Under Section 41 of the Labour Code, before the conclusion of an employment contract the employer is obliged to acquaint a natural person with the rights and duties established by the employment contract, and the working conditions and pay conditions under which he/she shall perform work.

If applicable legislation specifies a particular health condition, mental condition or other requirement for work, the employer may conclude an employment contract only with a natural person who has the necessary health condition or mental condition or satisfies any other statutory requirement.

An employer can only require a natural person applying for a job to provide information relating to the work to be performed. An employer may require a natural person who has already been employed to submit an employment evaluation and proof of employment.

An employer must not require a natural person to provide information on pregnancy, on family relations, on integrity (except in cases where integrity is a statutory requirement for work or where integrity is required in view of the character of work that the natural person shall perform), on political affiliation, on trade union membership or on religious affiliation.

After the establishment of employment, one of the conditions for the uninterrupted performance of the employee's work tasks is that the employer should provide working conditions that have an appropriate effect on the employees productivity in work and his/her health.

Although the principle of equal treatment of employees applies in the workplace there is an exception for pregnant women, mothers who have given birth within the last nine months and breast-feeding women under Section 161 of the Labour Code in particular as regards their working conditions and the prohibition of their employment in work that is physically inappropriate for them or harmful to their organism or in work that would jeopardise their maternal function, i.e.:

- work and the performance of work in workplaces listed as prohibited work and workplaces in labour-law regulations,
- work and the performance of work in workplaces listed as being associated with a specific risk in labour-law regulations and
- work that according to medical opinion threatens a pregnancy on medical grounds specific to the person of a particular woman.

In order to ensure that an employee's health or that of her unborn child is not harmed it is necessary than an employee, in her own interests, inform her employer of the fact that she is pregnant or breastfeeding.

Under Section 40(6) and (7) of the Labour Code, an employee is treated as pregnant after she has informed her employer in writing of her condition and submitted medical confirmation of this.

Regulation of the government of the Slovak Republic No. 272/2004 Coll. defines the list of work and workplaces that are prohibited for pregnant women, mothers who have given birth within the last nine months and breast-feeding women and the list of work and workplaces that represent a specific risk for pregnant women, mothers who have given birth within the last nine months and breast-feeding women is based on the Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.

An employer may not in any circumstances require women falling under the above category to carry out work that could put at risk their health and safety or to carry out work that could have negative effects on their pregnancy or breastfeeding.

The majority of women and men who care for children or another family member have problems to balance their family, social and work duties. The Labour Code facilitates participation in work for this category of persons through flexible forms of work. It is up to the employee to choose which form of employment is most suitable for him or her. In addition to full-time employment they can work in employment with reduced working time (Section 49 of the Labour Code), fixed-term employment (Section 48 of the Labour Code), under an agreement on work activity (Section 228a of the Labour Code) or a work performance agreement (Section 226 of the Labour Code).

Under Section 48(7) of the Labour Code, an employee in a fixed-term employment relationship cannot be privileged or disadvantaged in comparison with comparable employees, as regards working conditions relating to occupational safety and health pursuant to relevant legislation. Under Section 49(5) of the Labour Code an employee in employment with reduced working time cannot be advantaged or restricted in comparison with a comparable employee.

Section 52 of the Labour Code regulates the institution of telework. This form work in employment is performed using information technology outside the operational premises of the employer at times set by employees themselves; it permits women and men to balance their work, family and social lives and provides them with greater autonomy in the performance of their tasks. An employee performs work an employer according to the conditions agreed in the employment contract at home and at other agreed places making use of information technology. The employee's working conditions must not disadvantage the employee in comparison with a comparable employee in the employer's workplace.

Each of the mentioned employment relationships has its own specific characteristics, not only as regards the work performed but also affecting protection against dismissal.

Under Section 90(11) of the Labour Code, where operating conditions permit, an employer must allow a suitable individual arrangement of working time for an employee who requests such an arrangement or agree such an arrangement in the employment contract. Whether the arrangement is possible under operating conditions must be assessed objectively in every individual case having regard for the work performed by the employee requesting the individual arrangement of working conditions.

Under Section 164 of the Labour Code an employer is obliged to take into consideration the needs of pregnant women and women and men who care for children when assigning employees to shift work.

An employer is subject to the same duty if a pregnant woman or a woman or man providing permanent care for a child under the age of 15 years requests reduced working time or another suitable arrangement of weekly working time.

A pregnant woman, a woman or man caring for a child under the age of three years, or a single woman or single man caring for a child under the age of fifteen years can be assigned overtime work only with their consent. Work standby is possible only on agreement with them.

If an employee returns to work after the end of maternity leave or parental leave under Section 166(1) of the Labour Code (after 28 weeks or 37 weeks), the employer is obliged to assign him/her to his/her original work pursuant to Section 157 of the Labour Code. If this is not possible because the work is no longer performed or the workplace has been cancelled, the employer must assign the returning employee to different work conforming to the employment contract.

Under Section 166(2) of the Labour Code in order to support care for a child an employer is obliged to grant parental leave to a woman or man who requests it until the child is three years old. In the case of a child with a long-term adverse state of health requiring extraordinary care or in the case of a disabled child requiring extraordinary care that is especially demanding, an employer is obliged to grant parental leave to a woman or man who requests it until the child is six years old. Such leave is provided for the period that the parent requests but always for at least one month. The payment of a parental allowance is regulated in law by Act No. 280/2002 Coll. on the parental allowance, as amended. The amount of the parental allowance under measure of the Ministry of Labour, Social Affairs and Family of the

Slovak Republic No. 267/2008 Coll. setting the amount of the parental allowance is 190 EUR per month.

After an employee returns to work after parental leave taken under Section 166(2) of the Labour Code, his/her employer is obliged to assign him/her to work that conforms to the employment contract.

If a mother breastfeeds her child, her employer is obliged to provide special breaks for breastfeeding in addition to regular breaks in work in the extent defined by Section 170(2) of the Labour Code.

Breastfeeding breaks are counted as part of the woman's working time and wage compensation shall be paid for them at the rate of her average earnings (Section 170(3) of the Labour Code).

Conditions of employment include conditions for the remuneration for employees in the business sector.

Under Section 118 of the Labour Code an employer is obliged to pay an employee wages for work performed. The employer shall agree pay conditions with the competent trade union body in a collective agreement or with an employee in an employment contract.

The provisions of the Labour Code on the question of equality in remuneration were amended by Act No. 348/2007 Coll., which came into effect on 1.September 2007.

The provisions of Section 119a extended the duty of an employer to guarantee equal pay conditions for men and women to cases where work of equal value of value is performed.

Women and men have the right to equal pay for equal work or for work of equal value. Equal work or work of equal value is deemed to be work of the same or comparable complexity, responsibility and urgency that is carried out in the same or comparable working conditions and achieving the same or comparable levels of productivity and results of work in employment for the same employer. When assessing the value of the work of women and men may use other objective, measurable criteria in addition to these criteria if they can be applied to all employees regardless of sex.

The system that an employer uses for the valuation of work must be based on the same criteria for women and men without any discrimination.

The fundamental constitutional rights of employees include the right to occupational safety and health (Section 36 of the Constitution of the Slovak Republic) regardless of sex. Occupational safety and health (OSH) requirements for the creation of satisfactory working conditions are provided in multiple legislative instruments. Care for occupational safety and health under the Labour Code and Act 124/2006 Coll. on occupational safety and health and on the amendment of certain acts, as amended (Act No. 124/2006 Coll.) applies to all employees without restriction, direct discrimination or indirect discrimination.

The basic special regulation laying down general principles of prevention and the basic conditions for ensuring OSH and the exclusion of risks and factors leading to the occurrence of occupational injuries, occupational diseases and other occupational harm to

health is Act No. 124/2006 Coll. This act applies to employers and employees in all manufacturing and non-manufacturing sectors of the economy without any discrimination. The protection of all employees at work is also promoted through supervision of compliance with legislation and other regulations ensuring OSH including regulations governing aspects of the working environment under Act No. 125/2006 Coll. on labour inspection and on the amendment of Act No. 82/2005 Coll. on illegal work and illegal employment and on the amendment of certain acts, as amended (Act No. 125/2006 Coll.).

OSH matters for certain specific work activities are regulated by other legislation such as Act of the Slovak National Council No. 51/1988 Coll. on mining activity, explosives and the State Mines Administration, Act No. 264/1999 Coll. on the technical requirements for products and on conformity assessment and on the amendment of certain acts, as amended, Act No. 163/2001 Coll. on chemical substances and chemical preparations, as amended, Act No. 261/2002 Coll. on the prevention of serious industrial accidents and on the amendment of certain acts, as amended, and Act No. 314/2001 Coll. on protection against fire, as amended.

Occupational safety and health is also supported and promoted by Act No. 355/2007 Coll. on the protection, support and development of public health and on the amendment of certain acts, as amended (Act No. 355/2007 Coll.), which regulates the basic conditions for the protection of people's health and the requirements for their healthy living conditions and healthy working conditions. Under Section 4 of Act No. 355/2007 Coll. the Ministry of Health defines, amongst other things, the basic directions and priorities of state health policy in the area of public health; it sets limits and acceptable load values for physical, chemical and biological factors in accordance with current scientific knowledge of the effects of these factors on public health and also sets radiation exposure limits and conditions for the disposal of radioactive waste taking into consideration the potential effects on public health and monitors the performance of public healthcare in the Slovak Republic.

Another group of universally applicable regulations on occupational health and safety that transpose legal acts of the European Communities and the European Union are directives of the government of the Slovak Republic such as:

- Regulation of the government of the Slovak Republic No. 391/2006 Coll. on minimum workplace safety and health requirements,
- Regulation of the government of the Slovak Republic No. 281/2006 Coll. on minimum safety and health requirements for the manual handling of loads,
- Regulation of the government of the Slovak Republic No. 396/2006 Coll. on minimum safety and health requirements for construction sites,
- Regulation of the government of the Slovak Republic No. 355/2006 Coll. on the protection of employees against risks relating to occupational exposure to chemical factors, as amended by Regulation of the government of the Slovak Republic No. 300/2007 Coll.,
- Regulation of the government of the Slovak Republic No. 356/2006 Coll. on the protection of employees' health against risks relating to occupational exposure to carcinogenic and mutagenic factors, as amended by Regulation of the government of the Slovak Republic No. 301/2007 Coll.,
- Regulation of the government of the Slovak Republic No. 338/2006 Coll. on the protection of employees against risks relating to occupational exposure to biological factors,
- Regulation of the government of the Slovak Republic No. 276/2006 Coll. on minimum safety and health requirements in work with display units.

Equal treatment is incorporated into other special laws regulating working conditions such as Act No. 552/2003 Coll. on the performance of work in the public interest, as amended (selection procedures for the position of a senior employee), Act No. 312/2001 Coll. on the civil service, as amended (entry to the civil service and the performance of civil service activities and also selection procedures for vacancies in the civil service), Act No. 5/2004 Coll. on employment services, as amended (the right of citizens to access to employment) and Act No. 461/2003 Coll. on social insurance, as amended (the rights of insured persons).

Article 20(d)

Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and on the amendment of certain acts, as amended (the Anti-discrimination Act) requires equal treatment in relations under labour law, similar legal relations and in related legal relations and prohibits discrimination against person on grounds of their sex, belief and religion, racial origin, national or ethnic origin, disability, age or sexual orientation.

The principle of equal treatment shall apply only in combination with the rights of persons provided for under separate laws regulating:

a) access to employment, occupation, other gainful activities or functions (hereinafter "employment") including recruitment requirements and selection requirements and procedures,
b) employment and conditions of work in employment including remuneration, promotion and dismissal,
c) access to vocational training, continuing education and participation in active labour market policy programmes including access to vocational guidance services or
d) membership and activity in employees' organisations, employers' organisations and the organisations of associated persons in certain professions including the provision of the benefits that these organisations provide to their members.

Pursuant to Article 6 of the Fundamental Principles of the Labour Code, women and men shall have the right to equal treatment with regard to access to employment, remuneration and promotion, vocational training and working conditions. Working conditions for women shall enable them to participate in work while having regard for their physiological characteristics and their social function in motherhood, and working conditions for women and men shall take into consideration their family duties in connection with the upbringing of children and care for them.

The amendment to the Anti-discrimination Act by Act No. 384/2008 Coll. of 15.October 2008 added the following provision to Section 9a: "If the rights, legally protected interests or freedoms of a larger or uncertain number of persons could be affected by an infringement of the principle of equal treatment or if such an infringement could seriously threaten the public interest, a legal person falling under Section 10(1) shall also have right to bring actions to protect the right to equal treatment. Such a person may seek to enforce that the party that did not comply with the principle of equal treatment refrain from such action and if possible correct any illegal situation."

Training for employees and the creation of conditions for employees to participate in training should be a priority for every employer because from the quality of work and the overall level of the workplace and organisation depend on it.

Section 153 of the Labour Code sets employers the duty of having regard for the maintenance, renewal and reinforcement of the qualifications of all employees for the performance of the work agreed in the employment contract and the development of these qualifications.

Attention should be given to the reinforcement of qualifications for all employees but in particular for employees who have had to interrupt work for a longer period of time due to responsibilities for children or family members.

An employer shall adopt measures to reinforce employees' qualifications, and shall discuss the measures with employees' representatives. The measures that the employee takes may include, pursuant to Section 154(3) of the Labour Code, a requirement that an employee participates in continuing education in order to reinforce his/her qualifications. If an employee participates in activities to reinforce his/her qualifications based on a decision of the employer, the employee's participation in training is deemed to be the performance of work for which the employee is entitled to receive pay.

Under Government Regulation No. 322/2006 Coll. on the method of continuing education for medical personnel, the system of specialisation areas and the system of certified work activities, the continuing education of medical personnel by which they obtain knowledge and skills in the provision of medical care necessary for the performance of professional activities in specialised medical practice takes the form of specialised study in an accredited specialisation study programme. An accredited specialised study programme extends the knowledge and skills acquired in study and professional medical practice. Such studies both reinforce and develop employees' qualifications.

Article 24 – The right to protection in cases of termination of employment

With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:

a) the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service,
b) the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief.
To this end the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.

Article 24(a)

Article 36(b) of the Constitution of the Slovak Republic establishes universal protection against arbitrary dismissal and discrimination at work. Specific protection is provided through legislation on these matters.

Under the Labour Code (Act No 311/2001 Coll., as amended), an employer may terminate an employee's employment with notice or with immediate effect only for the reasons defined exhaustively in Section 63(1) of the Labour Code. An employer cannot use a reason for termination of employment with notice that is not listed in the Labour Code. If, despite what is written above, the employer uses a reason for notice that is not listed in Section 63(1) of the Labour Code, the notice given to the employee by the employer shall be invalid.

An employer may give an employee notice only for the following reasons:

a) if the employer or a part thereof is wound up or relocated,
b) if the employee becomes redundant based on a written decision of his/her employer or a competent authority on a change in his/her tasks, technical equipment, on a reduction in the number of employees intended to increase work efficiency or on other organisational changes,
c) if a medical opinion states that the employee's health condition has caused the long-term loss of his/her ability to perform his/her previous function or if he or she must not perform it for reasons of occupational disease or the risk of such a disease, or if he or she has received the maximum permitted exposure in the workplace as determined by a competent public health authority,
d) if the employee
    1. does not fulfil the statutory requirements for the performance of agreed work,
    2. ceases to satisfy the requirements referred to in Section 42(2),
    3. does not satisfy, without fault of the employer, the requirements for the proper performance of the agreed work set by the employer in internal regulations or
    4. does not perform work tasks to an adequate standard and the employer has in the preceding six months warned him/her in writing to rectify deficiencies and the employee has not rectified them within a reasonable period,
e) if the employee has given cause for the employer to terminate the employment relationship with immediate effect or for a less serious infringement of work discipline; in the case of a less serious breach of work discipline, it is possible to give an employee notice if the employee was given a written warning of the possibility of being given notice within the preceding six months.

The only grounds on which an employer may give an employee notice besides notice for the unsatisfactory performance of work tasks, less serious infringements of work discipline and grounds for the immediate termination of employment are if:

a) the employer is no longer able to employ the employee even with shorter working time in the location agreed for the performance of work,
b) the employee is not willing to transfer to other work suitable for him/her that the employer offered him/her in the location that was agreed as the location for the performance of work or the employee is not willing to undertake preliminary training for the other type of work.

If an employer wishes to give notice to an employee for a breach of work discipline, the employee must be informed of the reason for notice and allowed to respond to it.

An employer must not give an employee notice during a protected period, which is:

a) a period when the employee is recognised as being temporarily incapable for work due to illness or injury, unless deliberately induced or caused under the influence of alcohol, narcotic substances or psychotropic substances and the period from the submission of a recommendation for institutional care or from the start of spa treatment until the date of termination thereof,
b) in the event of a call-up to perform extraordinary service during a state of crisis, the period from the date when the employee is called up to perform extraordinary service by delivery of a call-up order or is called upon to perform extraordinary service by a mobilisation order or mobilisation notice or if the employee has been ordered to perform extraordinary service, until the expiry of two weeks after his/her release from such service; the same shall apply with regard to the performance of alternative service pursuant to relevant legislation,
c) a period during which an employee is pregnant, is on maternity leave, is on parental leave or is a single parent caring for a child under three years of age,
d) a period during which an employee has long-term leave to perform a public function,
e) a period when an employee who works at night is recognised by medical opinion as temporarily incapable to perform night work.

If an employee is given notice by his/her employer before the start of a protected period and the notice period would end during the protected period, employment shall terminate at the end of the last day of the protected period except in cases where the employee declares that he/she does not insist on the continuation of employment.

In addition, under Section 68(1) of the Labour Code, an employer may terminate an employment relationship with immediate effect in exceptional cases, only if the employee

a) has been lawfully convicted of a deliberate crime,
b) has committed a serious breach of work discipline.

An employer cannot terminate an employment relationship with immediate effect in the case of a pregnant employment, an employee on parental leave, an employee who is a single parent caring for a child under the age of three years or an employee who personally cares for a closely related person with a severe disability. The employer may however terminate such a person’s employment relationship with notice for the reasons set out in

paragraph (1) except in the case of an employee on maternity leave or an employee on parental leave (Section 166(1) of the Labour Code).

Under Section 74 of the Labour Code, any termination of employment by notice or with immediate effect from the side of the employer must be discussed in advance with employees' representatives, otherwise the termination of employment shall be invalid. Employees' representatives are obliged to discuss termination of employment by notice or with immediate effect from the side of the employer within ten days of the delivery of a written request by the employer. If discussion does not take place within the set period, the discussion shall be deemed to have taken place.

Employees' representatives are protected against measures that could cause them damage, including the termination of employment during their term of office and for one year after its end.

Under Section 240(8) of the Labour Code, an employer may give notice to a member of a competent trade union body, a member of a works council or a works trustee or immediately terminate their employment only with the prior consent of these employees' representatives. Prior consent shall be deemed to be given if employees' representatives do not submit a written refusal of consent to the employer within 15 days of a request made by the employer. The employer may use prior consent only within a period of two months from the date when it is granted.

If employees' representatives refuse to grant consent under Section 240(8) of the Labour Code, termination of employment by the employer with notice or immediate effect shall be invalid for this reason; if other conditions for notice or the immediate termination of employment are satisfied and a court finds in a dispute under Section 77 of the Labour Code that the employer cannot justly be required to continue to employ the employee, the termination of employment by notice or with immediate effect shall be valid.

Section 192 of Act No. 73/1998 Coll. on the state service of members of the Police Force, the Slovak Information Service, the Prison and Justice Guard Corps and the Railway Police, as amended sets out an exhaustive list of when a police officer can be dismissed from service. The permitted cases are where, as a result of a reduction in the numbers of the Police Force approved by the government there is no longer a service position available for the officer, where, in the opinion of the medical commission the officer's health condition has caused the loss of his/her ability to perform any function in the Police Force or the loss of his/her ability to perform his/her previous function and it is not possible to transfer (reassign) him/her to another state service function whose performance would not be detrimental to his/her health, where in the opinion of the service clinical psychologist the officer is not mentally competent to perform any state service activity, where a service evaluation has found that the officer is not competent to perform any state service function, where the officer has broken the service oath or a service duty in an especially gross manner and where his/her retention in service would be detrimental to important state service interests, where he/she been lawfully sentenced for a deliberate crime or sentenced to a non-suspended custodial sentence and where he/she has lost citizenship of the Slovak Republic or he/she does not have permanent residence in the territory of the Slovak Republic. A police officer may also be dismissed from service if he or she satisfies the conditions for entitlement to a service pension and has reached the age of 55 years or satisfies the conditions for entitlement to an old-age pension under applicable legislation. A police officer serving in preparatory state service or

temporary state service shall be dismissed from state service if, as a result of organisational changes, his/her temporary function is cancelled and there is no other vacancy for him/her in the state service.

Sections 59 to 64 of Act No. 315/2001 Coll. on the fire and rescue service, as amended, regulate the termination and cessation of the service relationship. The reasons for termination of the service relationship are distinguished according to the type of state service to be terminated and types of termination of the service relationship are exhaustively defined. A service relationship may be terminated on grounds of the loss of state citizenship of the Slovak Republic or permanent residence in the territory of the Slovak Republic, in preparatory state service or temporary state service the service office shall terminate the service relationship by recall from function if a reorganisation has reduced the number of functions, at the request of the member of the service, during the trial period in preparatory state service or temporary state service for any reason or without the specification of a reason either from the side of the service office or from the side of member of the service, due to the expiry of preparatory state service, if the service member did not pass the test to obtain special vocational competence or the vocational competence test for a member of the Mountain Rescue Service or if he/she fails to satisfy the training qualification requirements laid down in Section 195, on expiry of temporary state service, on the entry into force of a judgement under which the member was sentenced for a deliberate crime listed in section 17(2) or sentenced to a non-suspended custodial sentence or the date of entry into force of a decision removing his/her competence to perform legal acts or restricting his/her competence to perform legal acts, on the commencement of entitlement to an old-age pension under applicable legislation and in the case of a service member who satisfies the conditions for entitlement to a service pension under applicable legislation on the date of reaching retirement age under applicable legislation, on expiry of a period of classification outside active state service, on the entry into force of a decision of a medical commission established under Section 17(3) on the loss of the health condition necessary for the service member to perform any function in the service, on the entry into force of a decision imposing the disciplinary penalty of dismissal from permanent state service, dismissal from temporary state service or dismissal from preparatory state service, the entry into force of a service evaluation concluding that the service member is not competent for appointment to permanent state service or the entry into force of a service evaluation concluding that the service member is not competent to perform any function in the service, the loss of vocational competence under applicable legislation.

Article 24(b)

Under Section 77 of the Labour Code, an employee may challenge in court the validity of the termination of an employment relationship by notice from the side of the employer up to two months from the claimed date of termination of the employment relationship.

Under Section 79 of the Labour Code if an employer’s termination of an employee’s employment by notice or with immediate effect or during a probationary period is invalid and if the employee has notified the employer that he or she insists that the employer continue to employ him or her, the employment relationship shall not end unless the court finds that the employer cannot reasonably be required to continue to employ the employee. The employer is obliged to pay the employee wage compensation. The employee is entitled to compensation equal to his/her average earnings from the date when he or she notified the employer that he or she insists on the continuation of employment to the time when the employer enables him or her to continue work or a court rules that the employment relationship is terminated.

If the total time for which an employee is entitled to wage compensation is greater than 12 months, a court may, at the employer's request, proportionately reduce the employer's duty to pay wage compensation for the period in excess of 12 months or not award the employee wage compensation at all.

An employer shall be obliged to pay an employee wage compensation for 12 months in the event that a court decision on the invalid termination of an employment relationship is issued after more than 12 months. If the court's decision on the invalid termination of the employment relationship is issued earlier, only wage compensation for this shorter period shall be payable. Compensation is intended to provide satisfaction for the employment relationship terminated in an invalid manner.

An employer may pay an employee wage compensation for a period longer than 12 months but the provisions of Section 79(2) of the Labour Code also allow the employer to request that the court proportionately reduce or refuse to award this wage compensation.

Under Section 76 of the Labour Code if an employer terminates the employment relationship with an employee by notice for the reasons set out in Section 63(1)(a) or (b), or because the employee has, in view of his/her health condition determined by medical opinion, suffered a long-term loss of the capacity to perform his/her previous work, or by agreement for the same reasons, the employee shall be entitled to a severance allowance equal to at least two times his/her average earnings on termination of the employment relationship. If the employee's employment relationship with the employer has lasted at least five years, the employee shall be entitled to a severance allowance equal to at least three times his/her average monthly earnings.

If an employer terminates the employment relationship with an employee by notice or agreement on the grounds that the employee must not perform work as a result of an occupational accident, an occupational disease or having received the maximum permitted exposure in the workplace as determined by a competent public health authority, the employee shall be entitled to a severance allowance equal to at least ten times his/her average monthly earnings on termination of the employment relationship.

Section 214 of the Criminal Code (Act No. 300/2005 Coll., as amended) defines the crime Restriction of non-payment of wages and severance allowances:

(1) Whoever, as the statutory body of a legal entity or as a natural person who is an employer, or their authorised officer (procurator), does not pay an employee wages, pay or other remuneration for work, wage compensation or severance allowance to which the employee is entitled on the due date for payment, despite having sufficient funds to make payment, which are not required for maintaining the activities of the legal entity or the activities of an employer who is a natural person, or takes measures to prevent the payment of such funds, shall be punished by up to three years imprisonment.

(2) An offender shall be sentenced to imprisonment of one year to five years if he/she commits the crime defined in paragraph (1)

a) and thereby causes a larger amount of damage,

b) for a special motive, or

c) against more than ten employees.

(3) An offender shall be sentenced to imprisonment of three years to eight years if he/she commits the crime defined in paragraph (1) and thereby causes significant damage.

(4) An offender shall be sentenced to imprisonment of seven years to twelve years if he/she commits the crime defined in paragraph (1) and thereby causes large scale damage.

Sections 46 to 52 of Act No. 400/2009 Coll. on the civil service and on the amendment of certain acts, as amended regulate the termination of employment in the civil service."

Under Section 56 of Act No. 400/2009 Coll. on the civil service and on the amendment of certain acts, as amended, if a state employee believes that his/her employment in the civil service was not terminated in accordance with the law, he/she may have recourse to a court up to two months after the date of delivery of written confirmation of the termination of his/her employment in the civil service under the law. If the court decides that employment in the civil service was not terminated in accordance with the law, the claims of the state employee shall be assessed as if invalid termination of employment in the civil service had taken place.

Under Section 248 of Act No. 73/1998 Coll. on the state service of members of the Police Force, the Slovak Information Service, the Prison and Justice Guard Corps and the Railway Police, as amended a police officer may submit a request to a court to investigate the validity of a decision dismissing him/her from service. Under Section 196, if the decision on the termination of service is cancelled, the service relationship shall continue. The police officer shall be entitled to service income under Section 84(1)(a) to (m) and (s) that he/she was entitled to before the invalid termination of service for the period of the invalid termination of service. If after the decision on the invalid termination of service it is not possible to place the police officer in his/her original function, he/she shall be appointed to a function in accordance with Section 33; this shall not apply if the conditions laid down in Section 14(5) are not fulfilled. If after the cancellation of a decision on the termination of a service relationship the police officer declares that he/she does not insist on continuing to perform state service, it shall apply, if the police officer and his/her superior do not agree otherwise that his/her service relationship shall terminate by release after the expiry of two calendar months; the period for the termination of the service relationship shall commence from the first day of the calendar month following the date of the original decision on the termination of service.

Under Section 64 of Act No. 315/2001 Coll. on the Fire and Rescue Service, as amended, if a decision that has come into force on the termination of a service relationship is invalid, the service relationship shall continue. A member of the service shall be entitled to the service pay that he/she would have if the invalid termination of service had not taken place for the period from the invalid termination of service to his/her return to service.

Article 25 – The right of workers to the protection of their claims in the event of the insolvency of their employer

With a view to ensuring the effective exercise of the right of workers to the protection of their claims in the event of the insolvency of their employer, the Parties undertake to provide that workers' claims arising from contracts of employment or employment relationships be guaranteed by a guarantee institution or by any other effective form of protection.

Sections 21 and 22 of the Labour Code (Act No. 311/2001 Coll.) define the claims of employees in the event of employer insolvency:

Section 21 of the Labour Code

If an employer becomes insolvent and cannot satisfy the claims of employees resulting from relations under labour law, these claims shall be satisfied by benefit from the guarantee insurance fund in accordance with applicable legislation (Act No. 461/2003 Coll. on social insurance, as amended).

Section 22 of the Labour Code

Obligation to provide information

(1) An employer, provisional bankruptcy trustee or bankruptcy trustee is obliged to deliver notice of insolvency to employees' representatives or, if employees' representatives do not operate in the employer's workplace, to the employees directly, within ten days of the start of insolvency.

(2) An employee is obliged to provide at the request of the employer, provisional bankruptcy trustee or bankruptcy trustee all information necessary to verify his/her claims resulting from a relationship under labour law in accordance with applicable legislation (Act No. 461/2003 Coll. on social insurance, as amended).

Employers who employ at least one natural person in an employment relationship (or for whom an employee performs work under an agreement on work performed outside an employment relationship), cooperatives where at least one member of the cooperative has an employment relationship with the cooperative are obliged to have guarantee insurance. The guarantee institution is the Social Insurance Agency.

Section 102 of Act No 461/2003 Coll. on social insurance, as amended

Conditions for entitlement to guarantee insurance benefit:

(1) An employee falling under Section 4(1)(a) and (d) and Section 4(2) (an employee for the purposes of guarantee insurance (the insured) is a natural person in an employment relationship, a member of a cooperative who has an employment relationship with the cooperative and a natural person who performs work under agreements on work performed outside an employment relationship) shall be entitled to guarantee insurance benefit if his/her employer has become insolvent and cannot satisfy the following claims of the employee:

a) claims for pay and compensation for work standby,

b) claims for income owed to a member of a cooperative under an employment relationship with the cooperative,
c) claims for remuneration under an agreement on work performed outside an employment relationship,
d) claims for wage compensation for public holidays and obstacles to work,
e) a claim for wage compensation for leave arising in the calendar year in which the employer became insolvent or the previous calendar year,
f) claims for severance pay that the employee is entitled to on termination of the employment relationship,
g) claims to wage compensation in the event of the immediate termination of employment,
g) claims to wage compensation in the event of an invalid termination of employment,
i) claims for travel, relocation and other expenses incurred in the performance of work duties,
j) a claim for compensation for material losses in connection with an occupational accident or occupational disease,
b) a claim for income compensation for temporary incapacity to work under applicable legislation (Act No. 462/2003 Coll. on income compensation during an employee's temporary incapacity to work and on the amendment of certain acts, as amended)
l) court costs in connection with the enforcement of claims resulting from the employee's employment relationship before a court in the event of the employer's winding up, including costs for legal representation.

(2) An employee shall not be entitled to guarantee insurance benefit if the employment relationship was established after the employer became insolvent and written notice was given of the employer's insolvency.

Section 103 Amount of guarantee insurance benefit

(1) Guarantee insurance benefit under Section 102(a) to (h) shall be paid in the amount of the claim minus insurance contributions for health insurance, insurance contributions for sickness insurance, insurance contributions for old-age pension insurance, insurance contributions for disability insurance and insurance contributions for unemployment insurance that the employee is obliged to pay and tax advances or income tax for dependent activities and emoluments calculated according to the conditions in force in the calendar month to which the employee's claim applies.

(2) Guarantee insurance benefit shall cover at most three months in the last 18 months of the employment relationship before the start of the employer's insolvency or the date of termination of the employment relationship due to the employer's insolvency.

(3) Guarantee insurance benefit shall be at most three times one twelfth of the assessment basis set as at the date of the start of the employer's insolvency. If the insolvency starts in the period from 1 January to 30 June of the calendar year, the basis used shall be the general assessment basis in force in the calendar year two years before the calendar year in which the insolvency occurred. If the insolvency starts in the period from 1 July to 31 December of the calendar year, the basis used shall be the general assessment basis in force in the calendar year before the calendar year in which the insolvency occurred.

Section 103a.

The satisfaction of an employee's claims in the event of the insolvency of an employer whose registered office, organisational unit address or residence is in the territory of another Member

State of the European Union or a state that is a state that is a state party to the Agreement on the European Economic Area

(1) If an employer that is a legal entity with a registered office or organisational unit address in the territory of the Slovak Republic and also with an organisational unit address or registered office in the territory of at least one other Member State of the European Union or state that is a state that is a state party to the Agreement on the European Economic Area, the institution responsible for the satisfaction of employees' guarantee insurance claims shall be the institution of the Member State of the European Union or state that is a state that is a state party to the Agreement on the European Economic Area in which the natural person performs activities for the employer or usually performs activities for the employer. If the institution falling under the first sentence is the Social Insurance Agency, decisions on the entitlement to guarantee insurance benefit of an employee falling under the first sentence will be taken in accordance with this act. This shall apply also in cases where the insolvent employer is a natural person with permanent residence, permission for temporary residence (Section 17 of Act No. 48/2002 Coll. on the residence of foreigners and on the amendment of certain acts, as amended) or permission for permanent residence (Section 34 of Act No. 48/2002 Coll.) in the territory of the Slovak Republic and is also a resident of at least one other Member State of the European Union or state that is a state that is a state party to the Agreement on the European Economic Area.

(2) In proceedings on guarantee insurance benefit for an employee falling under paragraph 1, the Social Insurance Agency is bound by a proposal for the bankruptcy of an employer falling under paragraph 1 submitted in another Member State of the European Union or state that is a state that is a state party to the Agreement on the European Economic Area.

Act No. 7/2005 Coll. on bankruptcy and restructuring and on the amendment of certain acts, as amended regulates the settlement of a debtor's bankruptcy through the liquidation of the debtor's assets and the collective settlement of the debtor's creditors by the means agreed in the restructuring plan; the act also regulates action taken in response to the risk of bankruptcy and the clearing of the debts of a natural person.

Decree of the Ministry of Justice No. 665/2005 Coll. implements certain provisions of Act No. 7/2005 Coll. on bankruptcy and restructuring and on the amendment of certain acts, as amended.

The Slovak Republic is also bound by:

the International Labour Organisation Convention concerning the protection of workers claims in the event of the insolvency of their employer, No. 173 of 1992 – Notice No. 240/1999 Coll.