12/11/2013
RAP/RCha/SVK/4(2013)

EUROPEAN SOCIAL CHARTER

4th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF THE SLOVAK REPUBLIC

(Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29

for the period 01/01/2008 – 31/12/2012)

Report registered by the Secretariat on 12 November 2013

CYCLE 2014

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 2008 – 31 December 2012:
ratified provisions of Articles 2, 4, 5, 6, 21, 22, 26, 28, 29 of the Revised Charter)

Table of contents

Article 2 – All workers have the right to just conditions of work

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:
1. to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;
2. to provide for public holidays with pay;
3. to provide for a minimum of four weeks' annual holiday with pay;
4. to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations;
5. to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest;
6. to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship;
7. to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

Article 2/1

Under § 86(2) of the Labour Code, working time, in the case of an even scheduling of working time for individual weeks, may not exceed 9 hours on individual days. In the case of an uneven scheduling of working time for individual weeks the working time in any 24-hour period may not exceed 12 hours (§ 87(4) of the Labour Code).

An employee's working time may, under § 85(5) of the Labour Code, be at most 40 hours per week.

An employee who has working time scheduled so that he regularly works alternately in both shifts in a two-shift operation, shall have working time of at maximum 38¾ hours per week, and in all shifts in a three-shift operation or in a non-stop operation shall have working time of at maximum 37½ hours per week.

The working time of an employee who works with a proven chemical carcinogen or in work processes with a risk of chemical carcinogenicity or who performs activity leading to irradiation as a category-A employee in a controlled area with an ionising radiation source, other than a controlled zone at a nuclear power plant, is at most 33½ hours per week.

In accordance with § 85(8) of the Labour Code this represents the appointed weekly working time.

It is possible to shorten the working time of employees to below the limits set in this provision, for example in a collective agreement or in working rules, e.g. pursuant to a master collective agreement for employers who in matters of remuneration proceed under Act no. 553/2003 Coll. on remuneration of certain employees in performing work in the public interest for 2013 the working time of an employee is 37½ hours per week; in the case of an

employee who has working time scheduled so that he works regularly alternately in both shifts in a two-shift operation the working time is 36¼ hours per week and in the case of an employee who has working time scheduled so that he regularly works alternately in all shifts in a three-shift operation or in a non-stop operation the working time is 35 hours per week.

Under § 85(9) of the Labour Code the average weekly working time of an employee, including overtime, may not exceed 48 hours. The period over which this average is tracked is based on other provisions of the Labour Code governing the scheduling of working time, e.g. §§ 86, 87, 87a, 97 of the Labour Code.

§ 92 of the Labour Code states that an employer shall be obliged to arrange working time in such a way that, between the end of one shift and beginning of another shift, an employee has the minimum rest of duration of 12 consecutive hours within 24 hours, and an adolescent employee, at least 14 consecutive hours within 24 hours.

Such rest period may be reduced to eight hours for an employee older than 18 years of age in continuous operations and with work batches when performing urgent agricultural work, in the provision of an urgent universal postal service, when performing urgent repair work concerning the averting of a threat endangering the lives or health of employees and in case of extraordinary events. If an employer shortens the minimum rest period, they are obliged to provide additionally the employee with continuous equivalent rest as compensation within 30 days.

An employee who has returned from a business trip after 24:00 hours shall be granted time for necessary rest to the scope of eight hours from completion of the business trip until taking up work, and where such period falls within the working time of the employee, they shall also be granted wage compensation in the amount of their average earnings.

As far as the previous non-conformity conclusion for the Slovak Republic is concerned, it is important to note the possibility to reduce the minimum rest period between the end of one shift and the start of the second does not mean that it is also possible to extend the length of working time that an employee may work within 24 hours. The Labour Code allows without exception a maximum admissible daily working time of no more than 12 hours. Even where in exceptional cases an 8-hour break between two shifts is possible, the working time must be scheduled so that the maximum 12-hour length of working time over the course of 24 hours is not exceeded.

Through the fact that the inactive part of on-call time at the workplace is considered working time, the scope of the average weekly working time under § 85(9) and § 85a of the Labour Code is deemed to include working time that consists of the appointed working time and the inactive part of on-call time at the workplace and work overtime.

Under § 64(1) of Act no. 73/1998 Coll. the length of basic service time in a week is 40 hours, unless stated otherwise. Under § 64(2) the length of basic service time is set at 38 hours in a week which is unevenly scheduled throughout a whole calendar month. Up until 31 March 1998, when Act no. 73/1998 Coll. entered into effect, the length of basic service time applicable for all police officers was 42½ hours in a week. Under § 65(2) of Act no. 73/1998 Coll. the length of one continuous shift may be at most 12 hours. Exceptions beyond this set timeframe in specific conditions shall be set by the Minister of Interior of the Slovak Republic through an internal regulation.

Act no. 315/2001 Coll. in § 85 sets the weekly service time at 40 hours per week; this weekly service time may be shortened in a collective agreement. § 86 regulates uneven scheduling of service time and paragraph (2) provides that in the case of uneven scheduling the length of service time on individual service days may not be greater than 18 hours; the total length of performing state service and ordered service standby directly linked to it and at the place of performing state service shall be at most 24 hours in a service day. Under § 193 of Act no. 315/2001 Coll. the provisions of § 85 to § 90 of the Labour Code shall apply mutatis mutandis.

The service time of professional soldiers is set by Act no. 346/2005 Coll. Under § 88 of Act no. 346/2005 Coll. the service time is a time section in which a professional soldier is available to the service authority, performs state service and fulfils service duties resulting from the position to which he is assigned or appointed, or from a military order of a commanding officer of the service authority. Under § 89 of Act no. 346/2005 Coll. service time is scheduled for five service days so that days of uninterrupted rest in the week fall, where possible, on a Saturday and Sunday. The scheduling of service time is decided by the commanding officer of the service authority, who shall set also the start and end of service time on individual days. The length of one continuous shift in any 24-hour period may not exceed 12 hours. The service time of a professional soldier performing activity in which there may be a threat to life or health may not exceed 8 hours in any 24-hour period.

The legal relations of professional soldiers in service time are subject mutatis mutandis also to provisions of the Labour Code (§ 191 of Act No. 346/2005 Coll.), namely

- § 85(2) – a rest period is any period that is not service time;
- § 85(3) – for the purpose of determining the extent of service time and the scheduling of service time, a week means seven consecutive days;
- § 85(5) – the service time of a professional soldier is at most 40 hours weekly; in a two-shift operation it is at most 38¾ hours weekly; in a three-shift operation or non-stop operation it is at most 37½ hours weekly;
- § 86(2) and (3) – even scheduling of service time;
- § 19(1), (7) to (9) – the start and end of service time (definition of a service shift, morning shift, two-shift service mode, scheduling of service time);
- § 90(11) – permission to adjust weekly service time for health reasons or for other serious reasons;
- § 91(1), (3) to (6) – breaks at work;
- § 92 – uninterrupted daily rest;
- § 93 – uninterrupted rest in a week;
- § 94(1) – day of rest;
- § 99 – registration.

Article 2/2

Public holidays are laid down by Act no. 241/1993 Coll. on public holidays, days of rest and commemorative days, as amended. Public holidays in the Slovak Republic are:

1 January – Founding Day of the Slovak Republic;
5 July – Saints Cyril and Methodius Day;

29 August – Anniversary of the Slovak National Uprising;
1 September – Constitution Day of the Slovak Republic;
17 November Day of Struggle for Freedom & Democracy.

Public holidays are days of rest.

Other days of rest, besides Sundays, are:

a) 6 January – Epiphany (Three Kings and Christmas day of Orthodox Christians);
b) Good Friday;
c) Easter Monday;
d) 1 May – Labour Day;
e) 15 September – Our Lady of Sorrows;
f) 1 November – All Saints' Day,
g) 24 December – Christmas Eve;
h) 25 December – Christmas day;
i) 26 December – Boxing Day;
j) 8 May – Victory over Fascism Day.

Under the Labour Code work on days of rest may be ordered only in exceptional cases, following consultation with employee representatives. Days of rest are public holidays and days on which fall an employee's uninterrupted rest in a week.

Only the following essential works that cannot be done on working days may be ordered for an employee on weekdays:

a) urgent repair work;
b) loading and unloading work;
c) inventory and accounts closing work;
d) work performed in a non-stop operation for an employee who did not arrive for a shift;
e) work for averting a danger threatening life, health or in the event of an incident;
f) work necessary with regard to satisfying people's living, health and cultural needs;
g) feeding and care of farm animals;
h) urgent work in agriculture in crop production in the case of the laying, treatment and harvesting of crops and in processing foodstuffs.

An employee may be ordered to work on a public holiday only if that work cannot be ordered on the employee's day of uninterrupted rest in the week, work in a non-stop operation and work necessary in guarding an employer's premises.

On the days 1 January, on Easter Sunday, 24 December after 12:00 hours and on 25 December work may not be ordered for an employee or agreed with him that consists in the sale of goods to the final consumer, including work related thereto, with the exception of: retail sales at fuel and lubricant dispensing stations; retail sales and the dispensing of medicines at pharmacies; retail sales at airports, ports and other public mass transport facilities and in hospitals; the sale of travel tickets and sale of souvenirs.

Under Annex 1a to Act no. 311/2001 Coll., retail sales in the case of which work may be ordered for or agreed with an employee on days set by law comprise:
1. retail sales at fuel and lubricant dispensing stations;

2. retail sales and the dispensing of medicines at pharmacies;
3. retail sales at airports, ports and other public mass transport facilities and in hospitals;
4. the sale of travel tickets;
5. the sale of souvenirs.

Regarding the previous conclusion of non-conformity for the Slovak Republic, it is important to state that since the actual amount of wage benefits for work on a public holiday under the provisions of the Labour Code is arranged in a collective agreement between the employer and the employee´s representatives, the Labour Code governs only the minimum lower limit of this claim: The employee has, in addition to the wage achieved, a claim also to an increased wage (no less than 50% of their average wage) or may draw compensatory leave for work on a public holiday. But this is only the minimum level of compensation and higher compensation is to be agreed on between the employer and the employee´s representatives.

§ 64(3) of Act no. 73/1998 Coll. provides that basic service time in a week includes public holidays that are days of rest and, under paragraph (4), if a day when a police officer does not perform state service because a public holiday has fallen on his usual service day and, for this reason, this day is a day of service rest for him, it shall be deemed a day of performing state service.

Under § 90(2) of Act no. 315/2001 Coll. an officer who did not perform state service because a public holiday fell on his usual service day, shall be entitled to service pay for that day.

Professional soldiers have, under § 138(3) of Act no. 346/2005 Coll. a set service pay with regard to state service performed at night, on Saturdays and Sundays, on public holidays and with regard to state service overtime not exceeding five hours in a week. If a professional soldier has not performed state service because a public holiday fell on his usual service day, he shall, under § 89(5) of Act no. 346/2005 Coll., be entitled to pay for that day.

Article 2/3

Under § 103 of the Labour Code the basic paid leave is at least four weeks.

An employee who will reach at least 33 years of age by the end of the calendar year shall be entitled to at least five weeks' leave.

The leave of heads and deputy heads of schools, school education facilities and special education facilities, of teachers, teaching assistants, vocational education teachers is at least eight weeks in a calendar year.

For undrawn leave an employee is entitled, under § 116(1) of the Labour Code, to replacement of his wage in the amount of his average earnings. For the part of leave that exceeds four weeks of basic leave that the employee could not draw even by the end of the subsequent calendar year, the employee is entitled to replacement of his wage in the amount of his average earnings. For the undrawn four weeks of basic leave an employee may not be paid replacement of his wage, with the exception where he could not draw this leave due to the employment ending.

As far as the previous deferred conclusion for the Slovak Republic is concerned, it has to be stated that § 111 (1) of the Labour Code dictates that the draw of paid holiday shall be determined by the employer upon negotiation with the employee in accordance with the paid holiday time-table determined with the prior consent of employees' representatives in such a way that the employee may normally draw their paid holiday as a whole and by the end of the calendar year. When determining leave, it is necessary to take into account the employer's tasks and the justified interests of the employee. The employer must grant employees at least four weeks leave per calendar year if they have a holiday entitlement and if obstacles to work on the side of the employee do not prevent the granting of leave.

§ 112 (1) of the Labour Code states that an employer shall be obliged to reimburse an employee for costs that arose to them through no fault of their own as a result of the employer changing the employee's draw of leave, or due to calling him/her out from a paid holiday.

Article 2 of the Fundamental Principles of the Labour Code states that the enforcement of rights and obligations resulting from labour-law relations must be in compliance with good morals; nobody may abuse these rights and obligations to the damage of another participant to the labour-law relations, or their fellow-employees.

According to § 70 of Act no. 73/1998 Coll. the basic leave of a police officer is six weeks in a calendar year. Under § 71 a police officer is entitled to leave for a calendar year if he has performed state service throughout the whole calendar year. If a police officer has not performed state service throughout the whole calendar year, he is entitled to a proportional part of that leave. Under § 5 a police officer shall be entitled to service pay for time on leave. Under § 77, a police officer who performs state service throughout the whole year in a difficult working environment hazardous to health is also entitled to additional leave in the length of one week.

Under § 93 of Act no. 315/2001 Coll. the basic leave of a member of the Fire and Rescue Corps and Mountain Rescue Service shall be at least four weeks in a calendar year. An officer who by the end of a calendar year has served at least 15 years in service employment shall be entitled to at least five weeks' leave. The basic leave may be extended in a collective agreement. In the case of unevenly scheduled service time, he shall also be entitled to additional leave in the length of one week. If a member had service time unevenly scheduled for only part of a year, he shall be entitled to a proportional part of leave. A proportional part of additional leave is 1/12 of the additional leave for each 22 days during which the member had unevenly scheduled service time. A member is entitled to service pay for time on leave. Under § 193 of Act no. 315/2001 Coll. the provisions of § 100 to § 117 of the Labour Code shall apply mutatis mutandis.

Under § 93 of Act no. 346/2005 Coll. the basic leave of a professional soldier is 42 calendar days. This leave includes six Saturdays and six Sundays. The basic leave of a professional soldier who in a calendar year will have performed at least 20 years of service shall increase by seven calendar days, which includes one Saturday and one Sunday. For a professional soldier, if a public holiday or another day of rest falls on a day that is otherwise a usual service day, this day shall not be included in leave time.

§ 192 of the Penal Code (Act no. 300/2005 Coll. as amended) provides for the offence – coercion:

"(1) Any person who forces another to perform, overlook or suffer something by way of exploiting his material need or urgent non-material need, or distress caused by his adverse personal circumstances, shall be punished by imprisonment for up to 3 years.

(2) An offender shall be punished by imprisonment for one to 5 years if he commits the offence referred to in paragraph (1)
e) by denying an employee in an employment or other similar work relationship the right to security of health and safety at work, to **leave time for convalescence** or to the provision of special work conditions guaranteed by law for women and juvenile employees.

(3) An offender shall be punished by imprisonment for 4 to 10 years if he commits an act referred to in paragraph (1)
a) and through so doing causes serious harm to health or death, or
b) through so doing causes substantial damage.

(4) An offender shall be punished by imprisonment for 10 to 20 years or imprisonment for life if he commits an act referred to in paragraph (1)
a) and through so doing causes damage of a great extent,
b) and through so doing causes the death of multiple persons,
c) as a member of a dangerous grouping, or
c) under a crisis situation."

Article 2/4

Under § 6 of Act no. 124/2006 Coll. on health and safety at work and on the amendment of certain acts, as amended (hereinafter referred to as "Act no. 124/2006 Coll.") an employer, in the interest of ensuring health and safety at work, is required to carry out measures with regard to all circumstances concerning the work and in accordance with legal regulations and other regulations for ensuring health and safety at work he is obliged to improve working conditions and adapt them to employees; in so doing to take account of changing actual and foreseeable circumstances and the achieved scientific and technical knowledge; to ascertain dangers and threats, to assess risk and draw up a written document on risk assessment in all activities performed by employees, to ensure that workplaces, communications, work tools, materials, working procedures, production procedures, the layout of workplaces and organisation of work do not jeopardise the health and safety of employees and, for this purpose shall ensure the necessary maintenance and repairs, ensure that chemical factors, physical factors, biological factors, factors influencing the psychological work burden and social factors do not jeopardise the health and safety of employees, shall remove hazards and threats, and if this is not possible according to the latest scientific and technical knowledge, take measures to limit them or prepare measures for eliminating them, to replace strenuous and monotonous work and work in a difficult working environment hazardous to health, by using appropriate work equipment, working procedures, production procedures and by improving the organisation of work. In premises where hazardous substances are used or stored, or where there is used technology and equipment that, in the event of their failure, may endanger the life and health of a number of employees, other natural persons and endanger the surroundings, and in premises where there are special hazards and hazards that may directly and seriously endanger the life and health of employees, measures shall be taken to eliminate the threat to life and health; if this is not

possible with regard to the latest scientific and technical knowledge, measures shall be taken to limit them and the necessary action shall be taken to limit the possible consequences of the threat to life and health, and access to the endangered premises shall be limited to only the essentially necessary employees, who are to be duly and demonstrably familiarised with and have training and equipment in accordance with legal regulations and other regulations for ensuring health and safety at work.

Specific requirements for ensuring health and safety at work with chemical factors are laid down in SR Government Regulation no. 355/2006 Coll. on the protection of staff against risks related to exposure to chemical factors at work, as amended, and in SR Government Regulation. 356/2006 Coll. on the protection of employees health against risks related to exposure to carcinogenic and mutagenic factors at work, as amended.

Pursuant to § 85(6) of the Labour Code the working time of an employee who works with a proven chemical carcinogen or in work processes with a risk of chemical carcinogenicity or who performs activity leading to irradiation as a category-A employee in a controlled area with an ionising radiation source, other than a controlled zone at a nuclear power plant, is at most 33½ hours per week.

Under § 106 of the Labour Code an employee who works for a whole calendar year underground in the extraction of minerals or in the boring of tunnels and adits, who performs work that is especially difficult or harmful to health, shall be entitled to additional leave of one week. If an employee works under such conditions only part of the calendar year, he shall be entitled to one twelfth of the additional leave for each 21 such days worked.

An employee who works in a difficult working environment hazardous to health, or who performs work that is especially difficult or harmful to health shall, for the purposes of additional leave under this Act be deemed to mean an employee who

a) permanently works in health care facilities or at their workplaces, caring for sufferers of an infectious form of tuberculosis and Acquired Immune Deficiency Syndrome (HIV/AIDS),
b) is exposed to the direct hazard of infection in the case of work at workplaces with infectious materials,
c) at work is exposed to a significant degree to the harmful effects of ionising radiation,
d) works in direct care or attendance of psychologically ill or mentally handicapped persons in the scope of half of the set weekly working time,
e) works constantly for at least one year in tropical or other areas burdensome to health,
f) performs extraordinarily strenuous work in which he is exposed to the action of harmful physical or chemical influences in such a scope that may have a significant adverse effect on the employee's health,
g) works with proven chemical carcinogens or in work processes with the risk of chemical carcinogenicity.

Under § 106(3) of the Labour Code types of work that are particularly difficult or harmful to health, workplaces and areas where such works are performed are laid down by a generally binding legal regulation issued by the Ministry of Labour, Social Affairs & Family of the Slovak Republic Following Agreement with the Ministry of Health of the Slovak Republic and the Ministry of Foreign & European Affairs of the Slovak Republic.

The performance of state service by members of the Police Force, Fire and Rescue Corps, or Mountain Rescue Service is deemed the performance of a hazardous occupation with a degree of risk that, nonetheless, derives from the nature of the occupation. Therefore, the performance of these services is governed by specific acts that respect the particular nature of these services.

A member of the police force who performs state service in a difficult working environment hazardous to health shall be entitled, under § 77(1) of Act no. 73/1998 Coll., also to additional leave of one week. If a police officer performs this state service for only part of the year, he shall be entitled to a proportional part of additional leave; the proportional part of leave shall be one twelfth of the additional leave for each 22 days during which the police officer performed state service in a difficult working environment hazardous to health. Factors to which police officers in performing state service in a difficult working environment hazardous to health are exposed are set out in § 78(2) and (3) of Act no. 73/1998 Coll. Concessions are provided also to policewomen and pregnant policewomen in § 147 to § 151 of Act no. 73/1998 Coll..

In the case of members of the Fire and Rescue Corps and Mountain Rescue Service, the provisions of § 106 and § 107 of the Labour Code shall apply mutatis mutandis. The Labour Code applies in relation to women.

A professional soldier who has performed activity throughout a whole calendar year in a difficult working environment hazardous to health or in an extraordinarily demanding environment, or extraordinarily demanding activity in which there could have been a threat to life or health shall be entitled, under § 100 of Act no. 306/2005 Coll., to additional leave. A professional soldier is entitled to pay for time on additional leave. A professional soldier performing state service in a difficult working environment hazardous to health is entitled, under § 141 of Act no. 346/2005 Coll., to an increment for the performance of state service in a difficult working environment hazardous to health, depending on the classification of the difficult and harmful effect into either group 1 or group 2 in the list of activities under a separate regulation – § 11 and Annex 7 of Act no. 553/2003 Coll. on the remuneration of certain employees in the performance of work in the public interest and on the amendment of certain acts.

Article 2/5

§ 93 of the Labour Code (Act no. 311/2001 Coll., as amended) regulates uninterrupted rest in a week as follows:

“(1) An employer is required to schedule working time so that an employee has once a week two consecutive days of uninterrupted rest, which must fall on a Saturday and Sunday or on a Sunday and Monday.

(2) If the nature of the work and operating conditions do not allow the working time of an employee older than 18 years of age to be scheduled according to paragraph (1), two consecutive days of uninterrupted rest in the week on other days of the week shall be provided.

(3) If the nature of the work and operating conditions do not allow working time to be scheduled according to paragraphs (1) and (2), the employer may schedule work for an employee who is older than 18 years of age and following agreement with employee representatives or, if employee representatives do not operate at the employer, following agreement with the employee, so that the employee has once a week at least 24 hours of uninterrupted rest, which should fall on a Sunday, and whereupon the employer is required to additionally provide the employee compensatory uninterrupted rest in the week within eight months from the day when he should have been provided uninterrupted rest in the week.

(4) If the nature of the work and operating conditions do not allow working time to be scheduled according to paragraphs (1) to (3), the employer may schedule work for an employee who is older than 18 years of age and following agreement with employee representatives or, if employee representatives do not operate at the employer, following agreement with the employee, so that the employee has once a week at least 35 hours of uninterrupted rest, which shall fall on a Sunday or on part of the day preceding Sunday or on part of the day following Sunday.

(5) If the nature of the work and operating conditions do not allow working time to be scheduled according to paragraphs (1) to (3), the employer may schedule work for an employee who is older than 18 years of age and following agreement with employee representatives or, if employee representatives do not operate at the employer, following agreement with the employee, so that the employee has once every two weeks at least 24 hours of uninterrupted rest in a week, which should fall on a Sunday, whereupon the employer is required to additionally provide the employee compensatory uninterrupted rest in a week within four months from the day when the uninterrupted rest in the week should have been provided."

§ 94 of the Labour Code regulates days of rest:

"(1) Days of rest are days on which falls an employee's uninterrupted rest in the week, and public holidays.

(2) Work on days of rest may be ordered only in exceptional cases, following consultation with employee representatives.

(3) On an employee's day of uninterrupted rest in the week an employee may be ordered to perform only these essential works that cannot be done on weekdays:
a) urgent repair work;
b) loading and unloading work;
c) inventory and account-closing work;
d) work performed in a non-stop operation for an employee who did not arrive for a shift;
e) work for averting a danger threatening life, health or in the event of an incident;
f) work necessary with regard to satisfying people's living, health and cultural needs,
g) feeding and care of farm animals;
h) urgent work in agriculture in crop production in the case of the laying, treatment and harvesting of crops and in processing foodstuffs.

(4) An employee may be ordered to perform work on a public holiday only if that work cannot be ordered on the employee's day of uninterrupted rest in the week, work in a non-stop operation and work necessary in guarding an employer's premises.

(5) On the days 1 January, on Easter Sunday, 24 December after 12:00 hours and on 25 December work may not be ordered for an employee or agreed with him that consists in the sale of goods to the final consumer, including work related thereto (hereinafter referred to as "retail"), with the exception of retail under Annex 1a, where the provisions of paragraph (3)(f) and paragraph (4) shall not apply in these cases."

Annex 1a:

"Retail in which work may be ordered to or agreed with an employee on days specified by law

1. retail at fuel and lubricants dispensing stations;
2. retail and the dispensing of medicines at pharmacies;
3. retail at airports, ports and other public mass transport facilities and in hospitals;
4. sale of travel tickets;
5. sale of souvenirs."

Article 2/6

Under § 42 of the Labour Code an employment relationship is established by a written employment contract between the employer and employee. The employer is required to give one written copy of the employment contract to the employee.

Pursuant to § 43 of the Labour Code, an employer is required to agree with the employee the substantive particulars of the employment contract, which are:
a) the type of work for which the employee is recruited, and a brief description of it;
b) the place of performing the work (municipality, part of a municipality or place otherwise designated);
c) the day of beginning work;
d) wage conditions, unless agreed in a collective agreement.

In addition to the particulars listed, the employer shall state in the employment contract also other working conditions, these being paid days, working time, leave and length of notice period.

If the working conditions are agreed in a collective agreement, it is sufficient to state a reference to the provision of the collective agreement; else it is sufficient to state a reference to the respective provisions of this Act. If the wage conditions are not agreed in the employment contract and if the effect of the provisions of the collective agreement to which the employment contract refers has ended, the wage conditions agreed in the collective agreement shall be considered the wage conditions agreed in the employment contract up until the time of agreeing new wage conditions in the collective agreement or in the employment contract, at most for the period of 12 months.

Other conditions may be agreed in the employment contract that are of interest to the participants, in particular other material benefits.

If the place of performing work is abroad, and if the time of employment abroad exceeds one month, the employer in the employment contract shall also state:

a) the period of performing work abroad;
b) the currency in which the wage, or part thereof, will be paid;
c) other fulfilments related to the performance of work abroad in money or in kind;
d) any conditions for the return of the employee from abroad.

In the event that a written employment contract does not contain the statutory conditions, the employer is required to issue to the employee, within one month of the start of the employment relationship, a written notice containing these conditions.

If the employment relationship is to end prior to the expiry of one month from the time of beginning employment, the employer must issue the employee a written notice of recruitment no later than by the time of the employment relationship ending.

If the place of performing work is abroad, the employer is required to issue the written notice of recruitment prior to the employee's departure abroad.

Article 2/7

Under § 98(3) of the Labour Code an employer is required to ensure that an employee working at night undergoes a medical fitness assessment for work at night

a) prior to assignment for night work;
b) regularly as needed, at least once a year;
c) at any time during an assignment for night work for health disorders caused by performing night work;
d) if a pregnant women, mother up to 9 months after birth or a breastfeeding woman requests this.

Costs for the medical fitness assessment as referred to above shall be borne by the employer.

The employer is required to equip a workplace at which work is performed at night with the means for providing first aid, including providing means enabling quick medical assistance to be called.

The employer is required to regularly discuss with employee representatives the organisation of work at night. For employees working at night the employer is required to ensure health and safety at work corresponding to the nature of their work and to ensure that protective and preventive services or equipment ensuring health and safety at work are always available for employees working at night equally as they are available to other employees.

An employer who regularly employs employees at night is required to notify the respective Labour Inspectorate and employees representatives of this fact if they so require.

The employer is required in the case of an employee working at night to schedule the appointed weekly working time so that the average length of a work shift does not exceed eight hours in a period of at most four consecutive calendar months, whilst the calculation of the average length of a work shift of an employee working at night shall be based on a five-day working week.

The working time of an employee performing heavy physical work or strenuous mental work, or work in which there could occur a threat to life or health, may not exceed eight hours in any 24-hour period. An employer, following agreement with employee representatives, shall define in accordance with legal regulations for ensuring health and safety at work the range of kinds of heavy physical work or strenuous mental work, or work in which there could occur a threat to life or health.

Article 4 – The right to a fair remuneration

With a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake:
1. to recognise the right of workers to a remuneration such as will give them and their families a decent standard of living;
2. to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;
3. to recognise the right of men and women workers to equal pay for work of equal value;
4. to recognise the right of all workers to a reasonable period of notice for termination of employment;
5. to permit deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards.

The exercise of this right shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions.

Article 4/1

The right to fair remuneration for work performed, sufficient to enable the employee a decent standard of living is provided for in Article 36 (a) of the Constitution of the Slovak Republic. This right is exercised through the generally applicable Minimum Wage Act and laws regulating the remuneration of individual groups of employees in an employment relationship and certain other persons in a working relationship analogous to employment.

Act no. 663/2007 Coll. on the minimum wage, as amended by Act no. 354/2008 Coll. defines the legal framework for negotiating the amount of the minimum wage, the criteria for adjusting the amount of the minimum wage and the mechanism for adjusting it. The act gives preference to the negotiation of social partners on the amount of the minimum wage and gives sufficient substantive and time space to social partners and the Government of the Slovak Republic to reach an agreement on the amount of the minimum monthly wage. The act also defines the procedure in the case of disagreement.

In negotiations over increasing the minimum wage against that of the preceding period, account is to be taken of the overall economic and social situation over the past two calendar years preceding the calendar year for which it is proposed to set the amount of the minimum wage, particularly with regard to the development of consumer prices, employment, average monthly wages in the economy of the Slovak Republic and the living minimum. The development of these indicators is the limiting factor for further growth in the amount of the minimum wage.

In the case that, despite several meetings of the social partners and SR Government representatives at the highest tripartite level (at a meeting of the Economic and Social Council of the Slovak Republic, no agreement is reached regarding an adjustment to the amount of the monthly minimum wage, the minimum wage shall be increased proportionately to growth of the statistically determined average wage for the preceding year.

Regarding the previous case of non-conformity for the Slovak Republic on this provision of the Charter, for 2012 the minimum wage in the Slovak Republic was at €327.20 per month, which in net terms represents €283.38 per month. The average monthly wage of an employee in the national economy of the Slovak Republic for 2012 was €805 per month which in net terms represents €622.39 per month. The share of the net minimum wage in the net average wage for 2012 represented 45.6%. This share is continuously rising – in the last report of the Slovak Republic on this provision the share represented 41%.

Besides the negative impact of the economic crisis, this continuous increase by small steps is also caused by significant economic differences between the individual regions of the Slovak Republic, where e.g. the average wage of the capital city region was higher than the average wage for the whole Slovak Republic by more than 30%. The large regional differences between the Bratislava Region and particularly the eastern parts of the Slovak Republic are historically given and caused by geographical differences and different economic development. Assessing the relative level of the minimum wage according to the data for the whole of the Slovak Republic does not take into account these facts. Disproportionate increase in the amount of the minimum wage without adequate economic development to back it up would only lead to further widening of the social disparities between the regions and to a growth of unemployment.

The Slovak Government has also analysed the possibility of introducing regionally differentiated minimum wage. The Government discussed this with the social partners and the OECD, however it was discovered that the result would be similar, meaning it would result in serious widening of social differences between the individual regions.

In compliance with Act No. 103/2007 Coll. on Tripartite Consultations at the National Level in discussing the adjustments to the minimum wage, the social partners within the framework of the Economic and Social Council of the Slovak Republic take into consideration the overall economic and social situation in the Slovak Republic for the two calendar years previous to the calendar year for which the minimum wage is proposed to be established, particularly the development of criteria specifically listed in Section 6 of Act No. 663/2007 Coll. on Minimum Wage as amended by later regulations; in concrete terms the development of:

a) consumer prices;
b) employment;
c) average monthly salaries in the economy of the Slovak Republic; and the
d) subsistence minimum.

Act No. 663/2007 Coll. on Minimum Wage also newly regulated the procedure for negotiating the minimum wage, and it provided considerable room for social partners and the Government to reach a mutual agreement on the minimum wage. Social partners can directly negotiate on the monthly minimum wage or its percentage increase.

In the event that no agreement is reached regarding adjustments to the monthly minimum wage for the upcoming calendar year, even during the session of the Economic and Social Council of the Slovak Republic, the mechanism for adjustments to the monthly minimum wage is a part of this Act. In such case, the minimum wage proposed by the Ministry of Labour, Social Affairs and Family of the Slovak Republic for the session of the Government of the Slovak Republic may not be lower than the multiple of the valid monthly

minimum wage and the index of the year-on-year growth of the average monthly nominal wage of an employee in the economy of the Slovak Republic for the past calendar year.

The minimum wage is established by the Government through its Regulation and always for the period from 1 January to 30 December of the relevant calendar year.

However, it is important to note that pursuant to selective research within the framework of the information system on labour costs for the first quarter of 2012, the share of employees who earned the minimum wage was 1.48 % of the total number of employees in the Slovak Republic.

The specific amount of the wage of employees in the business sector is agreed by the employer in a collective agreement or in the employment agreement with the employee, whilst an employee's wage may not be lower than the statutory minimum wage. The amount of the minimum wage is the lower entitlement limit also for the amount of paid remuneration for work on the basis of any agreement on work performed outside employment.

In the public sector, expenditures on staff salaries depend on the possibilities of the state budget. The amount of the wage is guaranteed by the Minimum Wage Act also for these groups of employees.

The amount of the pay of these groups of employees is governed by specific legal regulations, e.g. Act no. 553/2003 Coll. on the remuneration of certain employees in the performance of work in the public interest, as amended, Act no. 400/2009 Coll. on state service and on the amendment of certain acts, as amended, Act no. 380/1997 Coll. on monetary matters of soldiers, Act no. 73/1998 Coll. on state service of members of the Police Force, Slovak Intelligence Service, Prison and Court Guard Service of the Slovak Republic and Railway Police, as amended, Act no. 346/2005 Coll. on the state service of professional soldiers of the armed forces of the Slovak Republic, as amended, Act no. 385/2000 Coll. on judges and lay judges and on the amendment of certain acts, as amended, and others.

§ 214 of the Penal Code (Act no. 300/2005 Coll. as amended) provides for the offence – Failure to pay a wage and severance pay:

"(1) A person who as the statutory body of a legal person or who as a natural person who is an employer, or a clerk thereof does not pay their employee a wage, salary or other remuneration for work, wage compensation or severance pay to the payment of which the employee is entitled, and this on their due date for payment, despite on that day having funds to pay them and which were not essentially needed for ensuring the activity of the legal person or activity of the employer as a natural person, or who takes measures leading to frustrating the payment of these funds, shall be punished by imprisonment for up to 3 years.

(2) An offender shall be punished by imprisonment for 1 to 5 years if he commits the offence referred to in paragraph (1)

a) and through so doing causes great harm,

b) out of special motive, or

c) against more than 10 employees.

(3) An offender shall be punished by imprisonment for 3 to 8 years if he commits the offence referred to in paragraph (1) and through so doing causes significant harm.

(4) An offender shall be punished by imprisonment for 7 to 12 years if he commits the offence referred to in paragraph (1) and causes harm of a great extent."

The Slovak Republic is bound by:

- Convention of the International Labour Organisation no. 26 establishing methods for determining minimum wages (Notification no. 439/1990 Coll. and point 12 of Notification no. 110/1997 Coll.),
- Convention of the International Labour Organisation no. 99 on methods of determining minimum wages in agriculture (notification no. 470/1990 Coll. and point 34 of Notification no. 110/1997 Coll.).

Article 4/2

Claims of employees in the business sector regarding overtime work are governed by § 121 of the Labour Code (Act no. 311/2001 Coll. as amended):

(1) An employee shall be entitled to wages earned and a wage surcharge equal to at least 25% of his/her average earnings for the performance of overtime work. An employee shall be entitled to wages earned and a wage surcharge equal to at least 35% of his/her average earnings for the performance of risk work.

(2) An employer may agree with an executive employee reporting directly to the statutory body or a member of the statutory body, with an executive employee reporting directly to such an executive employee, or with an employee who performs planning, systems, creative or methodological activities, who manages, organizes or co-ordinates complex processes or an extensive set of very complex equipment that the employee's wage will take into account overtime up to a limit of 150 hours per calendar year. In such cases the employee shall not be entitled to a wage or wage surcharge pursuant to paragraph (1) and cannot draw substitute time-off for overtime work.

(3) An employer may agree on the drawing of substitute time-off for overtime work. An employee shall be entitled to substitute time-off equal in length to the period of overtime work; in this case the employee shall not be entitled to a wage surcharge pursuant to paragraph (1).

(4) An employer shall provide substitute time-off to an employee at an agreed time. If the employer and employee do not agree on the time when substitute time-off should be drawn, the employer shall be obliged to provide the employee with substitute time-off no later than the end of four calendar months after the overtime work was performed.

(5) If the employer does not provide the employee with substitute time-off in accordance with paragraph (4), the employee shall be entitled to a wage surcharge pursuant to paragraph (1).

Regarding the first questions in the conclusion of non-conformity in the previous cycle on this provision for the Slovak Republic, the length of time-off is equal to the length of overtime work, as is mentioned in paragraph 3 of the section 121 of the Labour Code. It has to be stated that there have been no proposals or requests from the social partners to change this provision when it was drafted during tripartite consultations.

Regarding the second question of the ECSR, since the last conclusions of the ECSR paragraph 2 of section 121 of the Labour Code has been amended and now stands as is written above – this means only executives, persons in managing positions and employees who perform planning, systems, creative or methodological activities, who manage, organize or co-ordinate complex processes or an extensive set of very complex equipment shall have their wage take into account overtime up to a limit of 150 hours per calendar year.

Regarding the third question of non-conformity, in 2012, the Labour Inspectorate carried out 11 347 acts of inspection related to the violation of labour-law relations, where also the also breaches related to the failure to pay overtime wages belong (the number does not represent only breaches related to the failure to pay overtime wages, but also other violations of labour-law relations). Out of this number, 1 282 fines were imposed on employers that violated labour-law relations, together amounting to the sum of 529 688 EUR.

Article 4/3

Pursuant to § 13(1) of the Labour Code, an employer in employment relations is required to treat employees in accordance with the principle of equal treatment laid down for the field of employment relations through a separate regulation. That regulation is Act no. 365/2004 Coll. on equal treatment in certain fields and on the prevention of discrimination and on the amendment of certain acts (the Anti-Discrimination Act), as amended.

§ 2 of the Anti-Discrimination Act provides:

"(1) Compliance with the principle of equal treatment consists in the prohibition of discrimination on the grounds of sex, religion or belief, race, nationality or ethnicity, disability, age, sexual orientation, marital status and family status, skin colour, language, political or other opinion, national or social origin, property, lineage or other status.

(2) In complying with the principle of equal treatment it is necessary to take account also of good manners for the purposes of extending protection against discrimination.

(3) Compliance with the principle of equal treatment consists also in the taking of measures to prevent discrimination."

§ 2a, paragraph (1) of the Anti-Discrimination Act provides: "Discrimination is direct discrimination, indirect discrimination, harassment, sexual harassment or victimisation; discrimination is also an instruction to discriminate or incitement to discriminate." The following paragraphs of the above-mentioned Article of the Anti-Discrimination Act describe the various forms of discrimination.

The principle of equal pay for women and men for equal work or work of equal value is reflected in the specific provisions of § 119a of the Labour Code. Under that provision, wage conditions must be agreed without any sexual discrimination whatsoever.

This principle applies to all fulfilments for work, as well as to fulfilments that are paid out or will be paid out in connection with employment under other provisions of this Act and under separate regulations.

An employee's right to equal pay for equal work and for work of equal value irrespective of the employee's sex is guaranteed by the Labour Code specifically in the provisions of § 119a. In accordance with the principle of equal treatment in employment for the field of remuneration, the legal claim of a woman and man to equal pay for equal work and for work of equal value in the stages of negotiating remuneration conditions, in the provision of pay for work, as well as in the stage of evaluating the difficulty of work for the purpose of their classification into a hierarchy of grades of difficulty is guaranteed:

- under paragraph (1), wage conditions must be agreed without any discrimination on the grounds of sex; an employer is required in accordance therewith to agree for a woman and man, if they perform equal work or work of equal value, equal basic wage components and, where other components are provided, to set equal conditions for their provision;
- under paragraph (2), women and men have the right to equal pay for equal work or for work of equal value;
- under paragraph (3), if the employer applies a job appraisal system, the appraisal must be based on equal criteria for men and women without any sexual discrimination whatsoever.

Equal work or work of equal value is deemed to mean work of equal or comparable complexity, responsibility and difficulty that is performed in equal or comparable working conditions and while achieving equal or comparable performance and work results in employment at the same employer.

The Labour Code, in accordance with Article 4 of the Code in accordance with Article 4 of Directive of the European Parliament and of the Council 2006/54/EC implementing the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, stipulates that where an employer applies a job appraisal system, the appraisal must be based on equal criteria for men and women without any sexual discrimination whatsoever. In assessing the value of work of women and men, an employer may apply also other objectively measurable criteria that can be applied to all employees regardless of sex.

The Slovak Republic is also bound by:

- International Labour Organisation Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value no. 100 of 1951 (Notification no. 450/1990 Coll. and point 35 of Notification no. 110/1997 Coll.);
- International Labour Organisation Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities no. 156, 1981 (Notification no. 205/2003 Coll.).

Article 4/4

Under § 62 of the Labour Code, if notice of termination is given, the employment relationship ends on the expiry of the notice period. The notice period must be at least one month, unless this Act provides otherwise.

The notice period of an employee who has been given notice of termination for reasons referred to in § 63(1)(a) or (b) of the Labour Code (the employer or a part thereof is dissolved

or relocated and the employee does not consent to the change of the agreed place of work, the employee shall become redundant with regard to the written decision of the employer or respective authority by which his tasks or technical equipment are changed, or by which the employee is demoted with the aim of ensuring work efficiency, or by which other organisational changes are made, or for reason that the employee has lost, with regard to his state of health according to a medical assessment, his long-term fitness to perform the current work), must be at least:
a) two months if the employee's period of employment with the employer as at the date of delivering the notice of termination has lasted at least one year and less than five years;
b) three months if the employee's period of employment with the employer as at the date of delivering the notice of termination has lasted at least five years.

The notice period of an employee who has been given notice of termination for reasons other than those referred to above must be at least two months if the employee's employment relationship with the employer as at the date of delivering the notice of termination lasted at least one year.

The duration of an employment relation includes also any duration of repeatedly concluded employment contracts for the same period at the same employer and which directly follow one another.

If a notice of termination is given by an employee whose employment with an employer at the date of delivering the notice of termination has lasted at least one year, the notice period must be at least two months.

The notice period begins to run from the first day of the calendar month following delivery of the notice of termination and ends on the last day of the respective calendar month, unless this Act provides otherwise.

Regarding the previous ground of non-conformity with this article for the Slovak Republic, it has to be noted that in 2010 the provisions of §49 of the Labour Code that allowed different treatment of part-time employees have been deleted and part-time employees are guaranteed equal treatment with full-time employees.

Article 4/5

The maximum extent of deductions from an employee's wage that an employer may make on the basis of provisions under § 131(1) and (2) of the Labour Code (Act no. 311/2001 Coll., as amended) without the employer's consent is limited by a separate regulation, namely Regulation of the Government of the Slovak Republic no. 268/2006 Coll. on the extent of wage deductions in enforcing a decision. The wording of this part of the Labour Code fully conforms to the obligation to permit wage deductions to be made only under such conditions and in such extent as provided for by national laws or regulations, or if it is in accordance with collective agreements or arbitration awards.

§ 131 of the Labour Code regulates wage deductions and the order of deductions:

"(1) In making deductions from an employee's pay, the employer shall give priority to deductions for social insurance contributions, advance insurance payments for public health

insurance, arrears from the annual calculation of advance payments for public health insurance, contributions for supplementary pension saving paid by the employee under a separate regulation, deductions for advance tax payments, arrears in advance tax payments, tax arrears, arrears arisen through the fault of the taxpayer in advance tax payments and in tax, including accessories, and arrears from the annual calculation of advance payments for personal income tax.

(2) After making the deductions under paragraph (1) an employer may deduct from pay only

a) an advance wage payment that the employee is obliged to return because the conditions for awarding the pay were not met;
b) amounts deducted in enforcement of a decision ordered by a court or other administrative authority;
c) fines and penalties, as well as compensation costs imposed on the employee by an enforceable decision of a competent authority;
d) wrongly received amounts of social security benefits and old-age pension savings or advance payments thereof, state social benefits, benefits in material need and contributions to benefit in material need, monetary contributions for compensation of social consequences of severe disability and monetary contributions for caring, if the employee is required to return them by an enforceable decision under a separate regulation;
e) unaccounted advance payments of travel reimbursements,
f) reimbursement of income in the case of the employee's temporary incapacity for work, or part thereof, for which the employee lost claim or the claim did not arise;
g) wage reimbursement for leave for which the employee lost claim or the claim did not arise;
h) an amount of severance pay or part thereof that the employee is obliged to return under § 76(4) of the Labour Code.

(3) The employer may make other wage deductions beyond the framework of deductions referred to in paragraph (2) only on the basis of written agreement with the employee on wage deductions, or if the employer's duty to make deductions from wage and other incomes of the employee arises under a separate regulation.

(4) Wage deductions under paragraphs (1) and (2) and wage deductions under § 20(2) may be made only in the scope set by a separate regulation. In the case of liabilities recovered by order of a court or administrative authority, the method of making deductions and their priority shall be governed by the provisions on the enforcement of the wage deduction decision.

(5) In the case of financial penalties (fines) and settlements levied by enforceable decisions of the competent authorities and in the case of overpayments of social security benefits, the order of deductions is given by the date when the enforceable decision of the competent authority was delivered to the employer.

(6) In the case of unaccounted advance payments of travel reimbursements, relocation and other expenditures, in the case of wage compensation for leave, in the case of advance payments of a wage or component thereof that the employee is required to return because the conditions for their award were not met, the order of deductions is given by the date when the deductions began to be made.

(7) In the case of deductions made on the basis of an agreement on wage deductions, the order shall be given by the date of concluding the agreement. In the case of deductions made on the basis of an agreement on wage deductions concluded with a different employer or with a natural person, the order of deductions shall be given by the date of this agreement being delivered to the employer.

(8) If an employee enters an employment relationship with another employer, the order liabilities acquired under paragraphs (4) and (5) remain preserved also at the new employer. The duty to make deductions arises to the new employer on the day when the employer learns from the employee or from the previous employer that wage deductions were being made and for what liabilities. The same applies also for making wage deductions under paragraph (7), if this effect was not expressly excluded in the agreement on wage deductions."

§ 132 of the Labour Code:

"The provisions of § 129 to 131 shall apply equally to all components of an employee's income provided by the employer as regards their due date, payment and deduction."

In accordance with upholding the principle of freedom of contract for employers and employees, the Labour Code contains only the minimum necessary extent of peremptory provisions directed toward the employer and guaranteeing employees claims. For these reasons also the possibility of making other deductions from an employee's wage (besides those deductions under § 131(1) and (2) of the Labour Code), the extent and scope of which is not exhaustively defined by law, is the subject of agreement between the contracting parties.

Under § 20(2) of the Labour Code an agreement on wage deductions can ensure satisfaction of an eligible claim of the employer. The agreement must be concluded in writing, else shall be invalid. An employer, however, even on the basis of a wage deductions agreement for satisfying a claim arising toward an employee from the employment relationship, cannot make wage deductions beyond the scope set by Regulation of the Government of the Slovak Republic no. 268/2006 Coll. on the extent of wage deductions in execution of a decision.

The exercise of rights referred to in Article 4 in paragraphs (1) to (5) of the Charter is achieved through freely concluded collective agreements, the legal mechanism of determining wages or through other means appropriate to national conditions.

Concerning the previous conclusion of non-conformity, it has to be stated that the Slovak Government Regulation no. 268/2006 Coll. on the extent of payroll deductions, which sets the following limits below which it is not possible to make any deductions:

(1) The basic amount that may not be deducted from the worker from his monthly wage is 60% of the subsistence minimum for an adult person applicable in the month for which the deductions are made.

(2) For each person dependant on the worker, 25% of the subsistence minimum for an adult person is added cumulatively to the limit below which it is impossible to make any deductions (applicable in the month for which the deductions are made; this applies likewise also for a spouse of the obligor who has a separate income).

(3) If payroll deductions are made from the payrolls of both spouses, another 25% is added to the limit.

(4) 25% of the subsistence minimum for an adult person applicable in the month for which the deductions are made, is not subtracted for a person in whose favour enforcement of a decision for recovering a maintenance claim is under way.

Where this concerns the looking after a minor, the basic amount that may not be deducted from the obligor's monthly wage is 70% of the basic amount determined under § 1.

This is the basic sum which cannot be deduced. If deductions are to be made, this sum is subtracted from the employee´s net wage and from the remaining amount only one third can be actually deduced, as is prescribed by the Civil Procedure Code. If the employee and the employer agree in writing on further deductions, like for example the contributions of the employer to insurance funds, the total amount cannot be higher than two thirds of the already mentioned remaining amount.

This is to ensure that even if deductions are necessary, the employee is left with enough means to secure adequate living standards for themselves and their families.

On the basis of this amendment to the Labour Code an employer may not make payroll deductions against an employee above the limit set by the mentioned Slovak government regulation.

Article 5 – The right to organise

With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Contracting Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this Article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations.

Article 29(1) of the Constitution of the Slovak Republic provides – "The right of free association shall be guaranteed. Everyone has the right to associate freely with others in unions, societies or other associations."

Article 37(1) of the Constitution of the Slovak Republic – "Everyone shall have the right to associate freely with others to protect their economic and social interests."

Article 37(2) of the Constitution of the Slovak Republic – "Trade unions shall be independent of the state. Limitation on the number of trade unions or preferential treatment of certain trade unions at an enterprise or in an industry sector shall be inadmissible."

Article 37(3) of the Constitution of the Slovak Republic – "The activity of trade union organisations, as well as the creation and activity of other associations for protecting economic and social interests may be restricted by law if so doing is a measure necessary in a democratic society for protecting national security, public order, averting crime or for protecting the rights and freedoms of others."

Constitutional Act no. 227/2002 Coll. on national security in a time of war, state of war, state of exigency or state of emergency, as later amended by Constitutional acts, allows for the restriction of activities of subjects referred to in Article 37(3) of the Constitution of the Slovak Republic.

Those provisions of the Constitution of the Slovak Republic are detailed in Act no. 83/1990 Coll. on the association of citizens, as amended (hereinafter referred to as the "Citizens Association Act").

§ 2 (1) of the Citizens Association Act provides that:

"Citizens may form associations, companies, unions, movements, clubs and other civic associations, as well trade union organisations (hereinafter referred to as "associations") and associate in them."

§ 2(2) of the Citizens Association Act regulates that:

"Legal persons may also be members of associations"

§ 2(3) of the Citizens Association Act regulates that:

"Associations are legal persons. Public authorities may intervene in their standing and activity only within the limits of the law."

§ 3(1) of the Citizens Association Act regulates that:

"No one may be forced to associate, join associations or participate in their activities. Anyone can freely leave an association."

§ 3(2) of the Citizens Association Act regulates that:

"No one may be civilly disadvantaged as a result of the fact that they associate, are a member of an association, participate in an associations activities or support an association, or for the fact that they stand outside such association."

§ 3(3) of the Citizens Association Act regulates that:

"The rights and obligations of a member of an association are regulated by the statutes of that association."

§ 4(a), (b) and (c) of the Citizens Association Act regulates that:

"There shall not be allowed associations that

a) seek to deny or restrict the personal, political or other rights of citizens on the grounds of their nationality, sex, race, birth, political or other conviction, religion or social status, that seek to incite hatred and intolerance on such grounds, that support violence or otherwise violate the Constitution and laws;
b) pursue their goals in ways contrary to the Constitution and laws;
c) are armed or have armed components; such associations shall not be deemed to mean associations whose members hold and use firearms for sporting purposes or for exercising hunting rights."

§ 5 of the Citizens Association Act regulates that:

"Associations may not perform any function of public authorities, unless a specific act provides otherwise. They may not govern public authorities or impose duties on citizens who are not members of them."

Workers' organisations and employers' organisations are founded without prior approval, as laid down in § 9a of the Citizens Association Act – "A trade union organisation (workers' organisation, employees' organisation) and the organisation of employers becomes a legal person on the day following that in which the petition for its registration was received at the competent ministry (the Ministry of the Interior of the Slovak Republic)." From the foregoing it follows that trade union organisations and employers organisations do not need to register at the Ministry of the Interior of the Slovak Republic, but are only recorded.

A petition for registration of a trade union organisation or employers organisation must be submitted by at least three citizens, of whom at least one must be above 18 years of age (hereinafter referred to as the "preparatory committee") – § 8 of the Civil Code). The petition shall be signed by members of the preparatory committee and they shall state their

first name, last name, birth identification number and place of residence. They shall also state which of the members above 18 years of age is a representative authorised to act on their behalf. To the petition they shall attach the statutes in duplicate, which must state:

a) the name of the association (name of trade union organisation or name of employers' organisation);
b) the registered office;
c) the objective of its activity;
d) the bodies of the association, the manner of their appointment, the designation of bodies and functionaries authorised to act on behalf of the association;
e) provisions on organisational units, if established and if they will act on its behalf;
f) principles of economic management.

The creation of a trade union organisation (workers' organisations, employees' organisations) and employers' organisations, their name and registered office are communicated by the Ministry of the Interior of the Slovak Republic within 7 days following registration to the Statistics Office of the Slovak Republic, which keeps a register of associations pursuing activity in the Slovak Republic.

Infringement of the freedom of association and assembly is an offence under the Penal Code (Act no. 300/2005 Coll. the Penal Code, as amended):

"§ 195 Infringement of the freedom of association and assembly

(1) Any person who, using violence, the threat of violence or other serious harm, restricts another in the exercise of his right of association or assembly shall be liable to a term of imprisonment of up to 2 years.

(2) Any person who, using violence or the threat of imminent violence, refuses to comply with the measures designed to keep order at a public rally, which is subject to a notification obligation, or who offers resistance to designated order-keeping officers shall be liable to a term of imprisonment of up to one year."

Workers' organisations (trade union organisations) and employers' organisations in the Slovak Republic have the right to freely write their statutes and rules, have complete freedom in choosing their representatives, organising their administration and activity and to formulate their agenda. Public authorities or other bodies shall not intervene in these rights. The exercise of those rights is protected in the cited provisions of the Slovak Republic´s constitution, in the Citizens Association Act and the Penal Code.

Provided an association performs its activity in accordance with the objectives for which the association was established and in accordance with its provisions, an association – workers' organisations or employers' organisations – may not be dissolved or have its activity suspended under national legislation of the Slovak Republic.

In very exceptional circumstances the activity of an association may be limited, as regards the above-mentioned provision of § 37(3) of the Constitution of the Slovak Republic.

The Citizens Association Act in § 12(3) states:

"If the Ministry of the Interior of the Slovak Republic finds that an association – workers' organisation or employers' organisation – is pursuing activity

a) that is reserved for political parties and political movements or organisations associating citizens for gainful activity or for conducting religion or belief in churches and religious societies (§ 1(3) of the Citizens Association Act – see the above-mentioned provision);

b) that infringes the principles set out in § 3(1) and (2) of the Citizens Association Act – see the above-mentioned provision;

c) that is contrary to § 4 or § 5 of the Citizens Association Act – see the above-mentioned provisions;

it shall promptly notify the association of this fact and demand that the association discontinue such activity. If the association continues in the activity the Ministry of the Interior of the Slovak Republic shall dissolve it by a decision. An appeal against this decision may be lodged with the Supreme Court of the Slovak Republic. In reviewing the decision the Supreme Court of the Slovak Republic shall proceed according to the provisions of the Code of Civil Procedure on reviewing the decisions of other bodies (§ 244 – § 250s of the Code of Civil Procedure). An appeal shall have a suspensory effect; if there are compelling reasons for so doing, the Supreme Court of the Slovak Republic may suspend the association's activity for the period until its final decision. During this period the association may perform activity only essential for fulfilling its obligations under law. The Supreme Court of the Slovak Republic shall overturn the decision of the Ministry of the Interior of the Slovak Republic if the grounds for dissolving the association were not given.

From this it follows that an association may be dissolved or have its activity suspended only in very exceptional circumstances, and § 12(3) of the Citizens Association Act referred to above is based on Article 8(1) of the ILO Convention on freedom of association and protection of the right to organise no. 87 of 1948, by which the Slovak Republic is bound (notification no. 489/1990 Coll. and point 28 of notification no. 110/1997 Coll.).

Workers' organisations and employers' organisations in the Slovak Republic have the right to form federations and confederations and become members of international workers' organisations and employers' organisations.

In the Slovak Republic workers organisations – trade unions and associations have created the confederation "Confederation of Trade Unions of the Slovak Republic", which associates trade unions and similar unions, while employers' associations – as employers' organisations – have created the "Federation Association of Employers' Associations of the Slovak Republic". The National Union of Employers has also been created, which associates employers' associations. The respective trade unions and associations as workers' organisations and employers' federations and associations are members of the respective international organisations. So, for example, the Confederation of Trade Unions of the Slovak Republic is a member of the International Trade Union Confederation and a member of the European Trade Union Confederation. The National Union of Employers is a member of the International Organisation of Employers. In the plurality of trade union organisations (workers' organisations – employees' organisations) and employers' organisations, other trade union organisations (workers' organisations – employees' organisations) and other employers' organisations may also be created.

The right to freely organise is ensured in the constitutional and legal system of the Slovak Republic on the basis of the legal regulations referred to above. Public authorities of

the Slovak Republic and other subjects do not interfere in the freedom of the right to organise, as exercised by workers' organisations and employers' organisations. Workers' organisations and employers' organisations can have full freedom in exercising the right to organise – to decide on their organisational structure, formulate their agenda, elect their representatives, set internal rules for their activity and conduct their activity without the state – public authorities or other subjects interfering in this activity.

To address the questions of the ECSR from the previous cycle, all organisations, including those representing retired or unemployed workers, are able to participate in consultation procedures on public policies and legislative acts. Even individuals are able to participate on these procedures when new legislative acts and policies are being formed up. This can be done, e.g. during the so-called interministerial consulation procedure. When a new legislative act, or policy, is being drafted by a ministry, all other ministries, non-governmental organisations, social partners, citizen unions and even individual persons are able to submit their comments and proposals for changes to these acts and policies. The author of these acts (usually a ministry) then has to consider these comments and proposals and, if necessary, change the draft proposal of this act accordingly and discuss with subjects that sent these comments.

Third country nationals may perform official duties and be elected to higher positions just as any Slovak citizen could. However, such a person has to be elected by the given trade union, organisations, etc.

The previously repealed Act 106/1999 on Economic and Social Partnership (Tripartite Act) has been substituted by Act 103/2007 on Tripartite Consultations on the National Level. Representative association of employers is an association which brings together employers from several sectors of the economy or which operates in at least five regions, which together employs at least 100,000 workers in employment or similar relationship.

Employee representatives for the purposes of this Act are representative associations of trade unions - representative association of trade unions is a trade union which brings together employees in employment or similar relationship of several sectors of the economy with at least 100,000 employees who are union members.

In contrast to workers' organisations and employers' organisations, soldiers in active service may not, under § 2(4) of the Citizens of Association Act, form trade union organisations or associate in them. The scope of entitlements of trade union organisations associating officers of the Police Force and officers of the Prison & Court Guard Corps in exercising and protecting their social interests is governed by a specific law. That specific law is Act no. 410/1991 Coll. on the service of officers of the Police Force of the Slovak Republic, as amended.

The act regulates the involvement of trade unions in the amendment and termination of service, the concluding of collective agreements, the cooperation of service bodies and trade union bodies, arrangements for ensuring the activity of trade union bodies, and protection of trade union officials.

The Slovak Republic is bound by:

– International Covenant on Economic, Social and Cultural Rights – Decree of the Minister of Foreign Affairs no. 120/1976 Coll. and point 9 of Notification no. 53/1994 Coll.,

– Convention of the International Labour Organisation concerning the rights of association and combination of agricultural workers no. and 11 of 1921 – no. 98/1924 Coll. and point 4 of Notification no. 110/1997 Coll.,

– Convention of the International Labour Organisation concerning the freedom of association and protection of the right to organise no. 87/1948 – Notification no. 489/1990 Coll. and point 28 of Notification no. 110/1997 Coll.,

– Convention of the International Labour Organisation concerning the application of the principles of the right to organise and to bargain collectively no. 98/1949 – Notification no. 470/1990 Coll. and point 33 of Notification no. 110/1997 Coll.

Article 6 – The right of workers to bargain collectively

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake
1. to promote joint consultation between workers and employers;
2. to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;
3. to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes;

and recognise

4. the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into.

Article 6/1

Under Article 4 of the fundamental principles of the Labour Code, employees or their representatives have the right to the provision of information on the employer's economic and financial situation and on the anticipated development of its activity, and this in a comprehensible manner and at an appropriate time. Employees may express and present their proposals regarding the draft decisions of the employer that may affect their standing in employment relations.

This principle is expressed specifically in several provisions of the Labour Code.

The right to mutual consultation of employees and employers is exercised pursuant to § 229 of the Labour Code. As results from this provision, with a view to ensuring fair and satisfactory working conditions, employees participate in the employer's decisions that concern their economic and social interests, doing so either directly or by means of the respective trade union body of the works council or employee spokesperson; employee representatives cooperate closely with one another. Employee involvement in employment relationships is conducted in the following forms: co-decision-making, discussion, provision of information and supervisory control activity.

The institute of co-decision-making is, for example, incorporated in provisions regulating the issuance of working rules (§ 84 of the Labour Code), setting the beginning and end of working time (§ 90 of the Labour Code), scheduling of working time (§ 87 of the Labour Code), setting the plan of paid leave and the collective drawing of paid leave (§ 111 of the Labour Code), issuing of and changes to workload standards (§ 133 of the Labour Code), agreeing the scope time for performing the function of employee representative (§ 240 of the Labour Code). There are also the provisions § 39, § 47, § 88, § 91, § 93, § 97, § 142 and other provisions of the Labour Code.

The institute of consultation is the exchange of views, opinions and dialogues between employee representatives and the employer. The range of issues that an employer is required

to consult in advance with employee representatives is set out in § 237(2) of the Labour Code.

For the purpose of discussion, the employer must provide employee representatives with the necessary information, consultation and documents and, within their means, take account of their opinions.

Discussion is applied, for example, in provisions of the Labour Code governing the transfer of rights and duties from employment relations (§ 29), immediate dismissal (§ 74), the regulation of work on days of rest (§ 94), employee training (§ 153), etc.

The right to information is regulated in more detail in the Labour Code in § 229(2) and (3), § 238 and in other provisions, for example in § 29(1), § 47(4), § 98(7), etc.

The Labour Code regulates the procedure also in cases where multiple trade union organisations operate alongside one another at an employer. The employer must then in cases concerning all or a large number of employees, if generally binding legal regulations or the collective agreement require discussion or consent of the trade union body, fulfil these obligations regarding the respective bodies of all trade union organisations involved, unless it agrees otherwise with them (§ 232(1) of the Labour Code).

The forms of discussion and forms of provision of multinational information are regulated also for employers and groups of employers operating in the Member States of the European Union and located in the Slovak Republic, and which takes place by means of the European Works Council or by means of an agreed procedure.

Support for the mutual consultation of employees and employers is regulated also other generally binding labour laws.

Regarding the previous conclusions for the Slovak Republic on this matter it has to be stated that the Council of Economic and Social Partnership of the Slovakia has been in 2007 transformed into the Economic and Social Council of the Slovak Republic by introduction of the Act 103/2007 on Tripartite Consultations on the National Level. This Act regulates tripartite consultations at the national level among the state and the social partners who, through their representatives, mutually bargain and negotiate principal issues in the field of economic and social development and development of employment in order to reach the agreement on such issues, and the establishment, structure and principles of activities of the Economic and Social Council of the Slovak Republic.

The Council
a) Concerts standpoints and recommendations in the field of economic and social development and of the development of employment,
b) Concludes agreements in the field of economic and social development and of the development of employment,
c) Concerts standpoints and recommendations in the field of the state budget,
d) Concerts standpoints to proposals of generally binding legal regulations applying to important interests of employees and employers, mainly to economic, social, working and wage conditions, conditions of employment and business conditions,
e) Supports all forms of collective bargaining,
f) Establishes its advisory bodies,
g) Approves the Standing Orders of the Council.

The Council has 21 members. It comprises seven representatives appointed by the Government, seven representatives appointed by representative employers' associations and seven representatives appointed by representative associations of trade unions (hereinafter referred to as "Council member"). The number of Council members representing the representative employers' associations shall be determined proportionally to the number of employed employees. The number of Council members representing the representative associations of trade unions shall be determined proportionally to the number of associated employees who are trade union members.

The Council has the following bodies:

a) Plenary Session,

b) Presidium.

Plenary Session

(1) The plenary session is the supreme consulting and concerting body of the Council. The plenary session consists of members of the Council.

(2) The plenary session negotiates principal issues applying to the fields specified in § 4, Paragraph 3, letters a) through d).

(3) The plenary session is convened as required, in at least quarterly intervals.

(4) The plenary session is convened and chaired by the President of the Council, or by his appointed Vice-President of the Council.

(5) Council members may invite to the plenary session experts on the individual points of the agenda.

(6) The plenary session has the capacity to discuss and adopt conclusions at its session in the presence of at least four Council members who are Government members, at least four Council members who are employers' representatives and at least four Council members who are employees' representatives.

(7) The conclusions of discussion of the plenary session comprise agreements, standpoints and recommendations included in the material submitted to the respective body for continuing discussion of, or decision on the issue. In the case of compliant standpoints on the submitted material the conclusion of the plenary session is a joint standpoint. In the case of conflicting standpoints on the submitted material the conclusions of discussion of the plenary session comprise the standpoint of the Government and the respective standpoint of each social partner.

The Presidium consists of members of the Council, comprising the

a) President of the Council, appointed by the Government from among members of the Government,

b) Vice-President of the Council, appointed by the representative employers' association,

c) Vice-President of the Council, appointed by the representative association of trade unions,

d) Member of the Presidium appointed by the Government from among state secretaries,

e) Member of the Presidium appointed by the representative employers' association, and

f) Member of the Presidium appointed by the representative association of trade unions.

(2) When the employers' representatives are represented in the Council by several representative associations of employers, the Vice-President of the Council pursuant to Paragraph 1, letter b) is the representative of the employers' association which associates of employers with the largest number of employees, and the member of the Presidium pursuant to Paragraph 1, letter e) is the representative of the employers' association which associates of employers with the second largest number of employees, unless decided differently by the simple majority of votes of all Council members representing employers.

(3) When the employees' representatives are represented in the Council by several representative associations of trade unions, the Vice-Chairman of the Council pursuant to Paragraph 1, letter c) is the representative of association of the trade unions which associates the largest number of employees who are trade union members, and the member of the Presidium pursuant to Paragraph 1, letter f) is the representative of association of the trade unions which associates the second largest number of employees who are trade union members, unless decided differently by the simple majority of votes of all Council members representing employees.

(4) Membership of the Presidium cannot by executed by proxy.

(5) The President of the Council
a) Manages the Council's activities,
b) Convenes and chairs over the plenary session,
c) Convenes and chairs over session of the Presidium,
d) Informs the Government about conclusions of Council bodies.

The Economic and Social Council of the Slovak Republic meets at least once in a month, usually more often. This depends on its plan of work for the given month. Its program of work and report from each session can be found on http://hsr.rokovania.sk/rokovania-hospodarskej-a-socialnej-rady-sr/

Its agenda consist of approval of new acts, which are then forwarded to the National Council (financial acts, acts concerning occupational safety and health, public expenditures, public health, environmental aspects, etc); strategies aimed at improving the situation of disadvantaged groups; measures taken to improve economic growth; collective investments; etc.

Article 6/2

The right to bargain collectively is guaranteed by the Constitution of the Slovak Republic under Article 36 paragraph g). Pursuant to Article 37 paragraph 1 of the Constitution, everyone has the right to organise with others freely for the protection of their economic and social interests. The trade union organisations or the employers' organisations are formed under the Act No. 83/1990 Coll. on citizens' association, as amended. These organisations are formed as independent of the state and their constitution is subject only to registration at the competent state body.

The Labour Code (Article 10 of the Fundamental Principles) states that the employees and employers have the right to bargain collectively; in case of conflicts of their interests the

employees have the right to strike and the employers have the right to lock-out. Trade union bodies shall take part in the industrial/employment relations, including collective bargaining. The works councils or the works trustee shall take part in employment relations under the conditions stipulated by law. The employers shall be obliged to allow the trade union, the works council or the works trustee to operate in the workplaces.

The Labour Code in Section 231 paragraph 1 provides that the trade union body shall have the right to enter into collective agreement with the employer. The conclusion of collective agreements shall be voluntary. Legislative conditions have been created for the terms and conditions of employment to be provided by means of collective agreements to such an extent as the social partners are able to agree.

The procedure in concluding collective agreements shall be prescribed by a special regulation, which is the Act No. 2/1991 Coll. on collective bargaining, as amended. Procedures have been provided for the conclusion of company collective agreements and higher-level collective agreements that are concluded for a greater number of employers between the competent higher-level trade union body and the organisation or organisations of employers.

This law provides that in concluding a collective agreement, the Contracting Parties (the employer and the competent trade union body) shall be obliged to hold talks and render each other required co-operation, unless it is in conflict with their legitimate interests (Section 8 paragraph 3).

As in the Labour Code, the Act on collective bargaining also provides for the procedure in co-decision making, where several trade union organisations operate in an employer side by side. Pursuant to the Act on collective bargaining, in the case of concluding the collective agreement on behalf of the employees' collective, the relevant trade union bodies operating in the employer can represent employees and act with legal consequences for all employees only jointly and in mutual agreement, unless they have agreed between themselves otherwise. In case of failure to agree on the course of action subject to the first sentence, the employer shall be authorised to conclude a collective agreement with the trade union having the highest number of members in the employer or with the other trade union organisations whose total number of members in the employer exceeds that of the largest trade union organisation (Section 3a).

To address the previous questions of the ECSR, failure of an employer to negotiate with the competent trade union body is a violation of labour-law legislation and as such is examined by the Labour Inspectorate which examines the situation by the means of inspection and if the violation is confirmed, the inspectorate may impose a fine to the employer up to the amount of 100 000 EUR (Article 19 paragraph 1 letter a) of the Act on Labour Inspection).

In 2012, the Labour Inspectorate carried out 11 347 acts of inspection related to the violation of labour-law relations, where also the also breaches related to the failure to negotiate with the competent trade union body belong (the number does not represent only breaches related to the failure to negotiate with the competent trade union body, but also other violations of labour-law relations; this is how the Labour Inspectorate reports labour-law violations each year). Out of this number, 1 282 fines were imposed on employers that violated labour-law relations, together amounting to the sum of 529 688 EUR.

Regarding the next question of the ECSR - request for comments on the assertion that many employers' associations have been transformed into new legal entities not falling within the scope of Act No. 83/1990 Coll. to avoid their duty to bargain collectively under the said provisions, it has to be stated, that the Ministry of Labour, Social Affairs and Family is unfamiliar with this situation. If an employer´s association loses its status of association, it no longer represents employers loses its right to bargain collectively which in turn defeats the purpose of being an employer´s association.

Regarding the next question of the ECSR – number of higher-level collective agreements (HLCA) and the number of employees and employers covered by them, it has to be noted that as of December 31, 2012 – 25 HLCA have been concluded in the following sectors:

- Transport industry – 2 HLCA
- Construction – 2HLCA
- Wood processing industry – 1 HLCA
- Energy industry – 2 HLCA
- Mining and metallurgic industry – 1 HLCA
- Trade and tourism – 2 HLCA
- Finance industry – 2 HLCA
- Food processing industry – 2 HLCA
- Glass industry – 1 HLCA
- Engineering industry – 1 HLCA
- State and public administration – 5 HLCA
- Aquaculture industry – 2 HLCA
- Forest economy – 1 HLCA
- Health, chemistry, pharmacy – 1 HLCA
- Agriculture and forestry – 1 HLCA

From the above-mentioned data it is evident that 20 HLCA have been concluded in the private sector and 5 HLCA in the state and public sector (state service, public service, state organisations, self-governing regions). According to the Trexima s.r.o., an organisation responsible for collecting statistical data related to this branch, 362 183 of public servants are covered by a HLCA, 114 414 employees in the private sector are covered by a HLCA. The total number of employees in both sectors was 1 830 336 and as of December 31, 2012 – 27.31% of all employees are covered by a HLCA. 268 employers in the private sector are covered by a HLCA.

However, it has to be noted that employees in the private sector are also covered by company collective agreements and as a result, the total number of employees in the private sector covered by collective agreements is much higher. The precise number is, however, not monitored centrally in the Slovak Republic. Each organization representing employees has its own list of collective agreements related to the number of basic organizations which it associates, for example Trade Union KOVO lists 500 company collective agreements effective for its associates.

Regarding the last question of the ECSR – the right of police officers to participate on determining their working conditions is governed by the Act 73/1998 on the State Service of Police Officers, Slovak Information Service, Corps of Prison and Court Guards and Railway Police and its latest amendments, not by the Act 551/2003. Articles 225 to 230 of this act

govern the right of members of the Police Officers, Slovak Information Service, Corps of Prison and Court Guards and Railway Police to participate on collective bargaining and determining their working conditions.

The Slovak Republic is also bound by:

- Convention of the International Labour Organization concerning the Rights of Association and Combination of Agricultural Workers No. 11 of the year 1921,
- International Labour Organization Convention concerning Freedom of Association and Protection of the Right to Organise No. 87 of the year 1948,
- Convention of the International Labour Organization concerning the Application of the Principles of the Right to Organise and to Bargain Collectively No. 98 of the year 1949.
- Convention of the International Labour Organisation concerning Promotion of Collective Bargaining No. 154 of the year 1981.
- International Labour Organization Recommendation concerning the Promotion of Collective Bargaining No. 163 of the year 1981.

Article 6/3

The Labour Code preventively creates conditions to avoid labour disputes.

Article 2 of the Fundamental Principles of the Labour Code and Section 13 state that the exercise of the rights and obligations arising from the employment relations must be consistent with good morals; nobody can abuse these rights and obligations to the detriment of the other party to the employment relations, or to the detriment of co-workers.

Where disputes arise between the employee and the employer over the claims from the employment relations, they will be heard and decided by courts. Even in the proceedings before court that handle individual disputes of employees the resolution by conciliation shall be preferred.

The Act No. 2/1991 Coll. on collective bargaining, as amended, provides for the procedure for the settlement of collective disputes by means of the mediator and the arbitrator.

The Contracting Parties may agree on the person of the mediator for the settlement of a collective dispute. Where the Contracting Parties have not agreed on the person of the mediator, the mediator shall be appointed, upon request of any of the Contracting Parties, by the ministry from a list of mediators kept at the ministry.

The Contracting Parties and the mediator shall be obliged to render each other cooperation (Section 11).

The proceedings before a mediator shall be deemed to be unsuccessful if the dispute is not settled within 30 days of the receipt of the request for settling the dispute by the mediator, or from the day the decision on the appointment of the mediator has been delivered, unless the Contracting Parties have agreed other period (Section 12).

If the proceedings before the mediator failed the Contracting Parties may, upon agreement, ask the arbitrator to decide the dispute (Section 13).

If the Contracting Parties do not reach agreement and the dispute involves conclusion of the collective agreement and arises in a workplace where the strike is prohibited, or a dispute over fulfilment of the obligations arising out of the collective agreement, the arbitrator shall be appointed, upon request of either of the Contracting Parties, by the ministry; the proceedings before the arbitrator shall start on the day the appointment decision is served to the arbitrator. The ministry cannot appoint an arbitrator belonging to either of the Contracting Parties involved in the dispute.

Regarding the question of the ECSR on this provision, it has to be stated that Act 551/2003 introduced several changes, most notable was that collective bargaining of Police Officers, Slovak Information Service, Corps of Prison and Court Guards and Railway Police is now governed by a different act, namely the Act 73/1998 on the State Service of Police Officers, Slovak Information Service, Corps of Prison and Court Guards and Railway Police and its latest amendments. Articles 225 to 230 of this act govern the right of members of the Police Officers, Slovak Information Service, Corps of Prison and Court Guards and Railway Police to participate on collective bargaining and determining their working conditions.

Conflicts between police trade unions and the Ministry are regulated by the Act 2/1991 on Collective Bargaining. Collective disputes are regulated by articles 10 – 14 of this Act (it has to be noted that this applies only in conflicts between police trade unions and the Ministry of Interior, but also e.g. for conflicts between state service trade unions and the Ministry of Labour, Social Affairs and Family which is responsible for the issues related to state and public service):

§ 10

Collective disputes

Collective disputes, as defined by this act, are disputes regarding conclusion of the collective agreement and disputes regarding fulfilment of obligations of the collective agreement, not giving rise to claims to individual employees.

§ 10a

Selection of intermediaries and arbitrators and verification of their professional qualification

(1) The Ministry selects intermediaries and arbitrators by request of a citizen of the Slovak Republic (hereinafter referred to as “the citizen”) or by proposal of authorities of the state, scientific institutions, universities, representatives of employers and representatives of trade union bodies.

(2) The citizen meeting the following conditions

a) capacity to perform legal acts in full scope,

b) permanent residence on the territory of the Slovak Republic,

c) personal integrity,

d) graduation at a university,

e) professional competence,
can be eligible as an intermediary or as an arbitrator.

(3) For the purposes of this Act the citizen who was not lawfully condemned for a wilful criminal offence has personal integrity. The citizen supplies proof of personal integrity in the form of a clean extract from the Criminal Register[4b)] issued three months earlier at most.

(4) For the purposes of this Act the citizen possessing professional knowledge mainly in the field of labour law and in the social field, and possessing the necessary capacity of performing intermediating activities and arbitration activities is professionally competent.

(5) The Ministry shall notify the selection of intermediaries and arbitrators and verification of their professional competence by publishing in the daily press the date of commencement of such selection and verification at least four weeks in advance.

(6) The Ministry shall verify the professional competence of intermediaries and arbitrators in three-year intervals, and the Ministry shall draw up record the results of such verification.

(7) The professional competence of intermediaries and arbitrators shall be verified by a selection commission appointed and recalled by the Minister of Labour, Social Affairs and Family of the Slovak Republic. The members of the selection commission are representatives of the state, representative of employees and representative of employers.

(8) The Ministry shall register the intermediary in the list of intermediaries and register the arbitrator in the list of arbitrators for a three-year period; the Ministry shall give up a written certificate of registration to the intermediary and arbitrator, thereby entitling them to resolve collective disputes.

(9) The list of intermediaries and the list of arbitrators contain the name and surname of the intermediary or of the arbitrator, their permanent address, position in employment and field of professional specialisation.

(10) The Ministry shall publish the list of intermediaries and the list of arbitrators in the daily press, with copies of the list mailed to representative associations of employers and to representative associations of trade unions for information[4c].

(11) The Ministry shall scratch out from the list of intermediaries or from the list of arbitrators the intermediary or the arbitrator

a) who ceased to fulfil the conditions specified in paragraph 2,

---

[4b)] The Act No. 311/1999, Collection of Laws on the Criminal Register.

b) who requested accordingly,

c) who died or is presumed dead, or

d) who refused, without serious reasons, to carry out intermediary activities or arbitration activities.

(12) The Ministry shall notify in writing the intermediary or arbitrator on their scratching out from the list of intermediaries or from the list of arbitrators, as well as representative associations of employers and representative associations of trade unions[4c)].

(13) The intermediary or arbitrator appointed by the Ministry to act in a specific dispute may, within seven days from appointment, notify the Ministry that he/she is prejudiced, in which case the Ministry shall appoint a different intermediary or arbitrator without undue delay.

(14) Intermediary or arbitrator activities shall not be executed by proxy.

Proceedings before an Intermediary
§ 11

(1) The contractual parties may agree on an intermediary to resolve the collective dispute in accordance with § 10. Proceedings before an intermediary shall begin on the day of receipt of the request for resolving dispute by an intermediary.

(2) When the contractual parties fail to agree on an intermediary, the intermediary shall, by request of any of the contractual parties, be appointed by the Ministry from the list of intermediaries maintained by the Ministry. Proceedings before an intermediary began upon delivery of the decision appointing an intermediary. Such request may, in a dispute regarding the conclusion of a collective agreement, not be submitted before lapse of at least 60 days from submission of the written proposal to conclude the agreement.

(3) The request to resolve the dispute pursuant to paragraph 2 shall specify the subject of the dispute and substantiate it with written documentation delivered in duplicate to the intermediary.

(4) The contracting parties and intermediary are obliged to provide mutual cooperation.

§ 12

(1) The intermediary shall prepare a written record of the proposed solution of the dispute before the intermediary within 15 days from the date receiving the request for resolving dispute by an intermediary or as of the delivery date of the decision appointing an intermediary and the contractual parties shall be entitled to endorse the record, upon

---

[4c)] § 3 of the Act No. 103/2007, Collection of Laws on Tripartite Consultations at the National Level and on the amendment of Certain Acts (Tripartite Act).

verification of its accuracy, without undue procrastination unless agreed otherwise with the contractual parties. The intermediary shall hand over the record to the contractual parties and to the Ministry in case of the intermediary having been appointed by the latter.

(2) The written record pursuant to paragraph 1 shall contain the following

a) identification of the contractual parties,

b) description of the facts on which agreement could not be reached by the contractual parties,

c) the proposed solution of the dispute and its substantiation,

d) date of drawing up of the record,

e) name, surname and signature of the intermediary.

(3) Proceedings before the intermediary shall be deemed a failure unless the dispute has been settled within 30 days since the day receiving the request for resolving dispute by an intermediary or as of the delivery date of the decision appointing an intermediary, unless the contractual parties have agreed on a different period.

(4) The costs of proceedings before the intermediary shall be halved and reimbursed by either party. Part of the costs of intermediation shall be made up especially of the intermediary remuneration and travel compensations according to a specific regulation.[4d)] Provided the parties have been unable to agree with the intermediary on the remuneration, he/she shall be entitled to remuneration as stipulated by the implementary regulation.

Proceedings before an Arbitrator

§ 13

(1) If proceedings before an intermediary have failed, the contractual parties may agree to request an arbitrator to make a decision in the dispute. The proceedings before the arbitrator shall be deemed commenced on the date of acceptance of the request by the arbitrator. The arbitrator shall draw up a protocol of acceptance with the contractual parties of their request to resolve the dispute.

(2) If the contractual parties have failed to agree according to paragraph 1 and if the dispute concerning conclusion of the collective agreement arose at a workplace where strike is forbidden, or a dispute concerning fulfilment of obligations arising from the collective agreement is involved, the arbitrator shall be appointed at the request of any of the contractual parties by the Ministry; proceedings before the arbitrator shall be deemed commenced by delivery of the decision to the arbitrator. The Ministry shall not appoint an arbitrator belonging to one of the contractual parties in the dispute.

(3) The request to resolve the dispute pursuant to paragraph 2 shall contain the following

---

[4d)] Act No 283/2002 Coll. on Travel Expenses amended by later regulations.

a) precise specification of the subject of the dispute, substantiated by written documentation which shall be delivered in duplicate to the arbitrator,
b) the position of the other contractual party.

(4) The person having functioned as the intermediary shall not be eligible as the arbitrator in the same dispute.

(5) The arbitrator shall inform the contractual parties in writing about the decision within 15 days since initiation of proceedings. The decision of the arbitrator shall contain the following

a) identification of the contractual parties,
b) description of the facts on which agreement could not be reached by the contractual parties,

c) the arbitration award of the arbitrator and its substantiation,

d) date of issue of the decision,

e) name, surname and signature of the arbitrator.

(6) The agreement shall be considered concluded once the arbitrator's decision has been delivered to the parties in the dispute concerning conclusion of a collective agreement.

(7) The costs of proceedings before arbitrators including of arbitrators remuneration and travel compensations according to a specific regulation[4d)] shall be reimbursed by Ministry.

§ 14

(1) The regional court shall repeal, at the request of a contractual party, the arbitrator’s decision concerning fulfilment of obligations arising from the collective agreement if the decision is contrary to legal regulations or collective agreements (§ 5).

(2) Proposal to repeal the arbitrator’s decision may be submitted by a contractual party within 15 days since it has been delivered. The competent court shall be the regional court situated in the same district as the party against which the proposal is directed. When making a decision, the regional court proceeds in compliance with provisions of the civil court order on judicial review of unlawfully administrative decisions by court; however, it shall always decide by resolution that cannot be appealed nor shall the proceedings be reinitiated.

(3) If the arbitrator’s decision has been repealed, the dispute shall be decided by the same arbitrator; provided at least one of the contractual parties does not agree with this, or if it is impossible for other reasons, the procedure as stipulated in § 13, paragraph 2 shall be adopted. On new decision, the arbitrator shall be bound by the legal opinion of the court.

(4) Provided a proposal to repeal the arbitrator’s decision at court has not been submitted within the period specified in paragraph 2, or provided the proposal has been

rejected by the court, or the proceedings have been stopped, the delivered arbitrator's decision shall enter into legal effect.

(5) The arbitrator's lawfully decision concerning fulfilment of obligations arising from the collective agreement can be executed by court.

Article 6/4

The right to strike is guaranteed by the Constitution of the Slovak Republic in its Article 37 paragraph 4, with reference to the conditions to be laid down by law.

The Labour Code (Article 10 of the Fundamental Principles) states that the employees and employers shall have the right to collective bargaining; in cases of conflicts of interest the employees shall have the right to strike and the employers shall have the right to lock-out.

The law governing the strike in the Slovak Republic is the Act No. 2/1991 Coll. on Collective Bargaining, as amended. The act (Section 16) makes provision for the strike in a dispute over the conclusion of the collective agreement, namely in the case where the Contracting Parties have failed to reach the conclusion of the collective agreement even after proceedings before a mediator and have not asked an arbitrator to settle the dispute.

The strike is not admissible in a dispute over the fulfilment of the obligations arising out of the collective agreement.

The right to strike is used rarely. There have been sporadic cases of the declaration of strikes which in most cases did not actually take place as after the declaration of the strike readiness there were more intense negotiations of social partners resulting in agreement of the trade unions and employers on the points disputed. The disputes concerned particularly the amount of wages and other financial requirements of employees.

In complex and sharpened negotiations sometimes the media would publish information on the preparation or holding of a strike. In reality it is not the strike by law that is held, but rather some other forms of protect action (rallies, meetings, marches, leaflets, and the like) by which the employees want to pursue their requirements in a social dialogue and bring them also to the attention of the public.

There were no successful parliamentary or government interventions that would prohibit or terminate strikes or apply other restrictions.

Regarding the questions of the ECSR on this provision, there has been no case when a strike was held by any court to be unlawful.

Regarding the next question, article 37, paragraph 3, of the Constitution of the Slovak Republic provides - "Activities of trade unions may be restricted by law, if such a measure in a democratic society is necessary to protect national security, public order or the rights and freedoms of others". It follows that the activities of trade unions may be restricted by law in three cases:

I. if the measure in a democratic society is necessary to protect national security,

II. if the measure in a democratic society is necessary for the protection of public order,

III. if the measure in a democratic society is necessary for the protection of the rights and freedoms of others.

This provision of the Constitution is based on Article 8, paragraph 1, letter c) of the International Covenant on Economic, Social and Cultural Rights, by which the Slovak Republic is bound - " The States Parties to the present Covenant undertake to ensure the right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others".

The Supreme Court case number 1 Co 10/98 dealing with a case when workers strike was deemed to be unlawful in which the plaintiff asked the court to declare the strike illegal because it was not made in accordance with the Collective Bargaining Act reads as follows:

"The right to strike is guaranteed to every citizen of the Slovak Republic by the Slovak Constitution in Article 37 paragraph 4. Therefore, the absence of a law that would set the conditions for the exercise of this right outside the collective bargaining cannot call into question the existence and implementation of the constitutional right to strike."

A strike is therefore allowed outside the collective bargaining context and is not held unlawful by any court, which is also guaranteed by Section 141 paragraph 8 of the Labour Code, when the employer must excuse the absence of employees from work if they are taking part in a strike relating to the exercise of their economic and social rights; employee shall not be entitled to pay or wage compensation. If an employee takes part in a strike after a court has ruled it to be unlawful, their absence from work shall not be considered to be excusable.

Regarding the next question, judges, prosecutors, members of the armed forces, employees in charge of air traffic control, employees operating equipment of nuclear power stations are prohibited from striking. This is stated in Article 37, paragraph 4 of the Constitution of the Slovak Republic due to specific character of work of these persons as strikes in these sectors could pose a threat to public interest, national security and/or public health. It has to be noted that there have been no initiatives to change this situation neither from the employees´, nor from the employers´ representatives.

Regarding the last question of the ECSR, as trade unions represent all workers in the given sector, not only members of the trade unions, all employees and not only union members may participate in the vote necessary for a trade union to call a strike.

Article 21 – The right of workers to be informed and consulted within the undertaking

With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:

a. to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and

b. to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.

Article 21 / point A

Under § 11a of the Labour Code (Act no. 311/2001 Coll. as amended), employee representatives may be the competent trade union body, works council or employee spokesperson. For health and safety at work the employee representative is also the employee representative for health and safety at work under a special regulation.

In a cooperative, where employment entails membership in the cooperative, the employee representative for the purposes of this Act is a separate body of the cooperative elected by the members' meeting.

The right to information is regulated in the Labour Code in § 238 and in other provisions, for example in § 29(1), § 47(4), § 98(7).

Under § 238 of the Labour Code the provision of information is the provision of data by the employer to employee representatives with a view to familiarising them with the content of the information. The employer shall inform employee representatives in a comprehensible manner and at an appropriate time of its economic and financial situation and of the anticipated development of its activity. An employer may refuse to provide information that could harm the employer, or may require that such information be considered confidential.

Under § 237 of the Labour Code, discussion is the exchange of opinions and dialogues between employee representatives and the employer. The employer shall discuss in advance with employee representatives in particular:

a) the state, structure and anticipated development of employment and planned measures, particularly if employment is threatened;
b) principal issues of corporate social policy, measures for improving hygiene at work and the working environment;
c) decisions that may lead to fundamental changes in the organisation of work or in contract conditions;

d) organisational changes, which are deemed to be the limitation or suspension of the employer's activity or the activity of a part of the employer, the merger, amalgamation, division, change of the employer's legal form,
e) measures for averting occupational injuries and illnesses and protection of employees' health.

Discussion must take place in a comprehensible manner and at an appropriate time, with appropriate content, with a view to reaching agreement.

For these purposes the employer shall provide employee representatives with the necessary information, consultations and documents and, within their means, take account of their opinions.

Discussion is applied, for example, in the provisions of the Labour Code governing the transfer of rights and duties from employment relations (§ 29 of the Labour Code), immediate dismissal (§ 74 of the Labour Code), the regulation of work on days of rest (§ 94 of the Labour Code), employee training (§ 153), etc.

Employee representatives, professionals fulfilling tasks for employee representatives are required to keep confidential any facts they learn of in performing their function and which the employer has marked as confidential. This obligation persists also for one year following the end of the function, unless a special regulation provides otherwise (§ 240(6) of the Labour Code).

It should also be noted that consultations at the national level are regulated in Act no. 103/2007 Coll. on tripartite consultations and on the amendment of certain acts (the Tripartite Act).

Article 21 / point B

Under Article 4 of the fundamental principles of the Labour Code, employees or their representatives have the right to the provision of information on the employer's economic and financial situation and on the anticipated development of its activity, and this in a comprehensible manner and at an appropriate time. Employees may express and present their proposals regarding the draft decisions of the employer that may affect their standing in employment relations.

A more detailed reasoning of the fulfilment of the provision of the Charter is given in the preceding Article 21(a) of the Charter.

The Labour Code also specifically regulates the manner and terms for discussing with and informing employee representatives, for example in the case of a collective redundancy, the transfer of rights and obligations from employment relations, and in other cases.

Regarding the questions of the ECSR related to this article, it has to be noted that all employees with an employment contract with the given employer are taken into account when calculating the number of employees covered by the right to information.

Coming to the next question of the ECSR, according to the Article 4 of the Fundamental Principles of the Labour Code, employees or the representatives of employees shall have the right to the provision of information on the economic and financial situation of the employer and on the assumptions of the development of its activity, and this in an understandable manner and within a suitable time. Employees shall be able to express themselves and submit their suggestions with regard to such projected decisions of the employer, which may influence their status within the labour-law relations. Paragraph 2 of the Article 229 of the Labour Code guarantees that employees shall have the right to the provision of information on the economic and financial situation of the employer and on the presumed development of its activities, and this in an understandable manner and in a suitable time. Employees shall have the right to voice their comments on such information and to projected decisions, to which they may submit their suggestions. In case the employer fails to comply with this obligation to inform, that employees submit a claim to the Labour Inspectorate which in turn carries out an inspection of the employer and impose a sanction.

Exercise of this right is monitored by the employee´s representatives. If no employee´s representative is present or is non-existent, the regional Labour Inspectorate in cooperation with the employees themselves carries out the monitoring.

Article 22 – The right to take part in the determination and improvement of the working conditions and working environment

With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:

a. to the determination and the improvement of the working conditions, work organisation and working environment;
b. to the protection of health and safety within the undertaking;
c. to the organisation of social and socio-cultural services and facilities within the undertaking;
d. to the supervision of the observance of regulations on these matters.

Article 22 / point A

Employees and employee representatives participate at the employer's organisation in determining and improving working conditions and the working environment and organise works which are important factors for ensuring health and safety at work.

Pursuant to § 10 of Act no. 124/2006 Coll. the employer shall, with a view to ensuring health and safety at work, enable employees and employee representatives to participate in addressing the issue of health and safety at work and to discuss with them in advance issues that may, e.g. substantially affect health and safety at work.

Employees at an employer have the possibility to discuss, pursuant to § 12(1)(a) of Act no. 124/2006 Coll., with the employer all health and safety at work issues related to their work. They cooperate with the employer and employee representative for health and safety at work pursuant to § 12(2)(b) of Act no. 124/2006 Coll., in the necessary scope so as to enable them to fulfil duties for ensuring health and safety at work and tasks set by the respective Labour Inspectorate or supervisory authority.

The employer pursuant to § 10 of Act no. 124/2006 Coll. must present documentation to employees or employee representatives for health and safety at work documentation and provide them appropriate time to comment on

a) the draft of the health and safety at work policy, its draft implementation programme and their evaluation,
b) proposal for the selection of work equipment, technology, organisation of work, for the working environment and on the workplace,
c) proposal for the appointment of professional staff for carrying out preventive and protective services and on tasks under § 8(1)(a), § 21(1), § 22(1) and § 26 of Act no. 124/2006 Coll.,
d) the performance of tasks of preventive and protective services, if these tasks are outsourced,
e) risk assessment, the setting and implementation of protective measures, including the provision of personal protective workgear and means of collective protection,

f) industrial accidents, hazardous incidents, occupational illnesses and other harm to health from work that arose at the employer, including the results of inquiries investigating their causes and on draft measures for action,
g) the manner and scope of informing employees, employee representatives for safety and appointed professional staff for performing preventive and protective services,
h) planning and arrangements for familiarising and informing staff and on training for employee representatives for safety.

Article 3, second sentence of the fundamental principles of the Labour Code (Act no. 311/2001 Coll., as amended) regulates that employers are required to create working conditions that enable staff to best perform work according to their abilities and skills, develop creative initiative and improve qualification.

§ 1(6) of the Labour Code provides that in employment relationships an employee's employment conditions and working conditions may be arranged more favourably than laid down by this Act (the Labour Code) or other employment regulation, unless this Act (the Labour Code) or other employment regulation expressly prohibits this or unless the nature of their provisions implies that no deviation from them is permitted.

§ 229(1) of the Labour Code provides that with a view to ensuring fair and satisfactory working conditions, employees shall participate in the employer's decision-making concerning their economic and social interests, and this directly or by means of the competent trade union body, works council or employee spokesperson; employee representatives cooperate closely with one another.

§ 229(4) of the Labour Code provides that employees shall participate by means of the competent trade union body, works council or employee spokesperson in creating fair and satisfactory working conditions by

a) co-decision-making,
b) discussion
c) right to information,
d) supervisory control activity.

§ 231 of the Labour Code provides that a trade union body conclude with the employer a collective agreement that arranges working conditions, including wage conditions and conditions of employment, relations between employers and employees, relations between employers or their organisations and one organisation or several organisations of employees more favourably than provided for by this Act or other employment regulation unless this Act or other employment regulation expressly prohibits this or unless the nature of their provisions implies that no deviation from them is permitted. Claims arising from a collective agreement to individual employees are to be exercised and satisfied as other claims of employees from the employment relationship. An employment contract is void in any part that arranges an employee's claims in a lesser extent than does the collective agreement.

The procedure in concluding collective agreements is laid down by a special regulation (Act no. 2/1991 Coll. on collective bargaining, as amended).

§ 151 of the Labour Code governs the working conditions and living conditions of employees:

(1) For improving the culture of work and working environments, the employer shall create appropriate working conditions and shall attend to the appearance and arrangement of workplaces, social facilities and personal sanitation amenities.

(2) The employer shall establish, maintain and improve the level of social facilities, sanitation amenities and, according to separate regulations, also health care facilities for employees.

(3) The employer shall be obliged to ensure the safekeeping, particularly of personal effects and personal items usually brought to the workplace by employees, as well as usual means of transport, if employees use them in journeying to and from work, with the exception of motor vehicles. The employer is bound by this duty also toward all other persons operating for it at its workplaces.

To address the questions of the ECSR, in case there is a violation of this right, a complaint to the Labour Inspectorate has to be filed in and after the Labour Inspectorate carries out an inspection, if the violation of the right to participate in determination and improvement of the working conditions is confirmed by the Labour Inspectorate, the inspectorate warns the employer to remedy this situation and if the employer fails to do so, the inspectorate is authorised to impose a fine amounting up to 100 000 EUR (Article 19 paragraph 1 letter a) of the Act on Labour Inspection).

§ 152 of the Labour Code provides for employees' catering:

"(1) The employer is required to ensure catering for employees in all shifts corresponding to the correct nutritional principles directly at workplaces or in their vicinity. The employer is not bound by this duty toward employees sent on a business trip, with the exception of employees sent on a business trip who worked more than four hours at their regular workplace. The employer's duty set out in the first sentence does not relate to employees in performing work in the public interest abroad.

(2) The employer shall ensure catering under paragraph (1) primarily through the provision of one hot main meal, including an appropriate drink for an employee during the course of a shift at its own catering facility, in a catering facility of another employer or ensure catering for its employees by means of a legal person or natural person authorised to mediate catering services, provided it mediates them at the premises of a legal person or natural person authorised to provide catering services. Entitlement to the provision of food pertains to employees who perform more than four hours work during the course of a shift. If a work shift lasts more than 11 hours, the employee may ensure the provision of another hot main meal.

(3) The employer shall contribute to catering under paragraph (2) in an amount of at least 55% of the price of the meal, though at most for each meal up to the amount of 55% of the allowance on a business trip lasting 5 to 12 hours under a separate regulation. In addition to this, the employee shall provide a contribution under a separate regulation.

(4) In ensuring catering for employees by means of a legal person or natural person authorised to mediate catering services, the price of a meal is deemed to mean the value of a meal voucher. The value of a meal voucher must represent at least 75% of the allowance provided on a business trip lasting 5 to 12 hours under a separate regulation.

(5) In ensuring catering for employees by means of a legal person or natural person authorised to mediate catering services by means of meal vouchers, the amount of the fee for the mediated catering services shall be at maximum 3% of the value of the amount stated on the meal voucher.

(6) The employer shall make a financial contribution to the employee in the amount referred to in paragraph (3) only if the employer's duty to ensure catering for employees is excluded by the conditions of performing work at the workplace, or if the employer cannot ensure catering under paragraph (2), or if an employee on the basis of a medical certificate from a specialised doctor cannot for health reasons use any of the employees' catering means ensured by the employer.

(7) The employer shall provide a financial contribution for catering under paragraph (6) also to an employee performing homeworking or teleworking, unless it ensures catering for the employee under paragraph (2) or if catering under paragraph (2) would be at variance with the nature of the homeworking or teleworking performed.

(8) The employer may, following discussion with employee representatives
a) adjust the conditions under which it is to provide catering for employees during holidays, obstacles at work or other excused absence from work,
b) make catering available to employees who work outside the schedule of work shifts for the same conditions as for other employees,
c) extend the range of natural persons for whom the employer provides catering and for whom it is to contribute to meal costs under paragraph (3)."

§ 146(1) of the Labour Code defines labour protection as a system of measures arising from legal regulations, organisational measures, technical measures, healthcare measures and social measures aimed at the creation of working conditions for ensuring health and safety at work, preserving the health and working aptitudes of the employee. Labour protection is an integral part of employment relationships.

Article 22 / point B

Under § 19 of Act no. 124/2006 Coll. the employer is required to appoint one or more employees as employee representatives for health and safety at work, and this on the basis of a proposal from the competent trade union body, works council or election by employees, if a trade union body or works council does not operate at the employer. The employee may be proposed or elected as the employee representative for health and safety at work only with his written consent. One employee representative for safety at an employer whose industry sector classification code is listed in annex 1 may represent at most 50 employees. In the case of other employers, one employee representative for health and safety at work may represent more than 50 employees, but not more than 100 employees.

The employee representative for health and safety at work is entitled to

a) inspect workplaces and check the fulfilment of measures from the aspect of arrangements for ensuring health and safety at work,
b) require information from the employer regarding facts affecting health and safety at work; he may discuss these with the trade union organisation or works council that

operates at the employer, and following agreement with the employer, also with experts in the given field, under the condition that no confidential information protected by special regulations is divulged,

c) cooperate with the employer and present proposals for measures for increasing the level of health and safety at work,
d) require from the employer the removal of identified shortcomings; if the employer fails to remove shortcomings to which it has been alerted, the employee representative for health and safety at work is entitled to file a complaint at the competent Labour Inspectorate or competent supervisory authority,
e) participate in meetings organised by the employer concerning health and safety at work, investigations into the causes of occupational accidents, occupational diseases and other incidents under § 17 of Act no. 124/2006 Coll., the measurement and evaluation of factors of the working environment, participate in control checks performed by the competent Labour Inspectorate or competent supervisory authority and request information from the employer on the results and conclusions of such controls and the implementation of measures imposed, their measurement and evaluation,
f) submit comments and proposals to the competent Labour Inspectorate or competent supervisory authority in the performance of a work inspection or supervisory inspection at the employer.

If no employee representative for health and safety at work has been appointed at the employer, the rights referred to above shall be performed by employees and the employer shall fulfil duties laid down by this Act that it has toward employee representatives for health and safety at work directly toward employees in a manner as ensures the appropriate participation of employees in the field of health and safety at work.

Under § 20 of Act no. 124/2006 Coll. an employer employing more than 100 employees shall establish as an advisory body a health and safety at work commission comprising employee representatives for safety, employer representatives, in particular experts in the given field, and in which employee representatives for safety shelf form a majority. The health and safety at work commission shall meet at least once a year.

The health and safety commission shall be entitled to

a) regularly assess the state of health and safety at work, the state and development of the rate of occupational accidents, occupational diseases and other incidents under § 17 of Act no. 124/2006 Coll. and evaluate other issues of health and safety at work, including the working environment and working conditions,
b) propose measures in the field of the management, control and improvement in the state of health and safety at work,
c) comment on all issues related to health and safety at work,
d) require from the employer essential information necessary for performing its activity.

The appointment of a commission for health and safety at work shall not prejudice the rights of employee representatives for health and safety at work. If no health and safety at work employee representatives have been appointed at an employer, employees may exercise the above-mentioned rights.

Under § 149(1)(e) of the Labour Code, a trade union body at an employer at which a trade union organisation operates has the right to check the state of health and safety at work and, in particular, to participate at meetings regarding issues of health and safety at work.

The Slovak Republic is bound by:

– Convention of the International Labour Organisation concerning occupational safety and health and the working environment. 155 of 1981 – Decree no. 20/1989 Coll. and point 51 of Notification no. 110/1997 Coll.,
– Convention of the International Labour Organisation concerning safety and health in construction no. 167 of 1988 – Notification no. 433/1991 Coll. and point 57 of Notification no. 110/1997 Coll.,
– Convention of the International Labour Organisation concerning safety and health in mines no. 176 of 1995 – Notification no. 110/1999 Coll.,
– Convention of the International Labour Organisation concerning safety and health in agriculture no. 184 of 2001 – Notification no. 385/2003 Coll.

Article 22 / point C

The seventh part of the Labour Code (no. 311/2001 Coll., as amended) regulates the employer's social policy;

§ 151 of the Labour Code – Working conditions and living conditions of employees:

"(1) For improving the culture of work and working environments, the employer shall create appropriate working conditions and shall attend to the appearance and arrangement of workplaces, social facilities and personal sanitation amenities.

(2) The employer shall establish, maintain and improve the level of social facilities, sanitation amenities and, according to separate regulations, also healthcare facilities for employees.

(3) The employer shall be obliged to ensure the safekeeping, particularly of personal effects and personal items usually brought to the workplace by employees, as well as usual means of transport, if employees use them in journeying to and from work, with the exception of motor vehicles. The employer may, following agreement with employee representatives, define the conditions under which it will also be responsible for the safekeeping of motor vehicles. The employer shall be bound also toward all other persons operating for it at its workplaces."

§ 152 of the Labour Code

"Employees' catering

(1) The employer is required to ensure catering for employees in all shifts corresponding to the correct nutritional principles directly at workplaces or in their vicinity. The employer is not bound by this duty toward employees sent on a business trip, with the exception of employees sent on a business trip who worked more than four hours at their regular workplace. The employer's duty set out in the first sentence does not relate to employees in performing work in the public interest abroad.

(2) The employer shall ensure catering under paragraph (1) primarily through the provision of one hot main meal, including an appropriate drink for an employee during the course of a shift at its own catering facility, in a catering facility of another employee or ensure catering for its employees by means of a legal person or natural person authorised to mediate catering services, if it mediates them at a legal person or natural person authorised to provide catering services. Entitlement to the provision of food pertains to employees who perform more than four hours work during the course of a shift. If a work shift lasts more than 11 hours, the employee may ensure the provision of another hot main meal.

(3) The employer shall contribute to catering under paragraph (2) in an amount of at least 55% of the price of the meal, though at most for each meal up to the amount of 55% of the allowance on a business trip lasting 5 to 12 hours under a separate regulation. In addition to this, the employee shall provide a contribution under a separate regulation.

(4) In ensuring catering for employees by means of a legal person or natural person authorised to mediate catering services, the price of a meal is deemed to mean the value of a meal voucher. The value of a meal voucher must represent at least 75% of the allowance provided on a business trip lasting 5 to 12 hours under a separate regulation.

(5) In ensuring catering for employees by means of a legal person or natural person authorised to mediate catering services by means of meal vouchers, the amount of the fee for the mediated catering services shall be at maximum 3% of the value of the amount stated on the meal voucher.

(6) The employer shall make a financial contribution to the employee in the amount referred to in paragraph (3) only if the employer's duty to ensure catering for employees is excluded by the conditions of performing work at the workplace, or if the employer cannot ensure catering under paragraph (2), or if an employee on the basis of a medical certificate from a specialised doctor cannot for health reasons use any of the employees' catering means ensured by the employer.

(7) The employer shall provide a financial contribution for catering under paragraph (6) also to an employee performing homeworking or teleworking, unless it ensures catering for the employee under paragraph (2) or if catering under paragraph (2) would be at variance with the nature of the homeworking or teleworking performed.

(8) The employer may, following discussion with employee representatives
a) adjust the conditions under which it is to provide catering for employees during holidays, obstacles at work or other excused absence from work,
b) make catering available to employees who work outside the schedule of work shifts for the same conditions as for other employees,
c) extend the range of natural persons for whom the employer provides catering and for whom it is to contribute to meal costs under paragraph (3)."

Act no. 152/1994 Coll. on the social fund and on the amendment of Act no. 286/1992 Coll. on income taxes, as amended, regulates, inter alia, in § 7(1) the use of the social fund:

"(1) The employer in implementing its social policy shall provide employees from the social fund a contribution toward

a) employees' catering beyond the scope set by a separate regulation,
b) transportation to and from work,
c) participation in cultural and sporting events,
d) recreation and services that the employee uses for regeneration work,
e) healthcare,
f) social assistance and monetary loans,
g) Supplementary Pension Saving Act, in addition to supplementary pension saving that the employee is required to pay under a separate regulation (Act no. 650/2004 Coll. on supplementary pension saving and on the amendment of certain acts, as amended),
h) further implementation of the corporate social policy in the field of employee care.

Details may be agreed and regulated in the respective collective agreement.

Article 22 / point D

Supervision over compliance with regulations governing the issue of ensuring health and safety at work are ensured by employees and employee representatives at the enterprise.

An employee is, under § 12(2)(j) of Act no. 124/2006 Coll. on Labour Inspection, as amended, required to promptly notify a managing employee or, as necessary, the safety technician or authorised safety technician, employee representative for health and safety at work, competent Labour Inspectorate or competent supervisory body of those shortcomings that could jeopardise health and safety at work, in particular any direct or serious threat to life or health, and according to his possibilities, participate in eliminating them.

Under § 149 of the Labour Code a trade union organisation at an employer at which a trade union organisation operates has the right to perform a control check over the state of health and safety at work, whereby it has the right in particular to

a) inspect how the employer performs its obligations regarding health and safety at work, and whether it systematically creates conditions for work that are safe and non-harmful to health, to regularly examine the employer's workplaces and facilities for employees, and to check the employer's management of personal protective workgear,
b) check whether an employer properly investigate the causes of occupational accidents, to participate in ascertaining the causes of occupational accidents and occupational diseases, or to investigate them itself,
c) require the employer to correct shortcomings in the operation, on machinery and equipment, or in working procedures, and to suspend work in the case of an imminent and serious threat to the life and health of employees and other persons present in the premises or at the employer's workplace with its knowledge,
d) alert the employer to overtime work and night work that could jeopardise the health and safety of employees,
e) participate in discussions on issues of health and safety at work.

The trade union body is required to draw up a protocol on any shortcomings. The protocol shall contain the name of the trade union body that carried out the inspection, the date and time of performing the inspection and the shortcomings found by the inspection in the operation, on machinery and facilities or in work procedures that the trade union body requires be removed. In the event of an imminent and serious threat to life and health, the protocol shall also contain a request to suspend work, with an indication of the work and time

from when the interruption to work is requested. The protocol shall include the employer's opinion regarding the shortcomings identified.

In the event of a request to interrupt work the trade union body is required to promptly notify the competent Labour Inspectorate body or competent body of the State Mining Authority. The trade union's request to interrupt work shall last until the employer has removed the shortcomings, else until the end of the review by the competent Labour Inspectorate body or competent state mining authority body.

Costs incurred in carrying out a control check over the state of health and safety at work shall be borne by the state.

The employee representative for health and safety at work is entitled, under § 19(3) of Act no. 124/2006 Coll.

- inspect workplaces and check the fulfilment of measures from the aspect of arrangements for ensuring health and safety at work,
- require from the employer the removal of identified shortcomings; if the employer fails to remove shortcomings to which it has been alerted, the employee representative for health and safety at work is entitled to file a complaint at the competent Labour Inspectorate or competent supervisory authority,
- submit comments and proposals to the competent Labour Inspectorate or competent supervisory authority in the performance of a work inspection or supervisory inspection at the employer.

If no health and safety at work employee representative has been appointed at the employer, the employees shall exercise the above-mentioned rights and the employer shall ensure adequate cooperation of employees in the field of health and safety at work.

Under § 13(1)(c) of 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, the Labour Inspectorate is required to inform the competent employee representative for health and safety at work, the competent trade union body and works council or employee spokesperson of the result from the labour inspection performed at the employer in the case of finding shortcomings.

Article 26 – The right to dignity at work

With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers' and workers' organisations:

1. to promote awareness, information and prevention of sexual harassment in the workplace or in relation
to work and to take all appropriate measures to protect workers from such conduct;
2. to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct.

Article 26/1

§ 2 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, provides:

"(1) Compliance with the principle of equal treatment consists in the prohibition of discrimination on the grounds of sex, religion or belief, race, nationality or ethnicity, disability, age, sexual orientation, marital status and family status, skin colour, language, political or other opinion, national or social origin, property, lineage or other status.

(2) In complying with the principle of equal treatment it is necessary to take account also of ethics for the purposes of extending protection against discrimination.

(3) Compliance with the principle of equal treatment consists also in the taking of measures to prevent discrimination."

§ 2a of the Anti-Discrimination Act provides:

"(1) Discrimination shall mean direct discrimination, indirect discrimination, harassment, sexual harassment or victimisation; discrimination shall also mean an instruction to discriminate or incitement to discriminate.

(2) Direct discrimination shall mean the action or omission where one person is treated less favourably than another person is treated or could be treated in a comparable situation.

(3) Indirect discrimination shall mean an apparently neutral provision, decision, instruction or practice that puts a person at a disadvantage compared with another person; indirect discrimination shall not mean a provision, decision, instruction or practice objectively justified by a legitimate interest pursued if such provision, decision, instruction or practice is appropriate and necessary for achieving such interest.

(4) Harassment shall mean conduct that creates or may create an intimidating, hostile, shameful, humiliating, degrading, disrespectful or offensive environment and whose intention consequence is or may be the violation of a person's freedom or human dignity.

(5) Sexual harassment shall mean verbal, non-verbal or physical conduct of a sexual nature whose intentional consequence is or may be a violation of a person's dignity and that creates an intimidating, degrading, disrespectful, hostile or offensive environment.

(6) An instruction to discriminate shall mean an action lying in the abuse of subordinate position of a person for the purpose of discrimination against a third person.

(7) Incitement to discrimination shall mean persuading, affirming or inciting a person to discriminate against a third person.

(8) Victimisation shall mean any action or omission that has an adverse consequence for a person and is directly connected with
a) seeking legal protection against discrimination on one's own behalf or on behalf of another person, or
b) giving testimony, providing an explanation or any other involvement of a person in proceedings in cases related to the violation of the principle of equal treatment,
c) a complaint alleging violation of the principle of equal treatment.

(9) Discrimination against a legal person shall mean failure to observe the principle of equal treatment in relation to that person for reasons under § 2(1) as regards its members, company partners, shareholders, members of its bodies, employees, persons acting on its behalf or persons on whose behalf the legal person acts.

(10) Denial or forbearance of discrimination by a person may in no way affect the subsequent treatment of that person or behaviour toward that person or constitute the basis for any decision relating to that person.

(11) Discrimination due to
a) sex shall also mean discrimination due to pregnancy or maternity, and discrimination due to sex or gender identification,
b) race, nationality or ethnic origin shall also mean discrimination due to the relationship to a person of a certain race, nationality or ethnic origin,
c) religion or faith shall also mean discrimination due to the relationship of a person of faith certain religion or faith, as well as the discrimination of a person without religion,
d) disability shall also mean discrimination due to a previous health impediment or discrimination of a person in the event that, based on the external signs of a person it would be possible to presume that the person has a disability."

§ 9 of the Anti-Discrimination Act provides:

"(1) Under this Act, every person shall be entitled to equal treatment and protection against discrimination.

(2) Any person who considers themselves to have been wronged in their rights, interests protected by law and/or freedoms through a failure to comply with the principle of equal treatment may pursue their claims at court. Such person may seek that the person failing to comply with the principle of equal treatment refrain from such contact and, where possible, rectify the illegal state or provide appropriate redress.

(3) Should appropriate redress not be satisfactory, in particular where the dignity, social status and social functioning of the victim has been considerably diminished, such person may also seek monetary compensation for non-pecuniary damages. The amount of monetary compensation for non-pecuniary damages shall be set by the court taking into account the severity of the non-pecuniary damage incurred and all circumstances in which the damage was incurred.

(4) The right to damage compensation or right to other compensation under separate regulations (for example § 41(9) of the Labour Code) shall not be prejudiced by this Act.

(5) Everyone is entitled to protection of their rights out of court through mediation (Act no. 420/2004 Coll. on mediation and on the amendment of certain acts)."

§ 11 of the Anti-Discrimination Act provides:

"(1) Proceedings in cases related to a violation of the principle of equal treatment are to be initiated at the petition of the person who protests that they have been wronged through a violation of the principle of equal treatment (hereinafter referred to as the "plaintiff"). In the petition, the plaintiff is required to identify the person who has allegedly violated the principle of equal treatment (hereinafter referred to as the "defendant").

(2) The defendant is required to prove that it did not violate the principle of equal treatment if the facts presented to the court by the plaintiff give rise to a reasonable assumption that such violation has indeed occurred.

(3) Proceedings in cases related to a violation of the principle of equal treatment shall be governed by the Code of Civil Procedure, unless this Act provides otherwise."

Also under § 13(1) to (3) of the Labour Code, an employer in employment relationships is required to treat employees in accordance with the principle of equal treatment laid down for the field of employment relationships 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).

In employment relationships there is prohibited discrimination of employees on the grounds of sex, marital or family status, sexual orientation, race, skin colour, language, age, unfavourable state of health or health disability, genetic traits, belief, religion, political or other conviction, trade union activity, national or social origin, nationality or ethnicity, property, lineage or other status.

The exercise of rights and obligations arising from employment relationships must be ethical. No one may abuse these rights and obligations to the detriment of the other party to the employment relationship or co-employees. No one may, at a workplace or in connection with work, be prosecuted or otherwise punished for lodging against another employee or their employer a complaint, charge or petition for criminal prosecution.

An employee has the right to lodge a complaint against the employer in connection with a violation of the principle of equal treatment, and the employer is required to promptly

respond to the employee's complaint, perform remedy, refrain from such conduct and eliminate its consequences.

An employee who believes that their rights or interests protected by law have been wronged through a violation of the principle of equal treatment or through unethical conduct, shall have recourse to the courts and may seek legal protection provided for under 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). Such person may seek that the person failing to comply with the principle of equal treatment refrain from such contact and, where possible, rectify the illegal state or provide appropriate redress.

With dignity at work there is closely related the expression decent work – decent work means work that is based on the application in practice of the four categories of fundamental principles and rights at work, namely:

a) freedom of association and the effective recognition of the right to bargain collectively,
b) elimination of all forms of forced or compulsory labour,
c) the effective abolition of child labour,
d) the elimination of discrimination as regards employment and occupation.

These four categories of fundamental principles and rights at work are contained in the eight key (fundamental) conventions of the International Labour Organisation by which the Slovak Republic is bound:

1. Convention of the International Labour Organisation concerning freedom of association and protection of the right to organise no. 87 of 1948 (no. 489/1990 Coll. and point 28 of Notification of the Ministry of Foreign Affairs of the Slovak Republic confirming the Slovak Republic's succession to obligations from the respective multilateral treaty documents of the International Labour Organisation, the depository of which is the Director General of the International Labour Office no. 110/1997 Coll. (hereinafter referred to as "Notification of the Ministry of Foreign Affairs of the Slovak Republic no. 110/1997 Coll.");

2. Convention of the International Labour Organisation concerning the application of the principles of the right to organise and bargain collectively no. 98 of 1949 (no. 470/1990 Coll. and point 33 of Notification of the Ministry of Foreign Affairs of the Slovak Republic no. 110/1997 Coll.");

3. Convention of the International Labour Organisation concerning forced or compulsory labour no. 29 of 1930 (no. 506/1990 Coll. and point 14 of Notification of the Ministry of Foreign Affairs of the Slovak Republic no. 110/1997 Coll.");

4. Convention of the International Labour Organisation concerning the abolition of forced labour no. 105 of 1957 (no. 340/1998 Coll.);

5. Convention of the International Labour Organisation concerning minimum age for admission to employment no. 138 of 1973 (no. 341/1998 Coll. and Editorial Notification on the correction of typographical errors in the announcement of the Ministry of Foreign Affairs of the Slovak Republic no. 341/1998 Coll. published in volume no. 140/1998 Coll.);

6. Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour no. 182 of 1999 (no. 38/2001 Coll.);

7. Convention of the International Labour Organisation concerning discrimination in respect of employment and occupation no. 111 of 1958 (no. 465/1990 Coll. and point 37 of Notification of the Ministry of Foreign Affairs of the Slovak Republic no. 110/1997 Coll.), and

8. Convention of the International Labour Organisation concerning equal remuneration of men and women workers for work of equal value no. 100 of 1951 (no. 450/1990 Coll. and point 35 of Notification of the Ministry of Foreign Affairs of the Slovak Republic no. 110/1997 Coll.).

Article 26/2

From § 2 of the Anti-Discrimination Act it follows that compliance with the principle of equal treatment lies also in adopting measures to protect against discrimination.

In the framework of an amendment to the Labour Code, Act no. 348/2007 brought a new Article 11 of the fundamental principles of the Labour Code, under which an employer may gather on an employee only personal data related to the employee's qualification and personal experience and data that may be significant in terms of the work that the employee is to perform, performs or has performed.

Under § 13(3) to (5) of the Labour Code the performance of rights and obligations arising from employment relations must be ethical. No one may abuse these rights and obligations to the detriment of the other party to the employment relationship or co-employees. No one may at a workplace or in connection with the performance of employment be prosecuted or otherwise punished for lodging against another employee or their employer a complaint, charge or petition for criminal prosecution.

The employer may not, without serious reasons relating to the specific nature of the employer's activities, disturb an employee's privacy at the workplace and in common areas of the employer's premises by monitoring him, making records of telephone calls made using the employer's technical working equipment and check e-mail sent from a work e-mail address and delivered to the address without the employer being first notified of this. If the employer introduces a control mechanism, the employer is required to discuss with employee representatives the extent of the control, the manner of its implementation and also its duration, and inform employees of the extent of the control, the manner of its implementation, and its duration.

An employee has the right to lodge a complaint against the employer in connection with a violation of the principle of equal treatment, and the employer is required to promptly respond to the employee's complaint, perform remedy, refrain from such conduct and eliminate its consequences.

An employee may claim their rights before a court, if the person considers that their rights, interests protected by law or freedoms are or have been prejudiced through non-compliance with the principle of equal treatment. The employee may seek that the person

failing to comply with the principle of equal treatment refrain from such contact and, where possible, rectify the illegal state or provide appropriate redress.

Employees harmed through a breach of obligations arising under employment relationships, before seeking to assert their rights at court may, under § 150(2) of the Labour Code lodge a petition at the competent Labour Inspectorate.

Labour Inspectorates perform supervision over compliance with employment regulations and, in the case of finding a breach of obligations arising thereunder, are entitled to penalise the employer, imposing a fine of up to €33 000 pursuant to 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.

Employees of the Labour Inspectorate are required to maintain confidentiality regarding petitions received for performing a labour inspection, as regards their content and the persons who lodged the petition, and to maintain confidentiality regarding facts concerning the labour inspection, which they learn of in performing a labour inspection.

Article 28 – Right of worker representatives to protection in the undertaking and facilities to be afforded to them

With a view to ensuring the effective exercise of the right of workers' representatives to carry out their functions, the Parties undertake to ensure that in the undertaking:

a. they enjoy effective protection against acts prejudicial to them, including dismissal, based on their status or activities as workers' representatives within the undertaking;
b. they are afforded such facilities as may be appropriate in order to enable them to carry out their functions promptly and efficiently, account being taken of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned.

Article 28 / point A

Article 10 of the fundamental principles of the Labour Code (Act no. 311/2001 Coll. as amended) regulates, inter alia, that trade union bodies shall participate in employment relationships, including collective bargaining. The works council or employee spokesperson participate in employment relationships under the conditions provided for by law (the Labour Code). The employer is required to enable a trade union body, works council or employee spokesperson to operate at its workplaces.

§ 11a of the Labour Code:

"Employee representatives

(1) Employee representatives shall mean the competent trade union body, works council or employee spokesperson. An employee representative for health and safety at work is also the employee for health and safety at work under a separate regulation (Act no. 124/2006 Coll. on health and safety at work and on the amendment of certain acts, as amended).

(2) In a cooperative, where employment entails membership in the cooperative, the employee representative for the purposes of this Act is a separate body of the cooperative elected by the members' meeting."

§ 240 of the Labour Code provides for conditions of activity of employee representatives and their protection:

"(7) Employee representatives, may not be disadvantaged or otherwise sanctioned by the employer for fulfilling tasks arising from their function.

(8) Employee representatives, during their term of office and for the period of one year following its end are protected against measures that could harm them, including termination of employment and which would be motivated by their standing of activity.

(9) An employer may immediately dismiss or give notice of termination to a member of the competent trade union body, member of the works council or employee spokesperson only with the prior consent of those employee representatives. Prior consent shall be deemed to be

given also if the employee representatives do not refuse in writing to grant the employer consent within 15 days from the day when the employer requested this. An employer may use the prior consent only within the term of two months from the date of it being granted.

(10) If employee representatives have refused to grant consent under paragraph (8), the notice of termination or immediate dismissal from the side of the employer shall be void for this reason; if other conditions for the notice of termination or immediate dismissal are satisfied and a court in a dispute under § 77 of the Labour Code finds that the employer cannot be fairly required to continue to employ the employee, the notice of termination or immediate dismissal shall be valid.

(11) Equal conditions of activity and protection under above paragraphs shall apply also to employee representatives for health and safety at work under a separate regulation *(Act no. 124/2006 Coll. on health and safety at work and on the amendment of certain acts, as amended).*"

§ 250 of the Labour Code provides for protection of members of a special negotiating body, members of the European Works Council and employee representatives conducting a different procedure for informing employees and consulting them.

Provisions of § 240 shall apply mutatis mutandis to members of a special negotiating body, to members of the European Works Council and employee representatives conducting a different procedure for informing employees and consulting them, to multinational information and to consultation.

The Slovak Republic is bound by:

– Convention of the International Labour Organisation concerning the freedom of association and protection of the right to organise no. 87/1948 – Notification no. 489/1990 Coll. and point 28 of Notification no. 110/1997 Coll.,

– Convention of the International Labour Organisation concerning the application of the principles of the right to organise and to bargain collectively no. 98/1949 – Notification no. 470/1990 Coll. and point 33 of Notification no. 110/1997 Coll.

Article 28 / point B

Under Article 10 of the fundamental principles of the Labour Code (Act no. 311/2001 Coll., as amended) employees and employers have the right to collective bargaining; in the case of a conflict between their interests, employees have the right to strike and employers have the right to impose a lockout. Trade union bodies participate in employment relationships, including collective bargaining. The works council or employee spokesperson participate in employment relationships under the conditions provided for by law. The employer is required to enable a trade union body, works council or employee spokesperson to operate at its workplaces.

§ 136 of the Labour Code regulates obstacles at work for reasons of general interest under paragraphs (2) and (3):

“(2) An employer shall release an employee for a long period of time for the performance of a public function or performance of a trade union function. The employee shall not be entitled to wage compensation from their employer.

(3) An employer shall release an employee for a long period of time for the performance of a function in a trade union operating at the employer under the conditions agreed in the collective agreement, and for the performance of a function of a member of the works council following agreement with the works council.”

§ 240 of the Labour Code provides for conditions of activity of employee representatives and their protection:

“(1) Employee representatives’ activity that directly relates to the fulfilment of the employers’ tasks shall be deemed performance of work for which the employee shall be entitled to wages.

(2) The employer shall provide time off from work pursuant to § 136(1) of the Labour Code for the performance of employee representatives’ functions and for their participation in training provided by the competent trade union body, works council or the employer, unless important operating reasons prevent this.

(3) The employer shall provide a member of a trade union body for a non-organisation activity, a member of the works council for activity of the works council, or an employee spokesperson for his activity paid time off for a time agreed between the employer and trade union organisation or between the employer and works council or between the employer and employee spokesperson. If no agreement is reached, the employer shall provide, on the basis of the division of time off according to the sixth sentence to members of a trade union body for activity of the trade union organisation and to members of the works council for activity of the works council or to an employee spokesperson for his activity paid time off monthly in an aggregate extent set as the product of the average number of employees working at the employer during the preceding calendar year and the time allocation of 15 minutes. If the employer in the preceding calendar year did not employee employees, this figure shall be based on the number of employees as at the last day of the calendar month preceding the calendar month in which time off is to be provided. If several employee representatives operate at an employer, they shall notify the employer in writing of the division of time off according to the first sentence or second sentence. If the employee representatives do not agree on the division of time off, the division of time off shall be decided by an arbitrator appointed by them; employee representatives shall not be entitled to time off up until the time of the written notification of the division of time off to the employer. The division of time off between individual members of a trade union body shall be decided by the trade union body, the division between individual members of the works council shall be decided by the works council; the trade union body and the works council shall notify the employer in writing of this division. In the collective agreement or in an agreement with employee representatives there shall be agreed the conditions under which the trade union organisation, works council or employee spokesperson are entitled to monetary compensation for undrawn time off under the first and second sentence.

(4) The employer has the right to check whether an employee uses the time off provided under paragraph (3) for the purpose for which it was provided. Conditions for performing the check referred to in the first sentence may be agreed in the collective agreement or in an agreement with employee representatives.

(5) For the necessary operating activity, the employer shall, within the scope of its operational possibilities, provide employee representatives free of charge and in an appropriate scope rooms with the necessary equipment and pay costs connected with their maintenance and technical operation.

(6) Employee representatives, professionals fulfilling tasks for employee representatives are required to keep confidential any facts they learn of in performing their function and which the employer has marked as confidential. This obligation persists also for one year following the end of the function, unless a special regulation provides otherwise.

(7) Employee representatives, may not be disadvantaged or otherwise sanctioned by the employer for fulfilling tasks arising from their function.

(8) Employee representatives, during their term of office and for the period of six months following its end are protected against measures that could harm them, including termination of employment and which would be motivated by their standing of activity.

(9) An employer may immediately dismiss or give notice of termination to a member of the competent trade union body, member of the works council or employee spokesperson only with the prior consent of those employee representatives. Prior consent shall be deemed to be given also if the employee representatives do not refuse in writing to grant the employer consent within 15 days from the day when the employer requested this. An employer may use the prior consent only within the term of two months from the date of it being granted.

(10) If employee representatives have refused to grant consent under paragraph (9), the notice of termination or immediate dismissal from the side of the employer shall be void for this reason; if other conditions for the notice of termination or immediate dismissal are satisfied and a court in a dispute under § 77 finds that the employer cannot be fairly required to continue to employ the employee, the notice of termination or immediate dismissal shall be valid."

Equal conditions of activity and protection, other than the provision of time off, apply also to employee representatives for health and safety at work under a separate regulation (Act no. 124/2006 Coll. on health and safety at work and on the amendment of certain acts, as amended).

Article 29 – The right to information and consultation in collective redundancy procedures

With a view to ensuring the effective exercise of the right of workers to be informed and consulted in situations of collective redundancies, the Parties undertake to ensure that employers shall inform and consult workers' representatives, in good time prior to such collective redundancies, on ways and means of avoiding collective redundancies or limiting their occurrence and mitigating their consequences, for example by recourse to accompanying social measures aimed, in particular, at aid for the redeployment or retraining of the workers concerned.

Provisions governing collective redundancies are laid down in § 73 of the Labour Code (Act no. 311/2001 Coll., as amended) as follows:

(1) Collective redundancy is where the employer or a part of the employer terminates the employment relationship by notice for reasons referred to in § 63(1)(a) and (b), or where the employment relationship is terminated by another method for reason not lying in the person of the employee, during the course of 30 days

a) with at least 10 employees at an employer who employees at least 20 and fewer than 100 employees,
b) with 10% of employees of the total number of employees at an employer who employees at least 100 and fewer than 300 employees,
c) with at least 30 employees at an employer who employees at least 300 employees.

(2) With a view to reaching agreement, the employer shall be obliged, at least one month prior to commencing collective redundancies, to discuss with employee representatives measures enabling the collective redundancies to be averted or reduced, primarily to discuss the possibility of their placement in suitable employment at the employer's other workplaces, and this also following prior preparation and measures for mitigating adverse consequences of the employees' collective redundancy. For this purpose, the employer shall be obliged to provide employee representatives all necessary information and inform them in writing, in particular as to

a) the reasons for the collective redundancy,
b) the number and structure of employees with whom employment is to be terminated,
c) the overall number and structure of employees employed by the employer,
d) the period over which the collective redundancies shall be made,
e) the criteria for selecting employees to be subject to termination of employment.

(3) The employer shall deliver a transcript of the written information pursuant to paragraph (2), together with the first names, last names and residential addresses of employees with whom employment is to be terminated, concurrently also to the Office of Labour, Social Affairs & Family for the purposes of seeking solutions to problems associated with the collective redundancy under paragraph (7).

(4) Following consultation of the collective redundancy with employee representatives, the employer is obliged to deliver written information on the outcome from the consultation to the

a) National Labour Office;

b) employee representatives.

(5) Employee representatives may submit to the National Labour Authority comments concerning the collective redundancy.

(6) In the case of a collective redundancy, the employer may give notice of termination to an employee for reasons referred to in § 63(1)(a) and (b) of the Labour Code or a proposal for terminating the employment relationship by agreement for the same reasons no earlier than one month from the day of delivering the written information under paragraph (4)(a).

(7) The period stipulated in paragraph (6) shall be used by the labour office for searching for solutions to problems associates it with the planned collective redundancy. The Office of Labour, Social Affairs & Family may for objective reasons appropriately shorten the period under paragraph (6), and shall promptly inform the employer of this in writing.

(8) If the employer violates obligations laid down in paragraphs (2) to (4) and (6), the employee with which the employer is to terminate the employment relationship in the framework of a collective redundancy shall be entitled to wage compensation in the amount of at least twice his average earnings under § 134 of the Labour Code.

(9) The provisions of paragraphs (1) to (8) shall not apply to

a) termination of an employment relationship concluded for a limited period of time, through the expiry of that period,
b) crew members of vessels flying the flag of the Slovak Republic.

(10) The provisions of paragraphs (6) to (8) shall not apply to an employer that has been declared bankrupt by a court (Act no. 7/2005 Coll. on bankruptcy and restructuring, and on the amendment of certain acts, as amended, Ministry of Justice Decree no. 665/2005 Coll. implementing certain provisions of Act no. 7/2005 Coll. on bankruptcy and restructuring and on the amendment of certain acts, as amended).

(11) If no employee representatives operate at an employer, the employer shall fulfil the obligations referred to in paragraphs (2) to (4) directly toward the employees concerned.

(12) Obligations referred to in paragraphs (2) to (4) are to be fulfilled by the employer also where the decision on the collective redundancy has been taken by a controlling employer referred to in § 243(3) of the Labour Code.

(13) For the purpose of collective redundancy, a part of an employer shall be deemed to mean also an organisational unit of an employer that has the status of a branch plant entered in the Commercial Register under a separate regulation.”

Employee representatives are the competent trade union body, works council or employee spokesperson (§ 11a of the Labour Code).