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soumis par

LE GOUVERNEMENT DE REPUBLIQUE SLOVAQUE

(pour la période du 1 janvier 2005 au 31 décembre 2006 --)

sur les articles 1, 9, 10, 15, 18, 20 de la Charte
et Article 1 du Protocole additionnel

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

The European Social Charter

The Fifth Report of the Slovak Republic

on the implementation of the European Social Charter

Submitted by

The Government of the Slovak Republic

(for the reference period of 1 January 2005 – 31 December 2006:
(Articles 1,9,10,15,18,20 of the Charter and Article 1 of the Additional Protocol)

FIFTH REPORT

submitted in accordance with the provisions of Article 21 of the European Social Charter
by the Government of the Slovak Republic
for the reference period of 1 January 2005 to 31 December 2006

on the measures taken with a view to giving effect to the accepted provisions of the
European Social Charter, the ratification instrument of which
was deposited on 22 June 1998

Within the meaning of Article 23 of the Charter a copy of this report was submitted to:

Employees' representative organisations:

- Confederation of Trade Unions of the Slovak Republic (KOZ SR)

Employers' representative organisations:

- Federation of Employers' Associations and Unions of the Slovak Republic (AZZZ SR),
National Employers' Union (RÚZ).

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ARTICLE 1: THE RIGHT TO WORK

Article 1 paragraph 1

„With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;”

With a view to achieving and maintaining full employment the Government of the SR implements and will implement a number of tasks in the area of employment policy. The Government of the SR links its efforts to raise employment with the creation of new jobs through appropriately stimulated investments, increasing the attractiveness of jobs, the quality of work, and the labour productivity, through joining the knowledge-based economy and reducing the proportion of in-work poverty.

Active labour market policy (ALMP) measures serve to increase the rate of employment and reduce unemployment. Legislative framework for the implementation of ALMP measures includes the Act No. 5/2004 Coll. on the employment services and on amending of certain acts, as later amended (hereinafter Act No. 5/2004 Coll.) The cited act provides for the right of entitlement to most ALMP tools and creates conditions for co-financing ALMP measures from the ESF through National Projects and driven projects. The ALMP tools are focused on increasing employment, improving employability of jobseekers and job changers, supporting employment of the disadvantaged jobseekers, namely by encouraging job creation and self-employment.

In 2006, too, **the active labour market policy** was implemented by the Offices of Labour, Social Affairs and Family pursuant to the Act 5/2004 Coll. particularly through the National Projects (given in the table) the objective of which was primarily to increase employability of jobseekers, with an emphasis on the disadvantaged groups, through the education and training for the labour market, the professional counselling services, the school leaver’s work experience, the activation activity and the work mobility allowance, as well as the support of employment by allowances for self-employment, allowances for employers to employ disadvantaged jobseekers, contributions to set up sheltered workshops and sheltered workplaces, allowances to reimburse part of the operating costs of sheltered workshops and sheltered workplaces and employee transportation cost. The measures and tools for increasing employment have effect on the occupational and territorial mobility of the labour force.

National projects implemented in the period 2005 – 2006, including the ALMP areas that the projects cover

National project title	ALMP
National project I – Supporting employment of the unemployed with an emphasis on the long-term unemployed and the groups disadvantaged in the labour market	§ 49 start-up allowance to carry out or operate self-employment § 50 job creation allowance for employers employing the disadvantaged jobseekers
National project II – Support for the employment of persons with disabilities	⇨ § 56 allowance for setting up a sheltered workshop or a sheltered workplace and for their retention ⇨ § 57 allowance to persons with disabilities to operate or undertake self-employment ⇨ § 59 allowance for the activity of a work assistant ⇨ § 60 allowance for reimbursement of operating costs of a sheltered workshop or a sheltered workplace and for transport expenses for employees
National project III A– Education and training for the labour market and employee work experience	⇨ § 46 education and training for the labour market for a jobseeker and job changer
National project V – Activation of the long-term unemployed and the unemployed with low motivation dependent on the social assistance benefit	⇨ § 52 allowance for activation
National project VII A – Modernisation of employment services through supporting development of tools and forms of information and counselling	⇨ § 42 Information and counselling services
National project VII B – Raising effectiveness, modernisation and extending the range of professional counselling services	⇨ § 43 provision of reimbursement of part of travel costs relating to the jobseeker's participation in the activities determined in the individual action plan e
National project VIII – Increasing the range and quality of placement services	⇨ § 32 provision of reimbursement of part of travel costs relating to the jobseeker's participation in an interview or a selective procedure
National project IX – School leaver 's work experience	⇨ § 51 allowance for carrying out school leaver's work experience
National project XI – Theoretical and practical preparation of employees for the acquisition of new knowledge and skills	⇨ § 47 education and training for the labour market of an employee

Source: Implementation of ALMP tools in 2005,2006 Central Office of Labour, Social Affairs and Family

The aim of ALMP is to increase employability and to support job creation. The following active labour market policy tools were used in 2005,2006 with a view to increasing employability of jobseekers:

- ⇨ § 42 Information and counselling services
- ⇨ § 43 Professional counselling services

- ⇒ § 46 Education and training for the labour market of the jobseeker (JoS) and the job changer (JoC)
- ⇒ § 51 Allowance for carrying out school leaver's work experience
- ⇒ § 52 Allowance for activation activity
- ⇒ § 54 – Projects implemented by the Offices of Labour, Social Affairs and Family (OLSAFs) directed at innovative forms of jobseekers' labour market integration.

Within the support for the creation of new jobs, the following active labour market policy tools were used in the first half of 2005:

- § 49 Start-up allowance to carry out or operate self-employment
- § 50 Job creation allowance for employers employing the disadvantaged jobseekers
- § 54 Projects and programmes
- § 56 Allowance for setting up a sheltered workshop or a sheltered workplace and for their retention
- § 57 Allowance to persons with disabilities to operate or undertake self-employment
- § 59 Allowance for the activity of a work assistant

In 2006, the Offices of Labour, Social Affairs and Family activated a total of 333,5 thousand jobseekers by means of active labour market policy tools, which comprised 53 % of the number of jobseekers that could be included in the ALMP tools during the year. The number of jobseekers activated increased relative to the year 2005 by more than 73 thousand, while the number of jobseekers who could have been involved in active labour market policy tools decreased by 66, 8 thousand persons. Implementation of the demand-driven projects continued as well.

The following outline shows the development in the support of self-employment, job creation and other active labour market policy tools in 2005 – 2006:

ALMP tool	Year 2005		Year 2006	
	Number of created /occupied posts, or number of persons included, or number of jobs supported, in thousand	Negotiated amount of funding in SKK, in thousand	Number of created /occupied posts, or number of persons included, or number of jobs supported, in thousand	Negotiated amount of funding in SKK, in thousand
§ 46	35,7	263,709,6	8,377	55 127,7
§ 47	64	496, 7	1,228	21 853,5
§ 49	9,908	601 105,9	10,5	674 463,3
§ 50	3,087	228 953,6	3,490	266 300,7
§ 51	24,9	334 310,3	14,5	138 253,8
§ 52	137,5	828 673,6	218,1	1 094 856,4
§ 56	362	5 ,798,3	638	114 215,8
§ 57	271	42 195,1	405	76 448,8
§ 59	58	9 076,4	60	15 242,0
§ 60	2,731	109 060,7	2,793	121 389,9
§ 110 Act	1,891	5 478,1	0	0

387/96 Coll.				
Total	216,3	2 477 858,4	260,1	2 578 151,9

The average negotiated amount of funding per 1 created–occupied post, or 1 included person , or 1 supported job (in SKK, in thousand)		
ALMP tool	Year 2005	Year 2006
§ 46	7,4	6,6
§ 47	7,8	17,8
§ 49	60,7	64,4
§ 50	74,2	76,3
§ 51	13,5	9,5
§ 52	6,1	5,0
§ 56	151,4	179,0
§ 57	155,7	188,8
§ 59	156,5	254,0
§ 60	39,9	43,5
§ 110 Act 387/96 Coll.	2 897	0
Total	11,5	9,9

Source: Central Office of Labour, Social Affairs and Family

The Ministry of Labour, Social Affairs and Family of the SR is currently working on the **amendment of the Act No. 5/2004 Coll.** with **proposed effect from 2008**, which in addition to the existing active labour market policy tools proposes to put in place new tools and measures promoting employment and employability of the disadvantaged jobseekers, including the long-term unemployed. The new active labour market tools are focused on:

- **supporting increased employability** of jobseekers,
- **supporting entry to and remaining** on the labour market of the **disadvantaged jobseeker groups**, the long-term unemployed in particular,
- **supporting the retention of employment**, particularly for the long-term unemployed, for persons with disabilities and persons who took up employment and owing to their low level of qualification carry out poorly-paid occupations,
- **better targeting** of new active labour market policy tools at the **disadvantaged** jobseekers,
- **extending the supported groups of disadvantaged** jobseekers,
- **activating partnership at regional and local levels** established to tackle the problems of regional employment, particularly on the basis of projects and programmes,
- **involving municipalities and creating their associations** for addressing unemployment of their populations,
- extending **the competencies of the public employment services** designed to **step up the turnover on the registers** of jobseekers.

Question B

The high economic growth of Slovakia has accelerated the growth in employment of the Slovak population, which speeded up to 3.8% in 2006, or 2.2 % on the territory of the

Slovak Republic as almost 160 thousand persons worked abroad, which was up by more than a quarter compared with the year 2005.

Unemployment decreased significantly, particularly in the second half of 2006, when the rate of registered unemployment reported historically lowest values and, for the first time since 1997, got below the level of 10 percent. According to the international methodology, the rate of unemployment in Q4 of 2006 fell to 12.0 %, with the average unemployment rate for 2006 at 13.3 percent. However, long-term unemployment persists at a high level. The significant gaps in monthly earnings between men and women also persist, with women earning 27% less than men in 2006.

The average gross money wage of the employee increased in 2006 against in 2005 8 % and achieved 17 761 SKK. In 2006, real wages rose 3.3 %, which was less by half than in 2005.

Along with the growth in employment, the overall rate of employment of persons aged 15-64 was rising, reaching, in 2006, an average level of 59.4%, or a year-on-year increase by 1.7 percentage points. The rate of employment rose, both, for men and women. From the age perspective, there has been some growth in employment recorded in 2006 in all age groups (with the exception of 15-24 year olds), the most significant increase was seen in the 55-59 age group. A longer-term decline in the number of people in employment aged 15 - 24 years is due to the increased number of persons in vocational training, as well as the increased number of people on parental leave over the last two years. It was primarily the raising of the statutory retirement age that has operated to account for the dynamic growth in the number of people in employment aged 55-59 years.

Raising the employment of older people and the implementation of the principles of active ageing have currently been implemented under separate policies (the active labour market policy, the pension policy, the strategy of lifelong learning). The SR managed to increase employment of older people (aged 55-64) from 33% in 2005 to 35.1% in 2006.

However the older people age cohort is distinct with its significant gaps between the rate of employment for men and women. This gap was a consequence of the different rate of increasing the retirement age to 62 years the overall decline of unemployment for this age group, a reduced contribution burden for employers employing older citizens, and a principle according to which seniors can continue active work while drawing pensions.

In terms of education, the highest specific level of employment was achieved by persons with higher second- and third-level education (more than 80%, or 90%). On the contrary, the specific level of employment for persons with primary education was below 15 percent.

The employers' pressure on low price of labour, as a comparative advantage of their business interest, is linked with higher mobility of the SR population abroad. This also opens up room for attracting cheaper labour force to the Slovak Republic which is not significant yet, with only around 7 thousand foreign persons that work in the SR the majority of which are EU citizens. On the other hand, increasingly more people from the Slovak Republic leave the country to work abroad, some with their children, which is the result of the lower price of labour in the SR and better earning prospects abroad. Lower mobility of the labour force within the Slovak Republic contributes to the low rate of employment in the eastern regions, the structural unemployment and the slow transition of young people from school to work.

The favourable development in the main macroeconomic indicators, and, in particular, the increased dynamics of the economic growth of recent years have contributed significantly to the growing demand for labour, which was reflected in the decline of the rate of unemployment and an increased number of people in employment.

Employment

The average figures of people in employment (according the Labour Force Survey) in 2006 went up 3.8%, as compared with 2005, which in absolute terms comprised a growth by 85,2 thousand persons working, with a steadily increasing dynamics in the number of working persons. The total average number of persons in employment in 2006 (2 301.4 thousand persons) reached its highest level since 1993 (for the entire period of SR independent existence). In parallel with the growing number of working people the rate of employment of people of productive age also increased (in productive age 15 – 64 years) which has been achieved average level 59,4 % and it has been increase up 1,7 % during the employment rate of the men has been increased up 2,3 % to 66,9 % and of the women up 1% to 51,9%.

Compared with previous years, the number of people working, as well as the overall rate of employment in 2006 went up in all SR regions. The Bratislava Region has been maintaining the highest rate of employment for productive age on long term (in 2006 it was 69.8 %) and the lowest employment rate was in the Košice Region (in 2006, it was 51.5 %). In 2005-2006, the increase in the rate of productive age employment was most significant in the Nitra Region (up 2.4 percentage points; for more information, see the tables in the Annex).

Of the total number of persons working in 2006, 87% were employees and 12.5 % were entrepreneurs. The remaining 0.5 % were family members of the entrepreneurs households helping out, and non-specific workers.

From the aspect of sectors of economic activities, employment was rising particularly in the service sector, (for 2005 – 2006, by 4.6 %), as well as in the sector II (for 2005 – 2006, by 3.9 %). On the other hand, there has been a decline in the working persons in sector I (for 2005 –2006, by 4.3 thousand persons, or 4.1 %). Within the service sector the most intense growth was recoded for the period of 2005 - 2006 in the branches of hotels, restaurants (by 12.7 %) and financial intermediation services (by 7,7 %). In industry, the number of persons working for the period under review increased on average by 2,7% and in the construction, by 7,8 %.

The growth of employment in the private sector has been a positive operating factor of the change in the employment structure throughout the entire period under review. In 2006, the private sector accounted for 75.9 % of the total average employment in the Slovak Republic.

A positive development was recorded also in the area of part-time employment. In 2005 this form of employment was used by 1.9 % of the total number of employees in the SR (1.2 % for men and 2.8 % for women); in 2006 the proportion went up to 2.9 %. It was

particularly women whose proportion working part-time has increased (to 4.7 %, as compared with men where the proportion rose to 1.7 %)

According to statistical reporting there has been progressive increase in the proportion of people with fixed-term contracts. In 2005 that was 11.5 % and in 2006 the proportion increased to 12.8 percent.

Unemployment

According to the Labour Force Survey unemployment in the SR was falling for the second year in a row, and in 2006 it reached, on average, 353.4 thousand persons, down by 74.1 thousand unemployed over the preceding year. The year-on-year decline in the number of jobless people, by 17.3% in relative terms, has been reflected also in the decreased average rate of unemployment. The unemployment rate in 2006 reached an average of 13.3% according the Labour Force Survey, down by 2.9 percentage points over the year 2005. The level of unemployment has a significant falling trend, which is evidenced in the fact that the average rate was lowest since 1999. The year-on-year drop in absolute figure of the unemployed was more intense for men (by 19.7 %) than for women, where the number of unemployed women fell by 14.7 percent.

The rate of unemployment in men reached the level of 12.2 % and was falling, year-on-year, by 3.1 percentage points, while the rate of unemployment in women fell 2.5 percentage points, reaching the level of 14.7 percent. However, the gap between the level of unemployment rate for men and women grew- relative to the preceding year, by 0.6 percentage points (when in 2005 the unemployment rate of men was lower by 1.9 percentage points and the difference in 2006 increased to 2.5 percentage points).

The specific rate of unemployment for young people (aged 15-24 years) reached 27.1 % and was down by 2.6 percentage points over the year 2005.

The specific rate of unemployment for older people (aged 55-64 years) reached 9.8 % and was lower by 3.5 percentage points over the year 2005.

The lowest unemployment in the period under review was in the Bratislava Region, (in 2006 it was only 4.3 %) and further to the east of Slovakia the level of unemployment gradually increases. The highest rate of unemployment in 2006 was in the Banská Bystrica Region, (21.1 %) and in the Košice Region (20.3 %).

Despite the rate of long-term unemployment (the proportion of long-term unemployed in the total number of economically active) coming progressively down (from 11.1 % in 2002 to 9.7 % in 2006), the proportion of the long-term unemployed in the total number of the unemployed remained very high, and did not get below 50% in none of the years under review (for more detailed information, see the data in the tables of the Annex)

Question C

The job vacancies figure – includes the number of newly created jobs, unoccupied jobs or about to be vacant jobs, as of the last day of the quarter in respect of which the employer takes active steps to find a suitable candidate from outside the enterprise and is

prepared to take more steps to fill the vacancy immediately, or within three months. As vacancy is also regarded a post to be vacated by reason of the long-term absence in work (maternity, parental leave) and long-term incapacity for work (more than 4 weeks).

The information on job vacancies has been publicised by the Statistical Office of the SR since 2004, hence their development is only shown for the years 2004 to 2006. The data used in the evaluation of the development are the annual averages of the data from the quarterly statistical reporting, including estimates for trade license holders.

The economic growth in the national economy was also reflected in the job creation: the average number of job vacancies in 2006 increased compared with the year 2005 up 3704 job vacancies.

The development in job vacancies, by Branch Classification of Economic Activities (NACE) in 2005 to 2006 is shown in the following tabular outline:

Job vacancy	2005	2006
Total national economy of the SR	14,006	17,710
A Agriculture, hunting and forestry	199	174
B Fishing, fish farming		1
C,D,E Industry, total	3,851	4,853
C Mining and quarrying	44	32
D Manufacturing	3,129	4,210
E Electricity, gas, water supply	679	611
F Construction	990	1,151
G Wholesale, retail trade, repair of motor vehicles, motorcycles, personal household goods	1,654	2,156
H Hotels and restaurants	413	485
I Transport, storage, post and telecommunications	972	2,118
J Financial intermediation	677	626
K Real estate, renting and business activities	922	1,114
L Public administration, defence, compulsory social security	2,739	3,077
M Education	514	525
N Health and social work	517	860
O Other community, social and personal service activities	560	573

Source: Statistical Office of the SR

Relative to the year 2005, the highest percentage increase was seen in transport, storage, post and telecommunications, health and social work, and in construction. A faster growth than national average was the growth of job vacancies in hotels and restaurants, wholesale, retail trade and real estate and business activities. A lower than the national average increase in job vacancies in comparison with 2005 was recorded in public administration, manufacturing, hotels and restaurants. A percentage loss in the average number of job vacancies relative to 2005 was reported in mining and quarrying, in electricity, gas and water supply, other community service activities, agriculture, hunting and forestry, financial intermediation and public administration and defence.

The development in job vacancies according to the classification of occupations in 2005 to 2006 is shown in the following tabular outline:

Job vacancies	2005	2006
Total national economy (SR)	14,006	17,710
1 Legislators, senior officials, and managers	416	502

2	Professionals	2,439	2,191
3	Technicians and associate professionals (health, education and related areas)	3,405	2,952
4	Clerks	897	1,139
5	Service workers and shop and market sales workers	1,388	1,862
6	Skilled agricultural and fishery workers and related areas workers (except plant and machine operators)	45	69
7	Craft and related trade workers, repair (except plant and machine)	3,032	3,242
8	Plant and machine operators and assemblers	1,852	2,284
9	Elementary occupations	533	876
10	Armed forces (professional soldiers)	.	2,593

Source: Statistical Office of the SR

Relative to the year 2005, the highest percentage increase in job vacancies was seen in Category 9, Elementary occupations, and Category 5, Service workers and shop and market sales workers. A lower than the national average increase in job vacancies was recorded in all the remaining categories, except Category 2, Professionals and 3 Technicians and associate professionals (health, education and related areas) in which there was a percentage loss compared with 2005.

By regional aspect, there were 17,858 job vacancies available, as of 31 December 2006, in the SR economy, of which most vacancies were reported in the Bratislava Region (7,319). In the remaining regions the number of job vacancies ranged from 1,150 (Prešov Region) to 2,297 (Žilina Region). The year-on-year number of job vacancies was higher in almost all regions except the Prešov Region (down by 17.1%). The highest increase was in the Žilina (98.4%), Košice (74%) and Trnava regions (60.3%).

Region	Job vacancies		
	Number as of 31 December 2006	Proportion in the SR in %	Indices 2006/2005
Bratislava Region	7,319	41.0	132.6
Trnava Region	1,419	7.9	160.3
Trenčín Region	1,698	9.5	130.1
Nitra Region	1,188	6.7	112.4
Žilina Region	2,297	12.9	193.4
Banská Bystrica Region	1,442	8.1	131.9
Prešov Region	1,150	6.4	82.9
Košice Region	1,345	7.5	174.0
Total SR	17,858	100.0	135.2

Source: Statistical Office of the SR

Supplementary question of the Committee for Article 1

The Committee repeatedly requests the information on unemployment of minority groups. In this respect it requests the commentary to its previous conclusions regarding the overrepresentation of the Roma amongst the unemployed. .

The fact that a substantial section of the Roma ethnic group currently faces marginalisation on the labour market, or is even excluded from the formal labour market, has its deep historical roots. Although the information on the position of the Roma on the labour market is not numerous we can identify several factors on its basis that currently create and maintain their marginalized and excluded labour market position.

The most important would include:

- the low level of education and qualification;
- the presence of concealed discrimination against the Roma ethnic group on the part of the majority, or employers (having a reputation of unreliable workers, without work ethics, discipline and motivation). According to the *line theory*, the Roma are always the last in the imaginary line of the job seekers for employers who act exclusively on the market principles;
- the low status of housing, living conditions and the inadequate health state. The Roma dwellings, apart from being overcrowded, are often absolutely inadequate in terms of hygiene and sanitation. That has a considerable effect on the health condition of the population living in these dwellings and on the reproduction of the labour force;
- sustained high rate of (long-term) unemployment and the associated devastation of the human capital and the loss of work habits.

Beside these factors, a number of global macrostructural factors have a bearing on the marginalized labour market position of the Roma, which affect the country as a whole. They include for example the radical recession in the heavy industry where the Roma largely used to find jobs in the previous regime, the dissolution of collective farms employing also large sections of the Roma, the changes in the structure of the demand for unskilled labour force on the labour market, the growing competition from the foreign labour force, etc.

Presentation of the current state

Based on the scarce data and statistics available we may note that the unemployment of the Roma is very high, in certain localities reaching as much as 100%. According to the National Labour Office, which, by the year 1999, was recording also ethnic data on the unemployed, the Roma make up approximately 20% of all unemployed.

The specific feature about the Roma unemployment is that it mostly involves long-term unemployment, i.e. permanent and uninterrupted periods of unemployment lasting for more than a year. What is characteristic, is not only the high proportion of long-term unemployed from the ranks of the Roma population (the Roma make up 52.26% of all persons unemployed in excess of 48 months) but also the high average duration of registration on the register of the unemployed (circa 2.5 year).²

Although the high rate of unemployment is the problem of the major part of the Roma minority, the population living in the segregated settlements is particularly disadvantaged as their chances of getting a job are generally restricted to seasonal and casual jobs in the neighbouring towns or villages and in the informal sector. The Roma from geographically isolated and segregated areas have generally fewer chances of finding work because their communities are considerably closed to the outside world. Hence citizens of these communities have limited social contacts outside their settlement through which they could find employment, or obtain information on the possibilities to find one. Although the social networks and bonds in a segregated settlement are strong, they are locally homogenous, which significantly narrows down the range of information.

The Roma youth, in particular, is becoming one of the social categories most at risk of (long-term) unemployment.

These are the young Roma who have not been exposed to the period of work duty and they become (long-term) unemployed without having even the minimum work experience in the labour market. The danger of the young people's situation is the result of joint effects of several characteristics, not only of age but also of low or incomplete education (qualification), the lacking work experience, or work habits and practice, the ignorance of the labour market requirements, membership of minority groups, etc. Long-term unemployment of young people can lead to the rise of a subculture of unemployment, in which case the attempts to assert oneself on the official labour market are minimal. At the end of 1999, young Roma made up almost 25 % (62, 532) of the registered jobseekers, with more than 60 % of the young unemployed Roma seeking employment for more than three years.³

Special regard should be had of the position of the Roma women whose integration in the labour market is made more difficult not only because of the disadvantage based on their ethnic affiliation but also on gender.

Even where the Roma participate in the labour market they are often employed in the secondary labour market which is characteristic of the instability of jobs, or the risk of unemployment, as well as inferior working conditions, lower pay, etc. There are different barriers between the primary and secondary labour market, which to a large extent impede mobility of workers between the two labour markets. These barriers include for example the differences in the required qualification and the related differences in the workers' cultural and social capital, discrimination based on racial prejudice, or social stereotypes.

As a result of limited job opportunities in the formal labour market, many Roma are forced to seek labour in the informal sector (work in the so-called shadow economy or temporary, short-term and seasonal jobs for example in agriculture, construction, forestry and in the publicly beneficial work scheme or casual auxiliary work for non-Roma in the immediate surroundings).

Information on discrimination in the labour market

Based on the information above we may say that the position of the Roma in the labour market is marginalized, yet we cannot specify with any certainty what is share in this phenomenon of the discrimination on the part of employers. Western Europe most frequently and successfully uses the so-called testing to estimate the size of labour market discrimination against members of the ethnic minorities.⁴ Unfortunately this type of information is still not available in Slovakia.

Apart from that data, other types of information are used, such as subjective perception of discrimination by members of the disadvantaged group. This data does not have much validity and reliability, as the members of the ethnic groups are not always capable of estimating the size of discrimination they encounter. At any rate, this data do signal certain trends. According to the research of UNDP/IVO (2002) the Roma believe their membership of the ethnic group to be the main barrier in job search (84.5 %).⁵ Respondents claimed that discrimination in the labour market was widespread particularly from private employers who refuse to hire Roma without giving any reason for it, or stating as reasons the lack of adaptability of the Roma to work regime, or their previous bad experience with the Roma.

Complaints concerning incidence of discrimination in the labour market reported are another source of data. Pursuant to the Act No. 365/2004 Coll on equal treatment the Slovak National Centre for Human Rights (hereinafter referred to as "Centre") was established as the main, central body that should monitor these complaints.⁶ Beside the Centre also other bodies monitor the complaints, for example the Institute of the Ombudsman, or the Office of the

Plenipotentiary of the SR Government for Roma communities. These bodies received five complaints in 2004 regarding discrimination in the admission to employment. None of the complaints has become subject of administrative or legal proceedings wherefore this type of information is included under subjective declarations of discrimination.

Another data source giving an account mostly of the discrimination potential are public polls. They show stereotypes and prejudice against the Roma minority to be deeply rooted in Slovakia. Hence employers are very likely to adopt such attitudes also when hiring people in the employment relationship. Employers commonly use group's characteristics when assessing the abilities of an individual. As getting information on the prospective performance of an individual is expensive and often impossible, employers generalise from the group characteristics about an individual.

The national legislation documents providing for the status of ethnic minorities in the labour market

The Constitution of the SR guarantees the right to work for everyone in Article 35. Under Article 12, everyone has the right to work irrespective of gender, race, colour of skin, faith and religion, political or other conviction, national or social origin, nationality or ethnic group membership, property, extraction, or other status.

From the aspect of incorporating European anti-discrimination directives in the Slovak legal system the key moment was the enactment of the Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and on the amendment of certain acts (Anti-discrimination Act). The Act was adopted on 20 May 2004 and went into force on 1 July 2004. .

In employment relations the act provides for the principles of equal treatment and lays down the legal protection means, if there has been a breach of the principle.⁷ It also provides the general framework for the application of the principle of equal treatment (particularly from the aspect of definitions, identification of the obliged persons, the scope of protection and specification of the means of legal redress).

In the area of employment and equivalent legal relations⁸ the act prohibits discrimination on the grounds of sex, religious belief or faith, race, national or ethnic origin, disability, age, or sexual orientation.

Provision of Section 112 of the Act No. 387/1996 Coll. on employment also applies prohibition of discrimination to the specific scope of legal relations: "The employer must not publish job vacancies that contain any restrictions or discrimination based on race, colour of skin, language, sex, social origin, age, religion, political or other beliefs, political affiliation, trade union activity, national or ethnic group membership, or other status."

In 2004 the Act No.5/2004 Coll. on the employment services fell effective.

Pursuant to Section 50 of this act, an allowance may be provided for the employment of a disadvantaged jobseeker (school leaver aged up to 25 years, a jobseeker aged over 50, a long-term unemployed, a lone citizen taking care of a child, a citizen with disabilities). Although neither the act nor the Concept of the Support for Employment of the Disadvantaged Jobseekers under the Conditions of the Offices of Labour, Social Affairs and Family in 2004, stemming from it, directly place ethnic minorities at an advantage, the major section of the

socially excluded Roma population comes under the category of the disadvantaged jobseekers, as defined by law.

Also the Act No. 428/2002 Coll. on the protection of personal information protects members of ethnic minorities in the sense that it forbids potential employer to require information from a candidate regarding his or her ethnic membership in the job interview.

Although we may note that the issues of labour market discrimination against the Roma minority are legislatively adequately covered, in practice many problems are likely to persist for some time. Also the experience of the EU countries shows the area of employment relations to be one where discrimination is very difficult to prove.

Though the Anti-discrimination Act does apply the principle of reversed burden of proof, it is for the plaintiff to present the relevant proof of discrimination. Such proofs are very difficult to obtain because the employer may well state other legitimate reasons for non-acceptance of a candidate in the employment relationship.

Moreover, the legal proceedings are not exempted from legal costs, which very much discourages those that encounter discrimination in the workplace from resolving the problem before the court. Another persisting problem is the current non-existence of the option to solve these disputes through mediation and probation centres although such an option is being considered for the future.

The groups at risk, whom this problem concerns, generally have a lower level of legal awareness and oftentimes resign from their rights, because they do not believe they can be enforced. Moreover, unlike in other surrounding countries, in Slovakia a positive example is still lacking of a resolved case of discrimination that could become the trigger for other instances.

The act lacks references to the need to disseminate information on the provisions of the Anti-discrimination Act and of other acts prohibiting discrimination and embedding the principle of equal treatment and the need to maintain a dialogue with non-governmental organisations, and also, according to the explanatory note, the actual will to appropriate state budget funds to achieve the objectives declared in the Anti-discrimination Act.

Hence anti-discrimination measures do not guarantee better blanket protection against racial discrimination in applying for a job. In this sense, the act provides greater protection to persons applying for a low-qualification type of work. In such case, the criteria for acceptance of a candidate are broadly defined and the employer has greater difficulty showing that the candidate did not possess adequate qualification.

As for the Government programme documents, we may note that the issues of disadvantaged position, marginalisation of ethnic minorities in the labour market are increasingly more covered. However, discrimination as the key cause of high unemployment of the Roma is considered only marginally. The greater part of the Government programmes mostly aim to increase motivation and activation of the Roma minority in the labour market, which is but one side of the issue.

In the 2001 Census of the Population, Houses and Dwellings 89 920 citizens claimed the Roma nationality. The statistical data do not capture the actual figure of the SR citizens of the

Roma origin. The estimate puts the number of the Roma in the SR at 380 000, and the proportion of children aged up to 14 years at 43.6 percent. The Roma living the SR are unevenly distributed across the whole Slovak territory. There are great regional differences in the concentration. As of 31 December 2000 there were 620 Roma settlements registered in the SR, with some municipalities having even several settlements within their territorial boundaries. According to the Census of the Population, Houses and Dwellings, the highest concentration of the citizens claiming the Roma nationality is in the Prešov Region, where out of the total number of 789,968 citizens, 31, 653 citizens claim the Roma nationality. There are 250 Roma settlements registered in the Prešov Region. From the ensuing year that information was no longer kept on file as it was assessed as being discriminatory.

Supplementary question of the Committee

The Committee repeatedly gives its question whether Slovak citizenship was a condition for obtaining employment for all positions of the civil service or whether certain positions could also be held by foreign nationals.

Pursuant to the Act No. 312/2001 Coll. on the civil service, Section 14 Acceptance in the civil service: *"A citizen applying for the civil service (hereinafter referred to as the "candidate") can be accepted in the civil service to the relevant civil service position in the relevant branch of civil service, if he or she satisfies the following conditions: possesses legal competence in full scope, is impeccable, and has not been discharged from the civil service pursuant to Section 61 paragraph 2 c), e), is in good health to carry out the civil service, has a permanent residence in the territory of the Slovak Republic, fluency in the state language, fluency in a foreign language where such condition is specified in a service regulation, successful participation in the selection procedure for the preparatory civil service or meeting conditions for temporary civil service."*

Section 3, basic provisions: *"Every national of the Slovak Republic or a national of other Member State of the European Union has the right to enter the civil service on the basis of a fair selection procedure, if he or she satisfies the conditions, laid down by this act and by special regulations"*

Supplementary question of the Committee

The Committee reiterates its request for the information on legal protection regarding part-time employment.

Pursuant to the Act No. 311/2001Coll, the Labour Code, Section 49 – "The employer may agree with the employee in the contract of employment shorter working hours than the statutory weekly working time. The employee shall be entitled to the wages corresponding to the shorter working hours agreed. An employee in a part-time employment relationship shall not be placed at an advantage, or restricted, compared with the employee employed for the prescribed weekly working time.

Article 1 paragraph 2

"With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake to protect effectively the right of the worker to earn his living in an occupation freely entered upon ;"

(The Appendix to the Social Charter states that this provision shall not be interpreted as prohibiting or authorising any union security clause or practice.) Elimination of all forms of discrimination in employment ”.

Question A

The principle of non-discrimination in the labour market in the Slovak Republic is pursued consistently in the drafting of the legislative standards. The rights and obligations of citizens in the area of access to employment have been provided in the Act No. 5/2004 Coll. on civil, rather than ethnic or other principle.

Under provision of Section 14 of the cited Act 5/2004, as amended by the Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and on the amendment of certain acts (Anti-discrimination Act), (hereinafter Act No. 5/2004 Coll.) in line with the principle of equal treatment in employment relations and equivalent legal relations, the right of the citizen has been enshrined of the access to employment without any restrictions. Equally, discrimination is prohibited on the grounds of marital status and family status, the colour of skin, language, political or other conviction, trade union activity, national or social origin, disability, age, property, extraction or other status.

The exercise of the rights and duties, which arise out of the right to access to employment must be consistent with good morals. These rights and duties must not be abused by anybody to the detriment of another citizen. Nobody can be victimised in connection with exercising the right of access to employment, or otherwise penalised for lodging a complaint, filing a charge or petition for criminal prosecution against another citizen, or his employer, with the Office of Labour, Social Affairs and Family (hereinafter referred to as the “Office”).

The employee has the right to lodge a complaint with the Office in connection with infringement of the cited rights and duties; The Office is obliged to respond to the complaint without undue delay, arrange for remedy, abstain from such action, and avoid any consequences thereof. The Office must not penalise the citizen or place him at a disadvantage where the latter exercises his rights following out of the right of access to employment.

Provisions regarding the elimination of all kinds of discrimination in employment are set out in the Labour Code, in the Act No. 552/2003 Coll. on performing of work in the public interest, as later amended, and in the Act No. 365/2004 Coll.

We need to show the relationship between the Labour Code and the Anti-discrimination Act. Pursuant to Section 13 paragraph 1 of the Labour Code, the employer shall be obliged to treat the employees in the employment relations in accordance with the principle of equal treatment for the area of employment relations, provided under a separate Act No. 365/2004 Coll.

It will follow from the above that the Anti-discrimination Act operates subsidiarily to the Labour Code, i.e. in the cases where the particular legal provision concerning equal treatment is lacking in the Labour Code, the Anti-discrimination Act needs to be fully applied.

According to Article 1 of the Basic Principles of the Labour Code natural persons have the right to work and to free selection of occupation, to just and satisfactory work conditions and the protection against unemployment. These rights belong to them without any

restrictions and direct or indirect discrimination on the grounds of gender, marital and family status, race, colour of skin, language, age, unfavourable health state, disability, faith and religion, political or other belief, trade union activity, national or social origin, membership of nationality or ethnic group, property, extraction, or other status, except where the law so provides, or where substantive reasons exist in respect of the performance of works lying in particular qualifications and the nature of the work that the worker is to carry out.

Pursuant to Section 13 paragraph 1 of the Labour Code, the employer shall be obliged to treat the employees in the employment relations in accordance with the principle of equal treatment provided for the area of employment relations, under a separate Act on equal treatment in certain areas and protection against discrimination and on amending of certain acts (Anti-discrimination Act).

Pursuant to Section 6 paragraph 1 of the Anti-discrimination Act, in accordance with the principle of equal treatment, discrimination is prohibited against persons in employment relations, equivalent legal relations and the associated legal relations on the grounds of sex, religious belief or faith, race, national or ethnic origin, disability, age, or sexual orientation.

The principle of equal treatment under Section 6 paragraph 1 of the Anti-discrimination Act shall be applicable only in respect of the rights of natural persons provided under separate acts for the areas of :

- a) access to employment, occupation, other gainful activity, or office, (hereinafter referred to as “employment”) including the requirements in recruiting in employment and the conditions and ways of conducting selection for employment,
- b) work performance and working conditions, including remuneration, promotion in employment, and conditions governing dismissal,
- c) access to vocational training, advanced vocational training and participation in the programmes of active labour market measures, including counselling in job selection and job change (hereinafter referred to as “vocational training”), or
- d) membership or activity in employees' organisation, employers' organisation and in professional association organisations, including provision of advantages these organisations afford their members.

As discrimination

- a) on the grounds of sex is also regarded the discrimination on the grounds of pregnancy or maternity, as well as discrimination on the grounds of sexual or gender identification,
- b) on the grounds of race, national or ethnic origin is also regarded the discrimination on the grounds of a relationship to a person of certain race, national or ethnic origin,
- c) on the grounds of religion or faith, is also regarded the discrimination on the grounds of a relationship to a person of particular religion or faith and discrimination against a person without religious belief,
- d) on the grounds of disability is also regarded the discrimination on the grounds of previous disability or the discrimination against a person, in whom, based on outer symptoms a disability could be assumed.

Pursuant to Section 13 paragraph 2 of the Labour Code, in accordance with the principle of equal treatment, discrimination is prohibited also on the grounds of marital and family status, colour of skin, language, political or other belief, trade union activity national or social origin, property, extraction or other status.

Pursuant to Section 41 paragraph 8 of the Labour Code, in admitting a person in employment the employer must not be in breach of the principle of equal treatment as regards access to employment (Section 13 paragraphs 1 and 2 of the Labour Code).

Article 6 of the Basic Principles of the Labour Code provide that women and men have the right to equal treatment, as regards the access to employment, remuneration, and promotion, vocational training, and the conditions of work. Women are provided working conditions enabling them to participate in work with regard taken of their physiological preconditions, and with regard to the social function in maternity, and for women and men, with regard to their family responsibilities in rearing of and caring for children.

Conditions of pay of employees in the business sphere form an integral part of the working conditions. Within the meaning of Section 119a, paragraph 1 of the Labour Code, there must be equal wage conditions for men and women, without any discrimination based on sex. Women and men have the right to equal pay for like work, or for work of equal value. The cited right shall apply also to the employees of the same sex, where they carry out like works or works of equal value. The system of work assessment (work positions) applied by the employer must equally draw on the same criteria for men and women, without any discrimination based of gender.

The Labour Code shall apply to the employment relations of employees in performing work in the public interest (Act No. 552/2003 Coll. on performing of work in public interest, as later amended), unless the act on performing work in the public interest, or a separate regulation provides to the contrary. It will have followed from the above that the provisions of the Labour Code concerning discrimination shall also apply to the employees performing work in the public interest. Pursuant to Section 5 paragraph 2 of the Act No. 552/2003 Coll., on performing of work in the public interest, in selection procedure the principle of equal treatment must be observed in the employment relations and equivalent legal relations provided for in the Anti-discrimination Act. In line with the principle of equal treatment in employment relations, equivalent legal relations and the legal relations associated with them, discrimination against persons is prohibited on the grounds of their sex, religious belief, or faith, racial origin, national or ethnic origin, disability, age or sexual orientation. As discrimination is also regarded the discrimination on the grounds of pregnancy or maternity, as well as discrimination on the grounds of sexual or gender identification. As discrimination based on racial origin is also regarded the discrimination on the grounds of relationship to a person of certain race, national or ethnic origin. As discrimination based on religious belief is also regarded the discrimination on the grounds of a relationship to a person of particular religion or faith and the discrimination against a person without religious belief. As discrimination based on disability is also regarded the discrimination on the grounds of previous disability, or discrimination against a person, in whom, based on the outer symptoms a disability could be assumed.

In the selection procedure discrimination is prohibited on the grounds of marital and family status, race, colour of skin, language, political or other belief, trade union activity, national or social origin, property, extraction, or other status.

Sanctions and redress:

The employee has the right to lodge a complaint with the employer with regard to the breach of the principle of equal treatment pursuant to Section 13 paragraphs 1 and 2 of the Labour Code; the employer shall be obliged to respond to the complaint without undue delay, arrange for remedy, abstain from such action, and avoid any consequences thereof. (Section 13 paragraph 4 of the Labour Code).

An employee who considers that his or her rights and legally protected interests have been wronged by failure to apply to him/her the principle of equal treatment or failure to comply with the conditions pursuant to Section 13 paragraph 3 of the Labour Code, can pursue his claim by judicial process and claim the legal protection provided for by the Anti-discrimination Act (Section 13 paragraph 5 of the Labour Code).

Pursuant to Section 41 paragraph 9 of the Labour Code, where in the course of the employment relationship the employer is in breach of the duty, set out in Section 41 paragraph 8, the natural person has the right to reasonable financial compensation.

It will have followed from the above, that the jobseeker has the right of recourse to the court with a claim for indemnification with regard to the breach of the duty of the principle of equal treatment by the employer as regards the access to employment. The burden of proof shall be borne by the employer who is obliged to establish that there has not been a breach of the principle of equal treatment.

Question B

Point a)

In concluding higher-level collective agreements between the trade union association (i.e. employees representatives) and the employers' association (i.e. employers' organisations) the Contracting Parties undertake to observe the principle of equal treatment and implement non-discriminatory policy in the implementation of the content of the agreement and in their other activity.

By adopting the Act No. 103/2007 Coll. on tripartite consultations at national level and on amending of certain acts (the Tripartite Act) the efficient social dialogue at national level has been promoted between the state, employers and employees (hereinafter referred to as the "social partner") through their representatives, as a democratic vehicle for addressing the economic and social development, employment growth and ensuring social peace.

The cited act provides for the national tripartite consultations between the state and the social partners negotiating through their representatives and discussing essential issues of the economic and social development and employment growth, with a view to achieving agreement on these issues, and for setting up, composition and the principles of activity of the Economic and Social Council of the Slovak Republic.

The Economic and Social Council of the Slovak Republic has been established by law as a consultation and negotiation body of the Government and social partners at national level (Section 4 of the Tripartite Act).

The Economic and Social Council of the Slovak Republic

- a) shall agree positions and recommendations in the field of economic and social development and the development of employment,
- b) shall conclude agreements in the field of economic and social development and the development of employment,
- c) shall negotiate positions and recommendations in the area of the state budget,
- d) shall negotiate positions and recommendations to proposals for generally binding regulations relating to important interests of employees and employers, particularly economic, social, working and pay conditions, conditions of employment and business conditions,
- e) shall promote all forms of collective bargaining,
- f) shall establish its advisory bodies,
- g) shall approve the Rules of Procedure for the Council.

Point b)

Non-discriminatory policy is also applied in the access to education. From the provision of Section 153 of the Labour Code follows the obligation for all employers to take care of deepening of employee qualification or its upgrading. The term deepening of qualification means also maintaining and renewing qualification.

Pursuant to Section 154 of the Labour Code, the employer shall be obliged to retrain an employee who is transferred to a new workplace, or a new type or method of work, where this is necessary particularly when there are changes in the organisation of work or other stringency measures. Where raising qualification of the employee is in line with the needs of the employer, the employer can grant the employee work relieves and financial provision, based on a concluded agreement, for the purpose of increasing or extending qualification.

Question C

Pursuant to Article 1 of the Basic Principles of the Labour Code, natural persons have the right to work, and to free selection of occupation, to just and satisfactory work conditions and to the protection against unemployment. These rights belong to them without any restrictions and direct or indirect discrimination on the grounds of gender, marital or family status, race, colour of skin, language, age, unfavourable health state, disability, faith and religion, political or other belief, **trade union activity**, national or social origin, membership of nationality or ethnic group, property, extraction, or other status, except where the law so provides, or where substantive reasons exist in respect of the performance of works lying in particular qualifications and the nature of the work that the worker is to carry out.

Pursuant to Section 240 paragraph 6 of the Labour Code, employees' representatives must not be placed at a disadvantage or otherwise sanctioned by the employer for discharging tasks that follow out of their function.

During the time in office and one year upon termination thereof, employees' representatives are protected against measures that could damage them, including termination of employment relationship, and that would be motivated by their status or activity (Section 240 paragraph 7 of the Labour Code).

The employer may serve a notice to a member of the relevant trade union body, a member of the works council or a shop steward or immediately terminate employment relationship with them only with the previous consent from these employees' representatives. Previous consent shall also mean the case where the employees' representatives have not declined to grant consent to the employer in writing within 15 days of the day, on which the employer had asked for it. The employer can only use the previous consent within a period of two months of the day of its award (Section 240 paragraph 8 of the Labour Code).

Where the employees' representatives have declined to grant consent subject to paragraph 8, the notice or the immediate termination of the employment relationship on the part of the employer shall be null and void on this ground; if the other conditions for a notice, or for an immediate termination of the employment relationship have been satisfied, and the court in a dispute pursuant to Section 77 establishes that it cannot fairly require the employer to continue employing the employee, the notice or the immediate termination of employment relationship shall be valid (Section 240 paragraph 9 of the Labour Code).

Questions D, E.

At present the Labour Code does not provide for any forms of forced labour.

Question F

Though the Act No. 190/1998 Coll, amending the Labour Code, that went into force on 1 July 1998, the form of forced labour has been fully eliminated.

Question G

The work in prison facilities is provided for in the Act No. 475/2005 Coll. on serving imprisonment and on amending of certain acts, and the Act No. 221/2006 Coll. on serving the custody, that come under the competence of the Ministry of Justice of the SR.

The assignment of the accused in work is a special relation between the institution and the accused by which no employment relationship or other special employment relation arises. The assignment of the accused in work can be terminated at any time by the institution, even without giving any reason. The institution discharges the duties of an employer vis-à-vis the accused. To the accused assigned in the work provisions of Section 85, Section 93, Section 95, Section 97, Section 98, Section 126, Section 133 paragraphs 1 and 2, Section 147, Section 148, Section 174, Section 175, Sections 193 to 198 of the Act No. 311/2001 Coll shall be applied accordingly.

The accused shall be entitled to work remuneration according to the kind of work carried out, the time worked, or the labour consumption standard; for the time when the accused did not work, he shall not be entitled to compensation for work remuneration. The amount of work remuneration, and the conditions of its provision shall be prescribed by the Government of the Slovak Republic in a Government regulation. The entitlement to the minimum wage, subject to a special regulation (Act No. 90/1996 Coll. on the minimum wage, as later amended) shall not arise to the accused.

The accused can be trained and assigned to work with explosives, arms, poisons, addictive substances and other hazardous substances.

Supplementary question to Article 1 paragraph 2

Is the right to unemployment benefit conditional upon the acceptance of employment or training?

A citizen who wants to work, can work and seeks employment shall have the right to the services designed to provide help with

- seeking suitable employment ,
- education and training for the labour market required to integrate in the labour market.

Within the meaning of the Act No. 5/2004 Coll. on the employment services and on amending of certain acts, as later amended (hereinafter referred to as the „Act on employment services“) certain rights and duties shall arise to the jobseeker registered in the Jobseekers Register on the basis of the application in writing, which are associated with his/her registration as a jobseeker. Failure to discharge the duties is deemed to be non-cooperation with the Office of Labour, Social Affairs and Family (hereinafter referred to as “Office”) and the reason for removal from the Jobseekers Register.

The competences of the Office include mediation of suitable employment for jobseekers and provision for education and training for the labour market. Sanctions in the case of declining employment or education /training are described below.

What are the sanctions in the case of declining employment or training?

Pursuant to the Act on employment services, declining suitable employment shall be deemed to be non-cooperation with the Office and shall be reason for the exclusion of the jobseeker from the Jobseekers Register.

The Act on employment services defines the term “suitable employment“ describing it as an employment that takes into account the health state of the citizen, has regard for his or her qualification, professional skills, or the type of work carried out previously.

For the purposes of mediation of employment under the Act on employment services, a suitable employment is one in which the weekly working time is not shorter than one-half of the statutory weekly working time.

Suitable employment is sought by the citizen himself, or herself, with the help of the Office, or with the help of other legal or natural person, which has been issued a licence to carry out this activity by the Central Office of Labour, Social Affairs and Family.

Jobseekers' participation in education and training for the labour market is voluntary and their refusal is not reason for exclusion from the Jobseekers Register. In the case of an early termination of participation in education and training for the labour market, without having serious reasons for it, the jobseeker is obliged to reimburse the office for the costs incurred in the jobseeker's education and training for the labour market, and it is also a ground for the exclusion from the Jobseekers Register.

Is the refusal based on the fact that the employment is not in accordance with the qualification of the person concerned deemed legitimate? For how long an employment may be refused by reason of it not corresponding to the qualification of the person concerned?

In the mediation of employment the Office takes into account the health state of the jobseeker, has regard for his or her qualification, professional skills, or the kind of work carried out previously. The refusal of employment by the jobseeker because of not corresponding to his or her qualification is legitimate in the case where the jobseeker refuses an employment for which an education is required which is lower by more than one level. The refusal of employment by reason of qualification depends on the kind of occupation and is assessed individually.

Is there a right of appeal against such a decision?

The jobseeker may file an appeal against a decision of the Office to remove him or her from the Jobseekers Register within 15 calendar days of the delivery of the decision thereof. The valid decision of the Office shall be subject to judicial review by administrative courts.

What legal protection and working conditions are there for employees that are employed part-time?

Pursuant to Article 1 of the Basic Principles of the Labour Code, natural persons shall have the right to work and to free selection of occupation, to just and satisfactory conditions of work, and to protection against unemployment. These rights belong to them without any restrictions and direct or indirect discrimination on the grounds of gender, marital and family status, race, colour of skin, language, age, unfavourable health state, disability, faith and religion, political or other belief, trade union activity, national or social origin, membership of nationality or ethnic group, property, extraction, or other status, except where the law so provides, or where substantive reasons exist in respect of the performance of works lying in particular qualifications and the nature of the work that the worker is to carry out.

Pursuant to Section 13 paragraph 1 of the Labour Code, the employer shall be obliged to treat the employees in the employment relations in accordance with the principle of equal treatment provided for the area of employment relations, under a separate Act on equal treatment in certain areas and protection against discrimination and on amending of certain acts (Anti-discrimination Act).

Pursuant to Section 49 of the Labour Code, in the contract of employment the employer can agree with the employee shorter working time than the statutory weekly working time. The employer and the employee can agree the change of the statutory weekly working time to shorter weekly hours and the change of shorter weekly hours to the statutory weekly working time. The shorter working hours do not have to be distributed over all working days.

The employee shall be entitled to the wages corresponding to the shorter working hours agreed. The wage conditions must be agreed without any discrimination based on gender. Men and women have the right to equal pay for like work or work of equal value. Like work, or work of equal value shall be deemed to be the work of the like or comparable complexity, responsibility, or strenuousness that is carried out in the like, or comparable working conditions, and with the achievement of the same, or comparable work performance and work results in the employment relationship with the same employer.

In a part-time employee the overtime work shall be the work in excess of his/her weekly working time. This employee cannot be ordered to work overtime.

The provision on shorter hours of work provides that the employee in a part-time employment relationship shall not be placed at an advantage, or restricted, compared with the comparable employee working the statutory weekly working time. For the purposes of this provision the comparable employee shall be one working with the same employer, who carries out, or would carry out the same type of work, or equivalent type of work, with regard had for his/her qualification and the professional experience. The legal implication of the application of this principle was also the same protection of employees against notice on the part of the employer as applicable in relation to employees working the statutory weekly working time. In the application practice this legal provision did not allow flexible part-time employment of employees, particularly where the shorter working hours did not reach the minimum scope.

With a view to ensuring flexibility of the employment relationship and supporting creation and development of small- and medium-sized enterprises, the present legal provision stipulates, that the part-time employment relationship, in which the working time is less than 15 hours per week, can be terminated by the employer or the employee, with a notice for any reason, or without giving a reason, and exceptionally reduces the protection of the employees with the agreed working time shorter than 15 hours per week for the case of notice from the employer, with the exception of an employee that is pregnant, a women employee on maternity leave, a female or male employee on the parental leave, or a lone female or male employee taking care of a child under three years of age. Such different treatment is warrantable, where it is objectively justified by a legitimate objective and the means to achieve this objective are appropriate and unavoidable.

The employer is imposed the legal duty to bring to the attention of employees and employee representatives, in a comprehensible way, the possibilities of part-time posts and the statutory working time posts.

The Committee asks and requests information from the Slovak Republic on how the concept of indirect discrimination was interpreted by the courts, as well as the information on the number of cases concerning discrimination submitted to the court and on the number of court rulings on discrimination. In addition, the Committee request the SR to provide information regarding the concept of discrimination on the grounds of age.

According to the position of the Supreme Court of the SR "this involves serious technical examination of the raised issues for which there are likely no statistical reference materials available and there are doubts whether somebody analyses the court judgements from this aspect in the first place. The Supreme Court of the SR was deciding the issues of discrimination in the civil collegium only in two cases (2 Cdo 67/03 and 5 Cdo 75/2004), but neither of the decisions concerned discrimination based on age. The Supreme Court does not have information on decisions of the lower-instance courts "

The Committee requests the SR to provide information with respect to the right to earn a living in an occupation freely entered upon and asks whether the legislation adopted for the protection against terrorism prevents persons to enter certain types of occupations.

In connection with the exercise of the right to earn a living through an occupation freely entered upon, the Ministry of Justice of the SR, within the scope of its competences states that the effective legislation that was adopted for the protection against terrorism, i.e. particularly the Criminal Act No.300/2005 Coll. as later amended, and the Code of Criminal Procedure No. 301/2005 Coll. as later amended, do not contain any provisions that would prevent natural persons from entering certain types of occupations. We enclose in the annex the

effective wording of § 419 (Terrorism) of the Criminal Act No. 300/2005 Coll. as later amended.

§ 419 Terrorism

(1) Anyone who with the intention of seriously intimidating the population, critically destabilising or destroying the constitutional, political, economic or social establishment of the state or the establishment of an international organisation, or forcing the Government of the state or the international organisation to act in a particular way or abstain from acting, threatens to commit, or commits a crime endangering life, health of people, or their personal liberty or property, or unlawfully makes, acquires, owns, has in his possession, transports, supplies or otherwise uses explosive, nuclear, biological or chemical weapons, or carries out unauthorised research and development of such weapons, or the weapons that are prohibited by law, or by an international treaty shall be liable to twenty to twenty-five years of imprisonment or to imprisonment for life.

(2) A punishment of imprisonment for life shall be imposed upon a perpetrator, where he commits the act referred to in section 1

- a) and causes serious bodily injury to several persons, or causes death of several persons,
- b) on a protected person,
- c) against the armed forces, or armed corps,
- d) as a member of a dangerous grouping, or
- e) under a crisis situation.

Article 1 paragraph 3

“With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake to establish or maintain free employment services for all workers;“

Question A

Pursuant to the Act No. 5/2204 Coll are provided **free of charge** by:

- the Central Office of Labour, Social Affairs and Family,
- Offices of Labour, Social Affairs and Family (OLSAF),
- Outpost workplaces of the Offices of Labour, Social Affairs and Family.

Offices of Labour, Social Affairs and Family, the outpost workplaces of the Offices of Labour, Social Affairs and Family provide assistance to the labour market participants in their job search, job changes, filling the job vacancies, and support measures for creation of new jobs, training and education for the labour market, and counselling within the active labour market measures, with special regard to the integration in the labour market of disadvantaged jobseekers.

In addition, they provide the following services:

- intermediate suitable jobs for jobseekers and job changes,

- provide information and counselling services,
- provide professional counselling services within individual and group counselling.

Within the employment services the principle of equal treatment is applied in the provision of assistance to jobseekers and job changers, particularly in seeking suitable jobs.

Modernisation trends in the provision of employment services are reflected in the **support for individual, client-oriented approach:**

- modernisation of the first contact, assistance in the job search (timely identification of individual needs of the unemployed and the intensification of activities immediately related to the provision of assistance to jobseekers);
- drawing up of individual action plans for jobseekers within six months of the duration of the unemployment (intense assistance is provided through professional counselling in drawing up individual action plans /IAP/ to encourage work assertion of the jobseekers). The achievement of objectives set out in the IAP is systematically monitored and evaluated by the expert advisor. In 2005 the public employment services developed IAP for 226,404 jobseekers, and in 2006 for 163,093 jobseekers;
- **Provision of professional counselling services**, where the prevailing clients were disadvantaged jobseekers made up the majority of the clients. A total of 685,221 professional counselling services were provided in 2006 for 205,504 clients of which 612,728 were individual and 63,943 group counselling services. From the aspect of the duration of jobseekers' registration, the largest proportion of services (35%) was provided to the clients registered for 3 to 6 months, which is connected also with the duty to draw up the individual action plan. From the aspect of the education structure, the largest groups of clients were those with lower secondary education without abitur (36 %) and with primary education or without education (27 %). Within the National Project VII B – Raising effectiveness, modernisation and extending the range of professional counselling services, in 2006, 504 internal and external projects were implemented for 94,695 clients. The regional projects implemented by 117 external suppliers focused particularly on social and work adaptation, assertive behaviour training, communications, social and psychological counselling, learning about the self, work motivation, orientation in the labour market, assistance in self-employment, crisis counselling, etc. The projects implemented by internal employees focused mainly on the elaboration of individual action plans for jobseekers, by which the kind and range of assistance was identified necessary to facilitate employment. There was a shift recorded from the quantity to quality in the year 2006, compared with the previous year, in the provision of professional counselling services.

Question B

In the Slovak Republic there are 46 OLSAF and 128 OLSAF workplaces. Within the meaning of the Act No.5/2004 Coll, suitable employment is sought for and offered in the offices of labour, social affairs and family; also employees are sought for and offered to the employer.

The office staff organise Information days for clients directed at the new jobseekers in which attendees are briefed of the legislation, active labour market measures, projects that the office organises (such as presentations of employers, etc.). Offices organise selection

procedures designed to select potential employees for new employers. They provide information and vocational guidance, which is why they organise Information fairs for pupils of 8th and 9th grades and their parents, with the participation of the upper-tier territorial units (UTU), and representatives of schools and employers that should lead to matching education (opening new courses of study) and the occupations most frequently sought after in the labour market.

For the offices' clients special Information and counselling centres have been established within the National Project VII A, in which clients have information technology available to them, the internet connection, and where they can search for themselves for job vacancies or write job application letters.

Question C

In the Slovak Republic, beside the public employment services, (see question B) 3 types of non-state providers can provide employment services:

The fee-charging employment broker - the activity is carried out by a legal or natural person, subject to the authorisation of the Central Office of Labour, Social Affairs and Family in Bratislava; they may charge fees to natural persons up to a prescribed amount (Section 25 of the Act No. 5/2004 Coll.. At 31 December 2006 there were **474** authorisations issued to fee-charging employment brokers.

Authorisation is subject to meeting statutorily prescribed requisites of the application for the authorisation to provide employment service for a fee. The legal person and the natural person can carry out employment service for a fee, if the person satisfies the condition of the completed secondary education, with a clean crime record (in the legal person this condition must be fulfilled by the person rendering the service in the legal person's name), can show evidence of the requisite material and technical provision and personnel for the performance of the employment service, the collaborating entities in the SR and abroad, the place of business, and can define the occupational scope of mediated jobs and territorial scope of the activity. It is also required to supply the calculation of the anticipated charge it will be allowed to collect from the natural person to whom the employment service is provided.

The employment service provider can charge the legal or the natural person a fee for the services relating to job brokering. The amount of payment to the entity for whom an employee is secured is subject of mutual agreement. Beside the fee, in the case of mediation of job aboard, the employment service provider is obliged to conclude with the natural person for whom employment is mediated a contract of the mediation, which, subject to Section 25 paragraph 4 sub-paragraphs a) to f) of the Act No. 5/2004 Coll. contains the name, address, the identification number, and the kind of economic activity of the foreign employer, the duration of employment, the type of work, wages or salary, and other working conditions, the way, terms and conditions of health insurance, and social insurance, the amount of fee for mediation of employment and the extent of liability of the job broker for breaching the contract.

The temporary employment agency (TEA) is a legal or natural person that employs a citizen in an employment relationship for the purpose of his or her temporary assignment to a user employer. TEA can charge the user employer an agreed fee for temporary assignment

of the temporary worker; the temporary worker is not charged any fee for temporary assignment (provision of Section 29 of the Act No. 5/2004 Coll. At 31 December 2006 there were **369** authorisations issued for the TEAs.

The award of the authorisation to undertake the activity of a TEA is conditional upon meeting the prescribed requisites, pursuant to Section 29 of the Act No. 5/2004 Coll., namely: where the applicant is a natural person, he shall submit a document of the education level achieved, and a certificate of integrity; if the applicant is a legal person: he shall submit the document of education achieved and the certificate of integrity of the person acting on behalf of the legal person, the project of the activity of TEA, including the calculation of anticipated revenues and expenditures, the lease for the premises, or a title deed to the premises, evidence of material provision to carry out the activity of the TEA, for example a list of tangible fixed assets, the outline of the cooperating entities, personnel provision, authorisation for representation in writing by a power of attorney, where the applicant entrusts representation with a mandatary (an advocate, or other person), an obligation in writing to comply with Section 58 of Act No. 311/2001 Coll, the remittance slip of paying the administrative fee.

The supported employment agency (SEA) is a legal or a natural person that provides services to citizens with disabilities, to long-term unemployed citizens and to employers aimed at facilitation of securing a job or retention of a job or facilitation of securing an employee from amongst citizens with disabilities and the long-term unemployed citizens (provision of Section 58 of the Act No. 5/2004 Coll. At 31 December 2006 there were **39** authorisations issued for the SEAs.

A natural person can carry out the activity of the SEA, if it is a person of integrity, with a minimum of secondary education (upper) achieved and if the person has been authorised for the activity. In a legal person the condition of integrity, and the minimum condition of completion of secondary education must be fulfilled by the person acting on behalf of the SEA. For the purposes of this act, the integrity shall be substantiated by the extract of the crime register not older than 3 months. The applicant shall prove the education achieved with an authenticated copy of the certificate of education.

Based on the findings regarding contravention of legal regulations, the Tax Office, the authority having detected the contravention, the National Inspectorate or the injured citizen can file a motion for the suspension of the activity of the employment service provider, or for the revocation of the authorisation.

Question D

Participation of the employers' and the employees' representatives is ensured by their participation in the Committee for the Issues of Employment. The Committee for the Issues of Employment is set up by the Office of Labour, Social Affairs and Family in its territorial jurisdiction for addressing the essential issues of employment and for the approval of the use of active labour market measures.

Question E

From 1 February 2004, the legislative framework of the employment services provision is laid down by the Act No. 5/2004 Coll. so as to make these services accessible equally to everybody.

Supplementary question to Article 1 paragraph 3

The Committee requests clarification as to the way in which the employment services obtain information on job vacancies.

Within the meaning of the Act No. 5/2004 Coll., **it is not a duty** of the employer to notify and call off job vacancies with the offices of labour, social affairs and family. The employer can recruit employees through own selection or with the help of offices throughout the territory of the Slovak Republic.

The staff of the offices responsible for the agenda of job vacancies and cooperation with employers prospect for new job opportunities in a number of ways:

- most common contact with employers who operatively need to fill job vacancies is **telephone contact** (circa 50%),
- followed by **personal contact** (circa 30%) with the employer, which can take place either in the office, or the office staff when mapping the region pay visits to employers in their seats, or branch offices and provide them with the information on the possibilities of the active labour market policy – provision of contributions - designed for employers, while they survey the situation in hiring workers by the employer (short-term, long-term visions);
- because of time pressure employers use notification of job vacancies via **e-mail** (20%); A form “Notification of Job Vacancies” is posted on the web, which the employers forward electronically directly to the office; the office then selects from its database of jobseekers potential candidates for employers and can also organise the selection procedure.
- one of the forms of vacancy notification by the employer is the **written form**, of through facsimile (circa 20%),
- now that the demand for labour is mostly relating to the inflow of strategic investors in the Slovak Republic, the offices are informed of job vacancies of these investors from the Central Office of Labour, Social Affairs and Family Bratislava.

Information on the number of staff providing employment services and their qualifications, geographic coverage - the data is given in the enclosed tables.

Article 1 paragraph 4

“With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake to provide or promote appropriate vocational guidance, training and rehabilitation/retraining.”

Question A

Point a)

Vocational guidance is provided preferably directly to pupils in schools, and subsequently in the Information and Counselling Centres set up at all workplaces of the

labour offices where clients are rendered employment services. The clients (pupils of primary schools and secondary schools, job changers and other clients) have opportunity to obtain information in the centres through self-service, for which print materials are available on vocations, through access to internet, where the required information is concentrated at www.istp.sk, and www.povolania.sk, created under the responsibility of the Central Office of Labour, Social Affairs and Family and their legal predecessors. Professional staff will give advice to clients who need specialist assistance. Clients that are not well oriented and do not know which vocation would best suit their further career development, are, within cooperation, referred to the Pedagogy and Psychology Advice Centres in which they obtain professional assistance of a psychologist in clarifying the ideas and realistic chances of employment in the particular occupation. Subsequently the client obtains the information on the selected vocation, back in the Information and Counselling Centre.

Point b)

In **2005** there were **145,193** services provided in the area of vocational guidance and career selection, mostly to clients – pupils of primary and secondary schools. In **2006** the figure of services increased to **439, 963**. The significant increase in the number of services has been the result of full operability of the Information and Counselling Centres in all COLSAF workplaces. The number of clients to whom services have been provided cannot be given accurately, as the information were provided also repeatedly and were provided also to clients that were not registered with the labour offices and remained in anonymity.

Vocational guidance is provided in the public sector and is free of charge and accessible to all persons.

The Act No. 5/2004 Coll. (hereinafter referred to as the “Act No. . 5/2004 Coll.”) provides also equal access for all those interested, including the citizens of the other Contracting Party to the Charter, who lawfully and regularly move or work in the territory of the Slovak Republic, as well as for disabled persons. This act prohibits any discrimination. The citizen has the right to the access to employment without any restrictions, in accordance with the principle of equal treatment in employment relations and equivalent legal relations provided for by the Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and on the amendment of certain acts (Anti-discrimination Act). In line with the principle of equal treatment, discrimination is prohibited also on the grounds of marital or family status, the colour of skin, language, political or other conviction, trade union activity, national or social origin, disability, age, property, extraction or other status.

Where the citizen in accordance with the principle of equal treatment, suppose to be restricted in his right (discriminated against), he has the right to lodge a complaint with the Office of Labour, Social Affairs and Family in connection with the breach of his rights and obligations. The Office is obliged to respond to the complaint without undue delay, arrange for remedy, abstain from such action, and avoid any consequences thereof. The Office must not sanction the citizen, or place him at a disadvantage where the latter exercises his rights following out of the right of access to employment. If the dissatisfaction of the citizen continues, and he feels to be wronged, he may claim his rights before a court.

ARTICLE 9: THE RIGHT TO VOCATIONAL GUIDANCE

Article 9

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

The Ministry of Education of the SR has the major competences in the area of vocational training being responsible by law for education and training in general, including vocational training. It involves the Competencies Act, the School Act, the Higher Education Act, and the Lifelong Learning Act. Beside the school system and its control and inspection authorities other entities, such as central bodies of state administration, have a role to play in vocational training – sectoral training through professional institutes and workplaces, self-government school bodies, labour market actors, employers' associations, professional associations and tripartite bodies. There are also training institutions whose work content is to educate hence vocational training now is available to all persons who are interested in vocational training and have individual aptitudes for the selected subject fields.

The organisation of vocational training depends on whether it involves education within the schools system at the level of secondary vocational education and higher vocational education, or further training at the level of labour offices or employers, professional associations, or the tripartite. This in turns affects the functioning of the training entities and their links to the state budget.

What is new, is the legal obligation of the relevant ministries to have a share in establishing, closing, or restricting the activities of secondary vocational schools without prejudice to the decisive part of the preparation of young people for a vocation. This ensures that the setting up, closing or restricting of the activity of a secondary vocational schools is by virtue of the Act No. 596/2003 Coll. on state administration in education and school self-government and on amending of certain acts, as amended by the Act No. 475/2005 Coll, he Act No. 279/2006., and the Act No.689/2006 Coll, subject to a written position from the relevant central body of state administration and social partners. This has been taken up in the light of the fact that the relevant ministries are by law obliged to produce and submit sectoral concepts, which is seen as an objectivising baseline for developing and adjusting the network of secondary vocational schools. This principle is also applied in the secondary technical schools. The ultimate goal is to achieve close links between the creation and determination of the network of secondary schools preparing for a vocation and the anticipated direction of the economic development of particular branches, the anticipated development in the need for the labour force, employment, etc. The change makes statutory provision for the social partners' input in the process of setting up, closing or restricting secondary vocational schools and secondary technical schools, i.e. the schools that prepare pupils for vocations. This also corresponds to the important position social partners hold in the area of vocational training, while creating room for the acceptance of the requirements from the employer sphere in order to strengthen vocational youth training. The central bodies of state administration were given statutory competences in the areas of their respective authority for the development and submission of youth vocational training concepts, enter the process of vocational training and design of teaching documents for vocational and study programmes and make

propositions for the changes to the system of study and vocational courses. Combined secondary schools have been created which implies a reform step of the Slovak Republic following out of the intended approximation to the conditions of vocational training in the countries of the European Union, ensures an efficient exercise of the right to vocational training within the meaning of the European Social Charter, and creates a new system of vocational training. This system is reserved for schools that have been set up under the hitherto effective legislation and which via education and training prepare pupils for the performance of their vocations and activities in the national economy, administration, culture, arts and other areas of life, as well as for the study at universities.

Vocational training in the state secondary schools and universities are provided free of charge. Labour offices also provide vocational training, mostly taking the form of retraining courses, which is free of charge. Employers offer vocational and professional training for their employees also free of charge. Private schools and commercial training institutions offer vocational training for a fee. All the information and services associated with vocational guidance are provided by the offices of labour, social affairs and family free of charge.

Vocational training of persons with disabilities in the Slovak Republic is implemented in schools and school facilities within the system of special schools or within the system of mainstream schools, by means of individual or collective integration (special classes). It is implemented in consistency with the generally binding regulations.

The legislation providing for free access of all persons to vocational training at particular levels and in particular institutions, and, in some cases paid access to vocational training (private schools) include:

- the Constitution of the Slovak Republic, Article 42,
- the Act No. 29/1984 Coll. on the system of primary and secondary schools (the School Act) as later amended, full text in the Act No. 350/1994 Coll., as amended by Act No. 6/1998 Coll., Act No. 5/1999 Coll., the Act No. 229/2000 Coll. and the Act No. 216/2001 Coll., the Act No. 416/2001 Coll., the Act No. 506/2001 Coll., the Act No.334/2002 Coll., the Act No. 408/2002 Coll., the Act No. 553/2003 Coll., the Act No. 596/2003 Coll. the Act No. 207/2004 Coll. the Act No. 365/2004 Coll., the Act No. 1/2005 Coll. and the Act No. 5/2005 Coll.,
- the Act of the Slovak National Council No. 542/1990 Coll. on state administration in education and school self-government, as amended by the Act No. 84/1995 Coll. the Act No. 506/2001 Coll., the Act No. 334/2002 Coll., the Act No. 596/2003 Coll and the Act No. 416/2001 Coll (effective until 31 December 2003),
- the Act No. 596/2003 Coll. on state administration in education and school self-government and on amending of certain acts , as amended by the Act No. 589/2006 Coll., the Act No. 475/2006 Coll. and the Act No. 279/2006 Coll.,
- the Act No. 597/2003 Coll. on financing primary schools, secondary schools and school facilities, amended by Act No. 523/2004 Coll., 564/2004 Coll., 597/2004 Coll.,
- the Act of the National Council of the SR No. 279/1993 Coll on school facilities, as later amended,
- the Regulation of the Ministry of Education of the SR No. 212/1991 Coll. on special schools, as amended by the Regulation No. 63/2000 Coll, as later amended,
- the Regulation of the Ministry of Education of the SR No.80/1991 Coll. on secondary schools, as later amended,

- the Regulation of the Ministry of Education of the SR No. 145/1996 Coll on the admittance to study at secondary schools, as later amended,
- the Regulation of the Ministry of Education of the SR No. 102/1991 Coll on the completion of the study at secondary schools and on the completion of study at vocational schools and apprentice schools, as later amended (effective until 3 August 2004),
- the Regulation of the Ministry of Education of the SR No. 510/2004 Coll of 23 August 2004 on the completion of the study at secondary schools and on the completion of study at vocational apprentice schools, apprentice schools and practical schools, as amended by the Regulation No. 379/2005 Coll. (with effect from 1 September 2004),
- the Regulation No. 424/2005 Coll amending the Regulation of the Ministry of Education, Youth and Sport of the Slovak Republic No. 80/1991 Coll. on secondary schools, as later amended,
- the Regulation of the Ministry of Education of the SR No. 119/1980 Coll. on the execution of institutional care and protective care in school reformatory facilities, as later amended,
- the Regulation of the Ministry of Education of the SR No. 43/1996 Coll. on details of education counselling and on counselling facilities,
- the Regulation of the Ministry of Education of the SR No. 245/1993 Coll. on the financial and material provision of students of secondary vocational schools, special secondary vocational schools, vocational apprentice schools, apprentice schools.

Pursuant to the Act No. 29/1984 Coll. on the system of primary and secondary schools (hereinafter “the School Act”), as later amended, a secondary school offers pupils secondary vocational education, complete secondary education, complete secondary vocational education, and upper vocational education and prepares them for the performance of occupations and activities in the national economy, administration, culture, arts, and other areas of life; these schools also prepare pupils for the study at higher education institutions (universities).

Secondary schools (hereinafter “SS”) include the following types: the secondary vocational apprentice school, the *Gymnasium*, and the secondary technical school.

The secondary vocational apprentice school prepares students for vocations or trades corresponding to the relevant course of study. The study is completed with a final examination.

The 4-year secondary vocational apprentice school offers courses preparing for the performance of certain more demanding occupations and some technical and economic activities of the operating character. The study is completed with the school-leaving examination (Abitur).

Question A

Point a)

Vocational guidance is provided in the public sector, is free of charge and accessible to all persons.

Points b), c), d)

Vocational guidance is implemented in the public employment services, provided under the Act No. 453/2003 Coll. on the state administration authorities in the field of social affairs, family and employment services. The legislative basis is the Act No. 5/2004 on the employment services and on amending of certain acts, as later amended. Vocational guidance is implemented in cooperation with the educational advisors of primary and secondary schools and the Pedagogy and Psychology Advice Centres.

Information and counselling services (Section 42 of the Act No. 5/2004 Coll.) are defined as the services in electing a vocation, selecting a job, including changing of a job and selecting of an employee. They include, inter alia, the services of providing information and expert advice on the employment options in the territory of the Slovak Republic and abroad, on occupations' requirements, etc.

The information and counselling services *for electing a vocation* include in particular provision of information and professional advice on the types of occupations and prerequisites and requirements for the performance of a particular occupation.

The information and counselling services *for selecting* and *for changing a job* involve an assessment of personal qualities, abilities, and special skills acquired by a jobseeker or a job changer and the provision of information and professional advice relating to the health and qualification requirements of jobs.

By priority, vocational guidance is provided directly to pupils at schools and, subsequently, in the Information and Counselling Centres that were established in all OLSAF workplaces, where clients are provided employment services.

Professional counselling services (PCS) (Section 43 of the Act No. 5/2004) focused on the solution of the problems associated with the work assertion of the jobseeker, matching his or her personal aptitudes and the requirements involved in carrying out an occupation, influencing the decision making and conduct of the jobseeker, as well as his or her social and work adaptation. Within the provision of professional counselling services, the offices ensure - for the jobseekers filed on the register for more than 6 months - the production of the individual action plan (IAP). IAP is a written plan which, based on the assessment of personal aptitude, abilities and skills of the jobseeker, identifies the range and type of professional assistance needed to facilitate employment and lists a sequence of particular action to that effect. PCS also includes the evaluation, assessment and recommendation of the appropriate training activity within the education and training for the labour market.

Point e)

Information and Counselling Centres have been established in all offices of labour, social affairs and family (co-financed from the ESF funding), equipped with access to the Internet, self-service PCs, printers and copying facilities for materials needed in applying for jobs, a large range of information leaflets and posters, brochures on occupations and active labour market policy tools available to facilitate the entry in the labour market.

For clients information on occupations is made available at www.istp.sk, and

www.povolania.sk, to which they have free access on working days in the Information and Counselling Centres of the OLSAFs.

The offices of labour, social affairs and family provide the services in employment and occupation selection to all clients without restrictions and free of charge. As clients are regarded all citizens that will show interest in the services. No distinction is made between the Slovak republic nationals and the European Union citizens.

Point f)

The counselling and information centres for citizens with disabilities offer high quality, comprehensive and specialised professional counselling services for

- citizens who have lost their capacity to carry out previous employment owing to health reasons and are not citizens with disabilities
- employers willing and able to employ a citizen with disabilities to a job adjusted for the achievement of the optimal performance corresponding to the abilities of the person concerned,
- employers who employ citizens with disabilities.

In the counselling and information centres professional counselling services are rendered that help jobseekers with disabilities particularly with:

- addressing the problems related to their assertion in work
- matching personal capacities and the particular job requirements
- developing the skills of job searching and job obtaining
- searching for appropriate solutions of the work assertion
- optimal decision making, social and occupational resettlement
- managing the stress from unemployment and the risk of unemployment
- solving the problem situations relating to unemployment

In addition, professionals of the counselling and information centres for citizens with disabilities provide the following services within the specialised counselling services:

- social, psychological and medical support in the loss of employment, risk of loss of job, and job search following long-term invalidity (occasional crisis intervention)
- assessment of the remaining occupational potential of the client for the performance of work by a team of experts - objective testing of the functional capacity, analysis of abilities and requirements for the purpose of selecting a suitable job
- information on options for suitable occupational assertion, based on the assessment, and using the remaining occupational potential
- survey of labour market vacancies for particular citizens with disabilities
- ergonomic counselling – the assessment of the client with regard to the solution of the compensation for the occupational handicap required to cope with the work activities - recommendation of special work equipment
- counselling in adaptation and technical alterations of the workplace
- support and counselling during initial training of the citizen with disabilities and during his or her work experience.

Employers interested to employ a citizen with disabilities in a vacant or created job will obtain information and professional counselling in the counselling and information centres for citizens with disabilities, including also the counselling for:

- the creation or adjustment of a workplace – working environment
- alteration of working conditions – organisation of work, duration of working time
- technical assistance – design of a compensation equipment, the work equipment aimed at achieving optimal work performance by the employee with disabilities.

As the experience gained shows, with the establishment and the activity of these centres services for citizens with disabilities who are willing and able to work and seek employment, have improved. Thanks to good cooperation, the services of counselling and information centres have been used not only by the citizens with disabilities alone, jobseekers and job changers, but also their family members and employers who wished to employ citizens with disabilities to jobs optimally adjusted for the achievement of the performance appropriate to the capacities of the citizen concerned.

The services provided in the Counselling and Information Centres for Citizens with Disabilities set up in Bratislava, Žilina, Prievidza, Spišská Nová Ves, Rimavská Sobota and Košice are comprehensive and include, among others, also close cooperation with the facilities and associations of the disabled people in the relevant regions.

Question B

In 2005 and 2006, Offices of Labour, Social Affairs and Family intensified the activities of preventive counselling for primary and secondary school pupils (hereinafter “PS and SS”) in the area of vocational guidance and selection of employment by raising information on the employment options and the developments in the labour market. Information was promoted tending to influence the choice of studies in those fields and study programmes whose graduates are likely to be absorbed by the labour market in the future. Information fairs were held for pupils in which secondary schools presented their vocational and study courses which they were to open the following academic year and these were selected so as to correspond with the developments in the demand for occupations in regional labour markets.

Currently a proposal for a law is prepared amending the Act No. 5/2004 coll. and which amends the Act No. 599/2003 Coll. on the assistance in material hardship and on amending of certain acts, as later amended, with the anticipated effect from the first quarter of 2008. The draft will contain a separate provision defining the national system of occupations as an information system describing standard requirements of the labour market for particular posts and it will serve for identification of the qualification requirements necessary for the performance of work activities in particular jobs.

The introduction of a national system of occupations arose from the need to survey and update systematically the qualification requirements of the national labour market and identify work activities carried out in relevant work positions.

The national system of occupations will identify the current demands of the world of work and constitute the basic systemic framework for the development of the national system of qualifications which in turn will form the basic systemic framework for the field of lifelong learning. The national system of qualifications will contain standard description of the demands and requirements of the labour market in the area of education targets and contents direction of vocational and study programmes. A set of systems thus defined will create the

much required legal framework for action to match the labour market requirements with the system of vocational training.

For the development and implementation of this comprehensive and unified instrument the coordination role is important of the Ministry and the Central Office, as well as regular communication and active cooperation with the sectors of education and economy and other state administration authorities, employers and other relevant institutions that know thoroughly and can identify the qualification requirements of particular positions.

Question C

The Internet portal ISTP- Integrated System of Type Positions is used for the needs of employment services and, in wider context, also by other users. ISTP is based on the principle of comparing the requirements of the world of work and the prerequisites of individuals for its performance. The core is the database of profiles of type positions included in the Checklist of Type Positions (CTP) and individual profiles arrived at by the “analysis of the individual potential” (AIP).

Through a comprehensive analysis the project maps in detail the occupations or the type positions occurring in the labour market of the Slovak Republic. The analysis examines the main features of employments and occupations which include:

- a detailed characteristics of the work activities engaged in,
- work equipment used,
- the subject of work,
- the working environment,
- the range of functions discharged,
- required qualification (level and field of education),
- psychological qualities assumed,
- characteristics of the stress for particular systems of human organism,
- health restrictions for the performance of the employment and occupation,
- wage remuneration (minimum and maximum wages, average wage).

In opening the project page (www.istp.sk) the user can select from one of two parts of the programme – *the analysis of the individual potential* or *the checklist of type positions*. AIP allows the user to compile his own characteristics, his personal structured profile, by means of a number of questionnaires, evaluation scales and brief tests, which characterises him as closely as possible (education, experience, horizontal skills, interests, and preferences, personal attributes, health restrictions). The profile can be saved, using a password and without giving the name, and returned to at any time later on, amended, or used for the search of suitable occupations, options to raise qualification or suitable retraining. It is up to the user how much and which information he will give. The more information is fed into the system, the more accurate the resulting offer may be. The results that the system produces may serve to assist in decision making. Though being of informative nature only they nevertheless permit to extend the radius of considerations of opportunities for potential professional assertion.

The checklist of type positions currently contains circa 2 thousand characteristics processed using a standard structure in twelve different branches or areas of economic and societal practice (there is 16 of them in the system), with manufacturing and operations having greatest number of already described occupations. By contrast, there are no type position characteristics available yet for the areas of judiciary, law and legislation, science,

research, information services and news media, education and training, health and social work. As has been suggested, ISTP is still developing and the achievement of its full content is a matter of subsequent years.

The Integrated System of Type Positions is still develop and refresh of the new information about job vacancies and will become a valuable tool for all labour market participants, and, as referred to above, also for the institutions operating in the area of further lifelong learning in Slovakia.

The extension of the programme, “*Career Navigator*,” uses the Internet environment to access relevant information sources, or fit in the problem of career and occupation selection in a wider context of the career advancement. The module is structured into three parts (*Tests and Questionnaires in Career Guidance – Education Options – Employment Options*). It offers to have a look at all nine language versions of the programme, including the source version in English (<http://www.gwo.cz/>). In the section of education options, beside some twenty links to different information sources on the study choices at secondary schools and higher education institutions, or within further education or lifelong learning there are also links to vocational training and preparation in a wider context. Among the employment options there are links to functional internet portals offering employment in the Slovak Republic, and of course, there is also a link to enter EURES portal.

Question D

Quantitative evaluation – vocational guidance – for 2005 and 2006 is enclosed in the Annex.

Question E

The Act No.5/2004 Coll. on the employment services, through the offices of labour, social affairs and family, provides for equal access for all who are interested to obtain vocational guidance services, including the citizens of other Contracting Parties to the Charter who legally move in the territory of the Slovak Republic, and the disabled persons. The information and counselling services are provided by offices of labour, social affairs and family free of charge.

ARTICLE 10: THE RIGHT TO VOCATIONAL TRAINING

Article 10, paragraph 1

“ With a view to ensuring the effective exercise of the right to vocational training, the Contracting Parties undertake to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education based solely on individual aptitude; “

Question A

Point a)

Further vocational training draws mainly on the following legal norms:

- **Act No. 386/1997 Coll. on further education, as later amended, and its amendment No. 567/2001:** lists different types of institutions offering further education, kinds of further education, conditions of accreditation of the education activities, the issue of certificates for the graduates and potential sources of financing for further education;

- **Act No. 5/2004 Coll. on the employment services and on amending of certain acts:** sets out the tools of active labour market policy that include also education and training for the labour market;

- **Act No. 311/2001 Coll., the Labour Code, as later amended:** regulates the duties of employees and employers linked to upgrading and extending their qualification;

- **Act No. 455/1991 Coll. on the trade enterprise (the Trade Act) as later amended:** specifies that the provision of further education is an unqualified notifiable trade;

Within several professions (inter alia, professions in health, education, justice and finance sectors or in public administration) further vocational education is regulated by specific legal norms. We can give the following examples:

- From 2002, specific norms apply to education and vocational training of civil servants. Measures are stipulated by the Act No. 312/2001 Coll. that applies to approximately 36,000 citizens – civil service employees. Section 77 of the Act No. 312/2001 Coll. (Chapter Five: “Deepening of qualification and in-service courses of civil servants“) lays down that the service office must grant civil servants at least five days of leave in every calendar year for deepening their qualification and in service courses. During this period state employees are entitled to their tariff salary. Civil servants that wish to upgrade their qualification (particularly those that wish to acquire a university-degree education) can apply for additional leave off work during which they draw their tariff salary. However, in such case the service office can require the employee to undertake to remain in the civil service upon completion of the education activity for an agreed period. In 2004 by its Resolution No. 79/2004 the Government approved the Concept of

education for civil servants that defines the objectives and priorities of further vocational education of civil servants. The priority target groups for the education are principal executives, newly recruited civil servants and euro civil servants.

- Special teacher training draws upon the Regulation of the Ministry of Education of the Slovak Republic No.42/1996 Coll. on further training of the pedagogic staff. The activities of further training are ensured through specialised institutions of the Ministry of Education of the Slovak Republic: Methodological and Pedagogical Centres (MPC), the State Institute of Vocational Training (SIVT), the State Pedagogical Institute (SPI), etc.; they can also be provided by schools and school facilities.
- The training of healthcare workers insures the Slovak health university. It draws on a number of legal norms: the Act No. 277/1994 Coll. on healthcare, as later amended, the Act No. 578/2004 Coll. on healthcare providers, healthcare workers, professional organisations in the health sector and on amending of certain acts; the Regulation of the Government of the Slovak Republic No. 213/2004 Coll. on further education of workers in the health sector and the Directive of the EU No.93/16/EC. Education of healthcare workers is secured by the Slovak Medical University.
- The further special vocational training of professional soldiers of the Armed Forces of the Slovak Republic is in the Ministry of Defence of the Slovak Republic and it is regulated by Section 27 of the Act No. 346/2005 Coll. on the civil service of professional soldiers and on amending of certain acts. Vocational training is held within the training centres coming
- The guarantor of further vocational training of food makers, privately growing farmers, agribusiness entrepreneurs, private forestry entrepreneurs, employees of state forests and water management organisations is the Ministry of Agriculture of the Slovak Republic. Training draws upon the strategic document “the Strategy of Training for 2007-2013 in the sector of agriculture, and food processing industry”. The Ministry of Agriculture of the Slovak Republic has three training institutions.
- The guarantor of further vocational training of members of the police force, the fire and rescue corps and members of the civilian defences corps is the Ministry of Interior of the Slovak Republic, which has its own training facilities.
- The guarantor of further vocational training of the workers of the judiciary sector (such as workers of district and regional courts, jurist candidates and judges) is the Ministry of Justice of the Slovak Republic.
- The guarantor of further vocational training of meteorologists and climatologists is the Ministry of Environment of the Slovak Republic that secures it through an institution coming under the Slovak Hydrometeorological Institute.
- The guarantor of further vocational training of the Customs Administration workers and the tax authorities workers is the Ministry of Finance of the Slovak Republic which uses its own training facilities for the purpose.

Apart from these cases there are a number of other professions to which special requirements and standards apply in the area of further vocational education and training. For example very specific provisions apply to those occupations in which there is increased risk involved of the rise of accident (electricians, etc.) Regulations establishing periodical occupational safety training for these occupations are issued by the Ministry of Labour, Social Affairs and Family of the Slovak Republic. There are occupations in which further

vocational training is subject to various international standards and regulations (e.g. welders occupations).

Point b)

In the area of further vocational training the public sources financing related in particular to:

- The vocational training of the unemployed persons (financed through the National Project 3 (3A) “ Education and training of the unemployed for the labour market”).
In 2006 this involved 55 103, 1 thousand SKK.
- School leaver’s work experience (financed through the National Project 9 “School leaver’s work experience“)
In 2006 this involved 145 485, 5 thousand SKK.
- Section 54 of the Act 5/2004 on the employment services that enabled investors (creating jobs) to apply for financial assistance of the state designed to support education and vocational training of newly recruited employees.
The exact amount for 2006 cannot be specified
- Section 47 of the Act No. 5/2004 Coll. provides that the offices of labour, social affairs and family can cover as much as 90 % of the cost of employee training for the employer. However, the employer must undertake to employ the workers trained through this financing scheme for at least 12 months upon completion of the training activity. Offices of labour, social affairs and family can contribute towards employee training also in the case where collective dismissals have been successfully avoided through education and vocational training.” *Based on the concluded agreement the office may provide the employer an allowance for education and training for the labour market of an employee not exceeding 90% of the eligible costs of education and training for the labour market of an employee, provided the employer shall employ the worker upon completion of training for a minimum of twelve months , or where the education and training for the labour market of an employee takes place as part of measures allowing to avoid collective dismissal...”*
In 2006 the amount was 21 853, 4SKK.

Public sources finance also sectoral training – however the data on the total public expenditure for sectoral training is not available.

Point c)

Precise information is lacking for the number of institutions providing further vocational training within the Slovak Republic. According to rough estimates there are 2,500 further training providers in the SR.

Point d)

The data covering the whole area of further training is not available.

Point e)

The data on the total number of persons in training within the establishments of further training is not available for the past academic year.

According to available statistical data (Labour Force Survey, 2005, Eurostat) the Slovak Republic is still lagging behind the European target of the involvement of adult population in lifelong learning: in 2005 during the four weeks before the survey, only 5% of the adult population of the SR enrolled in education (the target of the European Union for 2010: 12.5% of the population aged 25 to 64 years).

Question B

The area of further vocational training may be divided as follows:

- Training activities designed for all adult citizens that focus on the development of knowledge and professional skills but do not result in the acquisition of an education level;
- Retraining educational activities for the unemployed;
- Educational activities leading to the acquisition of the ISCED 2 or ISCED 3 level of education focused on the citizens who left the primary education prematurely;
- Activities of vocational education and training provided by the employers;
- Activities and programmes of vocational education and training that are linked to different specific professions (for example in the health sector, education sector or public administration).

Question C

The National Project VII: *"Increasing the quality and range of employment services through information and counselling and professional counselling tools and services"* was focused on accessing information on the labour market, ALMP tools that support placement of young unemployed people in the labour market, and on furnishing the information on occupations and conditions of performance of occupations to pupils of primary and secondary schools. The information was also targeting pupils with disabilities. Persons with disabilities and the long-term unemployed were among the target groups. Special counselling is offered for the latter groups by the supported employment agencies. Counselling services offered under the project included also counselling in the area of further vocational training, courses for citizens with disabilities designed to develop skills facilitating labour market integration.

Question D

The question does not fall in the substantive scope of competence of the Department for lifelong learning. The answer falls to the substantive competence of the Section of Regional Education and the Section of Higher Education of the Ministry of Education of the SR.

Question E

The access to further vocational training is equal for all citizens, including the citizens of other Contracting Party to the Charter, who legally move, or work in our territory, and the disabled persons.

Article 10, paragraph 2

“ With a view to ensuring the effective exercise of the right to vocational training, the Contracting Parties undertake to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments.

Question A

Pursuant to Section 9 of the Act No. 29/1984 Coll. secondary vocational apprentice school prepares students for the performance of trade workers' occupations and vocational activities corresponding to the relevant educational programme. This study is completed with a final examination. The secondary vocational apprentice school prepares for the performance of trade workers' occupations and certain technical and economic activities of the operating nature. This study is completed with the school leaving examination (*Abitur*). Secondary vocational apprentice school ensures theoretical schooling, practical schooling and extra-curricular education; it can ensure only theoretical schooling and extra-curricular education or practical schooling and extra-curricular education.

Pursuant to Section 16 of the Act No. 29/1984 Coll. a secondary technical school prepares primarily for the performance of technical activities, such as technico-economic, economic, pedagogic, healthcare, socio-legal, administrative, artistic, and cultural; it also prepares for the studies at a higher education institution. The study lasts typically four years.

Pursuant to Section 7 of the Act No. 29/1984 Coll. the education and training can also take place in associated secondary schools that were created through merging secondary technical schools and secondary vocational apprentice schools, typically with the same or similar content of vocational training, with a view to effectively managing the educational process, improving vocational training and improving the use of personnel and material provision of these schools.

Pursuant to Section 17a of the Act No. 29/1984 Coll. an apprentice school offers vocational training for the performance of a vocation to the pupils that have completed compulsory education at a primary school in a lower than the ninth grade, or have not completed the ninth grade successfully, as well as the pupils who have not successfully completed primary school after nine years of school attendance. The preparation in apprentice schools is completed with a successful taking of the final examination .

The schooling of young boys and girls can also be organised in the united schools. The issues are provided under Section 20 of the Act No. 596/2003 Coll. on the state administration in education and education self-government and on amending of certain acts, as later amended. A united school is internally structured into organisational components through which the schools have been united in this school. The certificates of the acquired education refer to the relevant kind or type of school forming the organisational part of the united school.

The studies at secondary technical schools, secondary vocational apprentice schools, and apprentice schools are organised in the full-time form and part-time form (the studies along side employment)

The foundation of secondary technical schools, secondary vocational apprentice schools, and apprentice schools is provided in the Act No. 596/2003 Coll.

The financing of secondary technical schools, secondary vocational apprentice schools, and apprentice schools is provided in the Act No. 597/2003 Coll. on financing primary schools, secondary schools, and school facilities, as later amended.

Question B

The preparation of pupils for the performance of a vocation and technical activities is provided by the Act 29/1984 1984 Coll. the Act No. 596/2003 Coll., and the Act No. 597/2003 Coll.

The numbers of pupils prepared in this pathway in the academic year 2005/2006 were: 72, 5, in the full-time education in secondary technical schools; 71, 6 in the associated secondary schools and secondary vocational apprentice schools; and 60, 6, in the apprentice schools, respectively. There were 3, 2 pupils prepared in the part-time form of secondary technical schools, 1, 1 in the associated secondary schools, and 3, 3, on the secondary vocational apprentice schools and apprentice schools.¹⁾

Question C

The arrangements linked to the preparation for a vocation are differentiated and depend on the needs of the labour market. Priority is given to the arrangements relating to the preparation for vocations for automobile industry. These arrangements are subject to multilateral agreements between the state and the employers of the automobile industry.

Special attention is paid to the arrangements provided by means of other vocational educational activities within the system of sustained preparation for a vocation for the automobile industry. Distribution of vocational educational activities is also determined by the needs of major investors in the area of human resources training for particular job positions. In these cases it involves particularly catering for the needs of employers in the area of lifelong learning.

Of significance are also the arrangements relating to the vocational preparation in the area of economy, organisation of trade and particularly the services.

The arrangements relating to the vocational preparation are supported through an active tool comprising the introduction of alternative teaching syllabuses and curricula giving preference to practice as the basic form of practical instruction.

Question D

Pursuant to Section 1 paragraph 3 of the Act No. 597/2003 Coll. financing of private schools and church schools is provided from the state budget on the same footing with the state schools.

Question E

The mentioned measures relate to all girls and boys who are capable of learning, are interested in vocational training, and meet the prescribed health requirements. No groups or

¹⁾ Source : www.uips.sk.

persons have been identified that would be prevented from preparation in education programmes or study courses, if the above is accepted - the interest and the capacity.

The school can provide financial allowance for socially disadvantaged groups of young people taking the form of a scholarship. The award of scholarships is governed by the Regulation of the Ministry of Education of the Slovak Republic No. 343/2006 Coll. on the provision of scholarships to pupils of secondary schools and special schools, as amended by the Regulation No. 313/2004 Coll.

Question F

Equal opportunities and equal access to the studies is declared by the Constitution of the Slovak Republic and all other legislative standards relating to the school policy in the Slovak Republic.

Equality in access to vocational training in the case of the nationals of other Contracting Parties to the Charter is legislatively provided by the Act No. 29/1984 Coll. There was an important change in the conditions in the area of provision for equality of access to schooling for all concerned by the amending of the Act No.365/2004 Coll.

Article 10, paragraph 3

“ With a view to ensuring the effective exercise of the right to vocational training, the Contracting Parties undertake to provide or promote, as necessary:

- a. Adequate and readily available training facilities for adult workers;*
- b. Special facilities for the retraining of adult workers needed as a result of technological development, or new trends in employment. “*

Question A

Education and training to the labour market is among the important tools for increasing the employment potential (employability) of the unemployed citizens and the human resources development in general. Pursuant to the Act No. 386/1997 Coll. on further education, as later amended, retraining is part of the vocational training which as one form of further education is integrated in the system of lifelong learning. At the same time retraining is also part of the National Programme for Education and Training in the SR, in which it takes its place in the purposeful matching of the labour market with the education market, increasing joint responsibility of employers, professional, territorial and other bodies for changing and developing the structure of education and expertise, increasing the employability potential, the lifelong professional success, improving the access to new technologies, ensuring occupational mobility on the labour market of the SR. The conditions of retraining for the case of retraining a professional soldier for a civilian occupation is provided in the Act No. 570/2005 Coll. on military responsibility, as later amended.

In 2005 education and training to the labour market (hereinafter referred to as the “EdTrLM”), as an active labour market policy tool, has, starting from 2006, gone through major changes relative to 2005 and the earlier year, which was due to major alterations in legislation determining the whole process of training in an important way. The essential

difference related to the way of financing, or co-financing of EdTrLM through the European Social Fund (ESF).

Another major change relative to the previous year relates to the area of methodology. EdTrLM is implemented through the implementation of the National Project III – Education and Training for the Labour Market.

Another significant difference relative to the year 2005 relates to the fact according to the Act No. 567/2001 Coll. on further education, as later amended, § 7 and 8 that accreditation, or other certification in a differently prescribed way, subject to special regulations, of the training activities by the Accreditation Committee for Further Training of the Ministry of Education is no longer required but the establishment could require the accreditation.

Schools, school facilities, and extra-curricular training establishments, represented by legal and natural persons offer further adult education and adult retraining within their scope of competence.

The area of further education is provided by the Act No. 386/1997 Coll. According to this act, anyone who shows interest in further education has the right to be educated in accordance with his or her capacities and interests.

Several institutions offer schooling and retraining in the area of further education (valuation of the Ministry of education of the Slovak republic is 2000/2500 providers of further education) – in thousand

Type of education establishment (EE)	Number	Participants	Of which women	Graduates
Secondary schools	61	6, 5	2, 1	5, 9
Colleges /Universities	18	25, 6	16, 4	16, 9
EE of public administration bodies	24	126,3	83, 6	62, 5
EE of cities and communities	9	5, 9	3, 8	2, 0
EE of professional associations	5	2, 8	140	2, 4
EE of cooperatives	2	1, 8	1, 5	1, 8
EE of civil and interest associations	24	95, 1	59, 1	92, 3
EE of trade union organisations	0	0	0	0
EE of churches and religious societies	2	1, 3	838	52
EE of cultural establishments	8	10, 3	6, 6	2, 6
EE of natural and legal persons	177	83, 5	34, 6	67, 3
Other EE	57	43, 8	24, 5	24, 6
Total	387	402, 8	233, 1	278, 3

Concerning to the low return questionnaire the Ministry of education has about 400 questionnaire yearly for the disposal.

Further vocational training can take place in private, non-state, or public institutions.

Pursuant to the Act No.5/2004 Coll. the employment services (including education and training for the labour market /retraining) are ensured through:

- the Central Office of Labour, Social Affairs and Family,(COLSAF)
- Offices of Labour, Social Affairs and Family (OLSAF),
- Outpost workplaces of the Offices of Labour, Social Affairs and Family.

Provision of further vocational training for jobseekers is regulated by the Act No. 5/2004 Coll. on the employment services and on amending of certain acts, the Act No. 25/2006 Coll. on public procurement and the Act No. 386/1997 Coll. and its amendment No. 567/2001. Providers of this type of further vocational training can be public, or non-state institutions. The selection of providers is undertaken through competitive selection procedure.

Question B

Pursuant to the Act No.29/1984 Coll. the primary and secondary schools system is comprised of the primary school, primary school with a kindergarten, the apprentice school, secondary vocational apprentice school, *Gymnasium (= grammar school)*, secondary technical school and special schools. The preparation for a vocation is provided by the secondary technical school, the secondary vocational apprentice school, and the apprentice school.

The secondary technical school prepares primarily for the performance of technical activities, such as technico-economic, economic, pedagogic, healthcare, socio-legal, administrative, artistic, and cultural; it also prepares for the studies at a higher education institution.

The secondary vocational apprentice school prepares students for the performance of trade workers' occupations and vocational activities corresponding to the relevant educational programme. Equally the secondary vocational apprentice school prepares in the education programmes for the performance of certain demanding trade workers' occupations and certain technical and economic activities of the operating nature.

The apprentice school offers vocational training for the performance of a vocation to pupils that have completed compulsory education at a primary school in a lower than the ninth grade, or have not completed the ninth grade successfully, as well as the pupils who have not successfully completed primary school after nine years of school attendance.

Pursuant to Section 9 of the Act No. 596/2003 Coll., the establishment of secondary technical and secondary vocational schools is in the competence of the self-governing regions: *“In the delegated performance of state administration, the self-governing region shall establish and close secondary schools, apprentice school, centres of practical instruction with account taken of the network. In exercising self-government function, the self-governing region shall establish and close basic art schools, leisure, interest and education facilities with the exception of the language schools within primary schools, youth homes, school canteen facilities, practical instruction facilities, school services centres, schools in nature, leisure pursuit centres with the territorial scope of the region, school centres of leisure pursuits, with account taken of the network.”*

They are financed from the state budget. The Ministry of Education of the Slovak Republic allocates financial resources on the basis of normatives through the Regional School

Offices to the facilities' founders, i.e. the self-governing regions. School facilities are financed through tax sharing of self-governing regions.

Upon termination of the secondary education completed with the abitur (school leaving examination) young people can be further prepared for vocations at higher education institutions (universities) in the areas of natural sciences; technical sciences and theories; agricultural, forestry and veterinary sciences and theories; medical and pharmaceutical sciences and theories; social sciences, theories and services; sciences and theories on culture and art; and military and security sciences and theories. Applicants can study at 29 higher education institutions (including 2 military academies, 1 police academy, and also 6 private higher education institutions).

Students can complete education in the following types of studies:

- Bachelor's degree (generally a three-year programme),
- Master's and Engineer's degree (four to six year programme) ,
- doctoral studies.

In 2006 there were 106, 2 students studying at the Slovak higher education institutions in full-time and 50, 4 students in part-time education. Following numbers of students have completed studies in particular education programmes:

Number of graduates of higher education studies in 2006

College (in Slovak the term <i>faculty</i> is used)	Full-time form of education	Part-time form of education	Doctoral studies
Technical faculties	5, 783	638	179
University faculties	7, 950	5, 819	378
Economic faculties	3, 652	2, 965	91
Agricultural faculties	1, 244	351	56
Art colleges	505	0	16

As regards education of employees, particularly in large undertakings, it takes place regularly in the form of employee training and verification of knowledge of occupational health and safety regulations but also in connection with the technological changes, introduction of new production processes. In licensed trades enterprise the situation is similar: employee training for new technologies and materials entails benefits also for the employer in the light of higher and better-quality performance of employees. We would like to note that special examinations are required for the performance of many work activities. They are financed for the employees from the employer's resources, or the entrepreneur covers them on his/her own behalf.

Registered unemployed, or jobseekers, similarly to the year 2005, in 2006, too, were included in eight groups of retraining courses or courses of education and training for the labour market.

1. Information technology, 2. accounting, 3. administration technology, 4. management and enterprise, 5. trade and services, 6. worker occupations, 7. courses of counselling type, 8.

and other. Category 8 courses are those that cannot be included in any of the previous categories.

The advisor ensures specialised counselling services focused on education/training and gives position on the inclusion of the unemployed from the aspect of assessment of his capacities, work experience, education and personal aptitudes and recommends retraining (in cooperation with the department for development and cooperation):

- a) in the light of the labour market needs, particularly in the case of
 - aa) short supply of technical qualifications or occupations,
 - ab) a need for change in the qualifications or occupations supply in response to the labour market demands,
- b) in the light of the unemployed, particularly:
 - ba) in the loss of the capacity to carry out work activity in the previous employment,
 - bb) where the registered unemployed refused to take part in retraining on the grounds that his health state has not been taken into account and a collaboration is needed with the medical assessor,
 - bc) where the assessment of psychical capacities of the applicant needs to be considered,
 - bd) improvement of employability of the registered unemployed.

Upon the overall assessment of the general and specific capacities of the applicant the advisor assesses suitability of inclusion of the applicant in retraining and refers the application, with the recommendation to the relevant officer for education and training. Where the selection of registered unemployed or jobseekers is done by the training institution, the competent labour office advisor shall be present at the selection along with the officer for education and training.

The selection takes the form of:

- a) individual or group interviews organised by the training institution and the office; the purpose of the interview is to clarify the demands of the course concerned and the level of knowledge or skills achieved upon its successful completion;
- b) a standardised selection organised by the office, based on the criteria agreed with the training institution, or the results of psychodiagnostic tests compiled for the purpose of the orientation of the retraining concerned;
- c) a competitive selection procedure, held by the training institution on the basis of the criteria agreed with the office,
- d) a procedure that is a combination of previous points, mutually agreed between the office and the training institution.

The area of further vocational training includes the following kinds of educational activities:

- Educational activities catering for all adult citizens designed to develop knowledge and professional skills that do not lead to the acquisition of a level of education;
- Retraining educational activities for the unemployed;
- Educational activities leading to the acquisition of an ISCED 2 or ISCED 3 level of education designed for citizens who have left the system of initial education early;
- Activities of vocational education and training offered by employers;

- Activities and programmes of vocational education and training that are linked with different specific professions (such as in the health sector, education sector of public administration).

Question C

The measures specified above apply to all categories of employees concerned that could benefit from the education or retraining.

Question D

According to available statistical data (Labour Force Survey, 2005, Eurostat) the Slovak Republic is still lagging behind the European target of the involvement of adult population in lifelong learning: in 2005 during the four weeks before the survey, only 5% of the adult population of the SR enrolled in education (the target of the European Union for 2010: 12.5% of the population aged 25 to 64 years).

In 2006 retraining, subject to Section 46 of the Act 5/2004 Coll. on the employment services (education and training for the labour market), was completed by 12,6 persons.

A total of 14,7 citizens had been included in the work experience scheme.

Question E

Women comprise roughly one half of all persons included in the educational activities under the ALMP measures.

Women willing to enter or return to employment who care after a child can make use of the Act No. 5/2004 Coll. on the employment services and on amending of certain acts. The act has extended the scope for the provision of an allowance on services for families with children, namely to accommodate an employee participating in education and training for the labour market while taking care of a child of pre-compulsory schooling age.

Question F

Equal opportunities in access to the vocational training is ensured for all concerned including citizens of other Contracting Parties to the Charter who lawfully move or work in our territory, and the disabled persons.

Supplementary question to Article 10 paragraph 3

What are the figures on the participation of employed people in continuous vocational training and what percentage of the total number of employees they account for?

Our ministry does not keep any statistical data on the participation of the employed persons in continuous vocational training and on what percentage these persons comprise in the total number of employees.

What measures do the undertakings take to support participation of their employees in continuous vocational training? Is the continuous vocational training ensured by the undertakings themselves?

Where the employer hires an employee without qualification in the employment relationship, he shall ensure for him or her acquisition of qualification through training or apprenticeship. Upon completion of training or apprenticeship the employer shall issue the employee a certificate thereof (Section 154 paragraph 1 of the Labour Code). The employer shall ensure training or apprenticeship of the employee through the accredited schools facilities or directly in the workplace by professional staff having expertise in the relevant area of work.

The Accreditation Committee of the Ministry of Education of the Slovak Republic has the data on the activities of training providers (school and non-school) that have applied for accreditation for the activity (i.e. training activities).

Where owing to the necessary changes in the organisation of work, or the rationalisation measures the employee is assigned to a new workplace or a new type of work, or a new method of work, the employer shall be obliged to retrain the employee, in accordance with the provision of Section 154 paragraphs 2 and 3 of the Labour Code.

The employer shall allow the employee with disabilities to acquire theoretical or practical training (retraining) with a view to maintaining, increasing, extending, or changing the previous qualification, or adjusting it to the technological progress in order to retain the employee in the employment relationship. Retraining is undertaken on the basis of a written contract concluded between the employer and the employee, during the working time, and is an obstruction to work on the part of the employee. For this time the employee is entitled to wage compensation at the amount of his or her average earnings. Retraining takes place outside the working hours only where it is necessary because of the way of its provision (Section 159 of the Labour Code).

The Act No. 386/1997 Coll on further education makes provision for adult employee education. According to this act, anyone who shows interest in further education has the right to pursue education at any age of his or her life, according to his or her capacities and interests.

If the employee wishes to grow professionally and be successful in carrying out his/her work, s/he should, at own initiative, spend adequate time deepening his or her qualification or upgrading qualification through learning. The employee should not hesitate to spend also considerable part of his or her financial means for self-learning activities.

The duty of the employee to constantly deepen qualification for the performance of work agreed in the employment contract follows also from Section 154 paragraph 3 of the Labour Code.

Deepening of qualification and its maintenance, renewal. By deepening of qualification, unlike with the qualification upgrading, its substance is not altered and there is no change to the qualification degree.

In order to keep abreast with the technological and economic progress the employee shall deepen his or her qualification in different forms, such as through participation in seminars, training in new theoretical and technological knowledge in the relevant discipline required to improve the performance, the taking up a language course, and the study of the most recent Slovak and foreign specialist literature.

It is also in the employer' interest to flexibly respond to all changes and reflect them in the employees' expertise. To this effect the employer takes all necessary action aimed at continuous training for the employees, which he consults with the employee representatives.

Within the adopted measures the employer may impose an obligation on the employee to participate in further training with a view to deepening qualification. For example the employer may order the employee at a set time to participate in training, in a seminar or a course for the improvement of his or her technical knowledge, skills, language proficiency. Failure to obey this order may be regarded as infringement of the work discipline.

Where the employer has ordered the employee to take up a training programme for the purpose of deepening qualification, for which specialist literature, textbooks, or other learning aids will be needed it shall be the employer's duty to secure them for the employee at his own costs. The employer will benefit from the investment in the employee training in the form of greater productivity of labour, faultlessness, etc.

Where the employee deepens the qualification on the basis of the decision taken by the employer, the participation of the employee in training is deemed to be the performance of work for which wages are payable. If in respect to deepening of the employee 's qualification for the performance of the work agreed in the employment contract, costs are incurred to the employer, the employee shall not be obliged to reimburse them.

Only exceptionally (as follows out of provision of Section 155 paragraph 5 of the Labour Code), where the cost of deepening of qualification of the employee should reach SKK 100,000 and more, the employer may (though does not have to) conclude an agreement with the employee by which the employer will undertake to allow the employee to take up the training by awarding time off work, wage compensation, and reimbursement of additional associated costs, and the employee will undertake to remain with the employer for a certain period in the employment relationship upon completion of training, or reimburse his costs incurred in the studies. In such case, the employee cannot be ordered the obligation to deepen his or her qualification. It is up to the employee, whether he or she will be willing to participate in a certain training activity designed to deepen qualification under the conditions of the pledge in a written agreement, to the so-called stabilisation with the employer, or reimbursement of the effected costs. If the employee refuses to participate in training under the conditions referred to above, it cannot be regarded as infringement of the work discipline.

Given the operating costs of small businesses, for employers employing less than 20 employees, a right (not a duty) has been provided, with effect from 1 September 2007, to conclude an agreement with the employee on deepening of qualification already when the anticipated costs of deepening of qualification amount to at least SKK 50,000.

The upgrading of qualification means participation in part-time studies, in further education through which the employee should acquire the qualifications prescribed by the legal regulations, or satisfy the requirements necessary for the regular performance of the work

agreed in the contract of employment. Upgrading of qualification shall also include its acquisition or extension. (Section 140 paragraphs 1 and 2 of the Labour Code).

The qualifications prescribed by the legal regulations shall be deemed to include, for example, the completion of the secondary school or university (Bachelor's, Master's or Doctor's degree studies), the acquisition of higher specialisation.

Pursuant to Section 155 paragraph 1 of the Labour Code, the employer may (though does not have to) conclude an agreement with the employee by which the employer will undertake to allow the employee to take up part-time studies to upgrade qualification by awarding time off work, wage compensation, and reimbursement of additional associated costs, and the employee will undertake to remain with the employer for a certain period in the employment relationship upon completion of education, or reimburse his costs incurred in the studies even where the employee terminates the employment relationship before completing the studies. The agreement must be concluded in writing, otherwise it shall be void.

Is there legislation in place providing for the possibility of individual time off for continuous vocational training, and, if yes, what are its conditions?

The conditions and the scope of work relief for employees pursuing part-time studies and further education are provided under Section 140 paragraph 3 of the Labour Code. As follows from this provision, the employer can award time off at least

- a) in the scope required for the participation in the lessons,
- b) two days for the preparation for and taking of every examination,
- c) five days for the preparation for and taking of the final examination, the school-leaving examination (*abitur*) and *absolutorium*,
- d) 40 days in aggregate for the preparation for and taking of all state examinations or the dissertation examination at particular levels of university education,
- e) ten days for the elaboration and defence of the final work, thesis or dissertation.

As will have followed from the above, it is in the exclusive competence of the employer to decide whether he has any interest in upgrading of qualification of his employee in a particular study programme at a particular school, and subsequently enable the employee, within the meaning of the concluded agreement, to upgrade qualification by awarding time off work, wage compensation, or reimbursement of additional costs associated with the studies (such as reimbursement of the costs of textbooks, tuition fees, accommodation expenses, travel expenses).

In his decision-making the employer will take account of his operating possibilities, economic situation and needs.

If however the employer enables the employee to pursue studies for example at a university or secondary school also in a course of study that he will not use for the needs of his organisation, (the upgrading of qualification through studies is not in line with the employer's needs), the employer will take the risk, that in the case of termination of employment relationship the duty of the employee to reimburse the costs will not arise, as provided in the Labour Code under Section § 155 paragraph 6. Where the employer is not interested in his employee's upgrading of qualification in the selected course of study, the employee is not obstructed in studying along with working at the relevant secondary school or university. To comply with the study duties the employee can use his leisure after work, the time of holiday,

or he may, subject to Section 141 paragraph 3 of the Labour Code, apply for the award of leave without pay with his employer.

What are the preventive measures taken against depreciation of qualification of the still active employees who are at risk of becoming unemployed by reason of technological and economic progress?

As has been discussed above, the preventive measures against depreciation of qualification of the still active employees who are at risk of becoming unemployed by reason of technological and economic progress consist in deepening and upgrading of qualification of employees.

Article 10, paragraph 5

“ With a view to ensuring the effective exercise of the right to vocational training, the Contracting Parties undertake to encourage the full utilisation of the facilities provided by appropriate measures such as:

- a. reducing or abolishing any fees or charges;*
- b. granting financial assistance in appropriate cases;*
- c. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;*
- d. ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.*

Question A

The following applies to the area of further vocational training:

- **the educational activities designed for all adults, focusing on the development of knowledge and professional skills but not leading to the acquisition of a level of education** – typically the adult citizens cover them from their own means. Certain forms of support can occur at regional level. One example are foreign language courses offered by the state language schools: the cost of these courses are in part covered from regional resources. It may also be that regional or local self-government authority would provide non-financial support for the development of the activities within free access to further vocational training (for example not-for-profit lending of buildings or classes). Also the financial support from the European Union can cover (at least in part) the financial cost linked with the activities of further vocational training accessible to all that are interested.
- **Activities of the education and training to the labour market for the unemployed and persons at risk of social exclusion** – for registered jobseekers, subject to Section 46 of the Act No. 5/2004 Coll. *“the office may provide an allowance for education and training for the labour market for a jobseeker up to the amount of 100% of the cost in respect of the first training activity, up to 75% of costs for the second educational activity, and up to 50% of the costs for every additional educational activity during two years of the entry the person in the first educational activity...”*. In certain specific cases that are defined in under Section 46 (5) of he Act No. 5/2004 Coll. a jobseeker can be reimbursed the full amount of the second and

third educational activity. It holds for this group that *“the office can provide the jobseeker an allowance for education and training for the labour market of up to 100% of the cost for one educational activity during two years of his stay on the Jobseekers Register...”*. Undertakings, too, may make use of the education and training for the labour market, as one of the active labour market policy tools. The Act No. 5/2004 Coll. stipulates that the offices of labour, social affairs and family can provide the employer with an allowance for staff training up to 90% of the eligible cost. However the employer must undertake to employ the workers who have participated in training financed in this way for at least twelve months of the completion of the educational activity. Recourse to this financial support of undertakings is had particularly in the case where training of workers can prevent collective dismissal.

- **Educational activities leading to the acquisition of ISCED 2 or ISCED 3 level of education, designed for the citizens having left the system of initial education early** – they rank among the measures subject to Section 46 of the Act No. 5/2004 Coll. (i.e. they are financed from the public funds)
- **Activities of education and training that are provided by employers** - Section 47 of the Act No. 5/2004 Coll. on the employment services provides that the offices of labour, social affairs and family may reimburse undertakings as much as 90% of the costs incurred in staff training. However the employer must undertake to employ the workers who have participated in training financed in this way, for at least twelve months of the completion of the educational activity. The offices of labour, social affairs and family can contribute towards employee training to the employers also in the case where, by education and training, collective dismissals are successfully avoided: *“Based on the agreement concluded in writing the office can provide the employer an allowance for education and training for the labour market of an employee, not exceeding 90% of the eligible costs of the education and training for the labour market of the employee, where upon completion the employer shall employ the employee for at least twelve months, or where the education and training for the labour market are held as part of measures allowing to avoid collective dismissal, or reduce the scope of collective dismissal. ...”*
 - Section 54 §2e of the Act No. 5/2004 Coll. provides that the investors who create new jobs in the Slovak Republic can be awarded a state financial aid for education of newly recruited employees: *“As active labour market policy measures are regarded: ...individual state aid to an investor, approved by the Government of the Slovak Republic, or by the European Commission, subject to an application for the provision of state aid, subject to special regulations, in the form of the allowance for a new created job, and the allowance for education of a new employee accepted in the newly created job, provided by the Central Office in the way and under the terms and conditions stipulated in the contract between the Central Office and the beneficiary of the individual state aid.”*
- **Activities and programmes of vocational education and training that are linked with different specific professions (for example in the health sector, education sector, or public administration** – they are typically financed from the public funds.

Question B

Equal opportunities and access to education is declared by the Constitution of the Slovak Republic and all other legal standards relating to the educational policy in the SR.

Provision for equal access to vocational training in the case of nationals of other Contracting Parties to the Charter is legislatively provided by the Act No. 29/1984 Coll. on the system of primary and secondary schools (the School Act), as later amended. A major change occurred in the conditions in the area of equal access to schooling for all concerned by its amendment by the Act No. 365/2004 Coll. on equal treatment in certain areas and the protection against discrimination and on amending of certain acts (the Anti-discrimination Act).

Question C

The following holds for the area of further education:

The Labour Force Survey of 2005 (supplemental survey on lifelong learning, Eurostat) points to the fact that 86.3% of those in training attended an educational activity within the regularly paid working time.

The Act No. 311/2001 Coll. the Labour Code, contains three paragraphs that concern the provision of education in undertakings and set the responsibilities of employees and employers in the area of deepening of the qualification:

Section 153 reads: *“ The employer shall take care of deepening of the qualification of his employees or for its upgrading. The employer shall consult with the employee representatives the measures aimed at paying attention to employee qualification, its deepening and updating”.*

Section 154 provides:

- *“For an employee who enters the employment relationship without a qualification, the employer shall ensure the acquisition of qualification through training or initial training.. .”;*
- *“ The employer shall be obliged to retrain an employee who is transferred to another kind of workplace or a new kind of work, or mode of work, where necessary, particularly in the changes in the organisation of work, or other rationalisation measures.”;*
- *“The employee shall be obliged to continuously deepen his qualification for the performance of work, agreed in the employment contract. The deepening of qualification shall also mean its upkeep or renewal. The employer shall be authorised to impose on the employee to participate in further training with a view to deepening his qualification. Participation in education/training shall be regarded as the performance of work for which the employee is entitled to the wage.”*

Section 155 allows the employer and the employee to conclude an agreement on further vocational education and training: *“The employer can conclude an agreement with the employee in which the employer shall undertake to enable the employee the upgrading of qualification by awarding him time off work, wage replacement, and reimbursing other cost incurred in the study, and the employee shall undertake to remain in the employer upon completion of studies for a certain time in an employment relationship , or reimburse him for all the costs associated with the study and the employee undertake to remain to the employer certain time in labour relationship after he finish the school or the employee must pay off the costs which are related to the education. “*

Specific rules may apply to certain professions with regard to the paid leave for study. 1 The rules draw on the Act No. 312/2001 Coll. Pursuant to Section 77 of the Act (Chapter five: "Deepening of qualification and increasing of qualification of civil servants") provides that the service office must give the civil servants at least five days off work per calendar year for deepening and extending their qualification. During this period the civil servants shall be entitled to their tariff salary. The civil servants willing to upgrade their qualification (particularly those who wish to obtain the higher education degree), can apply for additional leave during which they receive tariff salary. However, in such a case the service office can require the employee to undertake to remain in the civil service upon the completion of the educational activity for an agreed period.

Furthermore, all employers in the Slovak Republic must ensure training in the area of safety and fire protection for the newly recruited employees. Employers are also obliged to update this knowledge of their employees periodically. This duty stems from the Act No. 124/2006 Coll. on health and safety protection at work, and on amending of certain acts, the Act No. 314/2001 Coll. on the protection against fires and also from the Regulation of the Ministry of Interior of the Slovak Republic No. 121/2002 Coll. on fire prevention.

Question D

The answer will be mailed later.

Question E

In the area of further education the provisions of sub-paragraphs (a), (b) and (c) of Article 10 paragraph 4 can be applied to the great majority of the persons concerned.

ARTICLE 15: THE RIGHT OF DISABLED PERSONS TO SOVEREIGNTY, SOCIAL INTEGRATION AND THE INTEREST TO THE LIFE OF SOCIETY

Article 15, paragraph 1

“ With a view to ensuring the effective exercise of the right of the physically or mentally disabled to vocational training, rehabilitation and resettlement, the Contracting Parties undertake to take adequate measures for the provision of training facilities, including where necessary, specialised institutions, public or private.”

By a measure in the field of state social support in the provision of state social benefits, namely the child allowance, there is the provision of the benefit also in respect of a child that is unable of the continuous vocational preparation or the execution of a gainful activity owing to the long-term unfavourable health state, until the child reaches the age of majority, i.e. 18 years.

As a general rule, the child allowance is provided until the completion of compulsory schooling, until 16 years of age. At most, the child allowance is provided until reaching of 25 years of age, where the child is continuously preparing for a vocation through studies, or where the child cannot be preparing for the a vocation through studies, or carry out a gainful activity by reason of disease or injury.

For the purposes of the state social benefits as long-term unfavourable health state is regarded, subject to Section 5 of the Act No. 600/2003 Coll. on the child allowance, the disease and the state listed in the Annex to the Act on social insurance No. 461/2003 which, subject to the knowledge of the medical science last for more than 12 consecutive calendar months, or that are likely to continue for more than 12 consecutive calendar months, and require a special care.

A long-term unfavourable health state of the child shall also be a disease and the state requiring special care, where the disease and the state exclude the ability to continuously prepare for a vocation, or carry out a gainfully activity.

Question A

Invalidity pension shall be a pension benefit that is, subject to the terms and conditions stipulated by the Act No. 461/2003 Coll., as later amended, provided from the invalidity insurance. The purpose of the invalidity pension is to secure the policy holder's income in the case of the reduction of the capacity to carry out gainful activity as a result of a long-term unfavourable health state of the policy holder.

A policy holder shall be entitled to an invalidity pension, where

- he has been disabled
- he has acquired the required number of years of pension insurance and
- as of the day of the rise of invalidity, failed to satisfy the condition of the entitlement to the old-age pension, or was not awarded early old-age pension.

Under specific established conditions the entitlement to invalidity pension may arise (so-called invalidity pension from young age) to a natural person having become disabled in the period in which s/he was a dependent child and had permanent residence in the Slovak Republic. The entitlement to this pension shall arise from the day of reaching 18 years of age at the earliest.

The insured person shall be disabled, where owing to a long-term unfavourable health state his/her capacity to carry out gainful activity has been reduced by more than 40% compared with a healthy individual.

A long-term unfavourable health state shall be such state which causes a reduction of the capacity to carry out gainful activity and which according to the knowledge of the medical science is expected to last for more than one year.

Reduction of the capacity to carry out gainful activity is assessed by comparing the physical capacity, mental capacity and sensory capacity of an insured person with long-term unfavourable health state, with that of a healthy individual.

Reduction in the capacity to carry out gainful activity shall be assessed on the basis

- a) the medical reports and the data from the medical documentation of the healthcare facility and the evaluation of the treatment with a diagnostic conclusion, stabilisation of the disease, its further development, further treatment, and
- b) the comprehensive functional examinations and their conclusions, while account is taken of the remaining capacity to carry out gainful activity, remaining capacity to prepare for a vocation, the possibility to provide occupational rehabilitation or retraining.

The rate of the reduction in the capacity to carry out gainful activity is given in Annex 4 to the Act No. 461/2004 Coll. (posted at the pages of the MoLSAf SR www.employment.gov.sk).

The reduction in the capacity to carry out gainful activity in percentage shall be determined according to the type of disability that is the decisive cause of the long-term unfavourable health state and with regard taken of the severity of other disabilities.

The rate of the reduction in the capacity to carry out gainful activity, as established under the preceding paragraph, can be increased by 10% at most, where the severity of other disabilities affects the reduction of the capacity to carry out gainful activity.

For the purposes of invalidity (=disability), the long-term unfavourable health state shall be assessed repeatedly, where a change in the development of the health state or a change in the capacity to carry out gainful activity is anticipated.

The number of years of pension insurance required for the rise of the entitlement to invalidity pension shall be

- less than one year, where it involves an insured person aged up to 20 years,
- minimum one year, where it involves an insured person aged 20 to 22 years,
- minimum two years, where it involves an insured person aged 22 to 24 years,
- minimum three years, where it involves an insured person aged 24 to 26 years,
- minimum four years, where it involves an insured person aged 26 to 28 years,
- minimum five years, where it involves an insured person aged 28 and above.

The entitlement to invalidity pension shall lapse on the day of reaching the retirement age, or on the day of the award of early old age pension. At 31 December 2006, 182, 8 thousand persons were drawing invalidity pensions; in the light of the content of the preceding paragraph, this number is identical with that of the disabled persons of the working age.

For the purposes of the Act No. 5/2004 Coll. (hereinafter referred to as „the Employment Services Act”) as a citizen with disabilities shall be regarded, within the meaning of Section 9 paragraph 1,

- a) the citizen recognised as disabled subject to the Act No. 461/2003 Coll. i.e. the citizen, who according to the decision by the Social Insurance Agency, has lost the capacity to carry out gainful activity by more than 40%, compared with a healthy individual;
- b) the citizen whose loss of the capacity to carry out gainful activity has been 20 %, but not more than 40 % .

Based on the results of the supplementary labour forces survey, in the second quarter of the year 2005,² the overall number of persons aged 15-64 years with a long-term health problem, or invalidity, was 296.9 thousand, which comprised 7.9 % of all SR population of the given age category. Of this number the greatest proportion was taken by economically non-active persons, 72.5 %; those working comprised 18.9 % and there was 8.6 % unemployed.

According to the results of the Labour Force Survey in 2006, there were on average 32.3 thousand persons with disabilities working in the SR, which comprised 1.4 % of the total average number of persons working in the SR and 10.1 thousand persons with disabilities were unemployed which was 2.8 % of the total average number of unemployed persons in 2006. As of 31 December 2006 there were 182, 856 beneficiaries drawing invalidity pensions in the Slovak Republic. The number of citizens with disabilities in employment has increased by more than 10 thousand persons since 2001, when their number was 22.2 thousand. In 2005 citizens with disabilities comprised 3.2 % of the total unemployment, while in v 2006 it was down by 0.4 percentage points. In 2006 there were 10.1 thousand persons with disabilities unemployed, which was 2.8 % of the total average number of unemployed persons in the year 2006. In the light of the content of the preceding sentence the number is identical with the number of disabled persons of working age.

The positive development described above has been affected by the introduction of new, more efficient legislative instruments (pursuant to the Act No. 5/2004, this involves increased contributions for employers employing disabled citizens, support for self-employment of citizens with disabilities, etc.). The state supports employment of persons with disabilities by special active labour market measures designed to encourage employment integration of the disabled.

¹⁵ Supplementary survey “Health problems and invalidity“ was conducted within the Labour Force Survey in the second quarter of 2002, in accordance with the methodology developed by Eurostat. A health problem is deemed to mean a restriction of the person’s capacity to carry out daily activities and such activities in which the health can restrict their naturalness, duration or quality.

Question B

Supplementary question of the Committee to Article 15

The Committee notes that the SR is not in compliance because it is not provided that the right of persons with disabilities to employment is adequately guaranteed.

In the Slovak conditions the situation and the developments in the area of employment of people with disabilities are commonly derived from the rate of unemployment. By adopting new legislation in employment services options have been created to support employment of people with disabilities, both, within the universal solutions and those designed specifically for this group of citizens who are disadvantaged in the labour market. Pursuant to Section 8 of the Act No. 5/2004 Coll., a *disadvantaged citizen is also a citizen with disabilities*. Application of modern employment services in respect of citizens with disabilities is primarily concentrated around National Project II, "Support for the employment of persons with disabilities". We enclose a table giving an overview of the use of active labour market policy tools for the benefit of people with disabilities under "former" and "current" legislation.

Within the meaning of Section 14 paragraph 2 of the Act No. 5/2004 Coll. on employment services and on amending of certain acts, as later amended, the citizen has the right of access to employment without any restrictions, in line with the principle of equal treatment in employment relations and equivalent legal relations laid down by a special regulation.20c). In accordance with the principle of equal treatment discrimination is prohibited on the grounds of marital and family status, colour of skin, language, political or other belief, trade union activity, national or social origin, **disability**, age, property, extraction, or other status.

Use of active labour market policy tools specialised for citizens with disabilities in the first half of 2005

	First half of 2005 created (occupied) posts / expenditure
Allowance for setting up a sheltered workshop or a sheltered workplace	248 (32, 500.0 thousand)
Allowance for setting up a sheltered workshop or a sheltered workplace and allowance to a person with disabilities to operate or involve in self-employment	223 27, 200.0 thousand)
Allowance for the activity of a work assistant	29 WA/ for 113 citizens with disabilities (4, 100. 0 thousand)
Allowance for the operations of a sheltered workshop or a sheltered workplace (allowance to reimburse the operating costs of a sheltered workshop or a sheltered workplace	unprocessed as yet

WA –work assistant

Source: implementation of ALMP tools in 2005, COLSAF

The situation has changed compared with the preceding years in the first half of 2005 in that the volume of funds drawn and the number of beneficiaries supported exceeded the annual

level for 2004. A positive change in some measure occurred also in the number of registered jobseekers, when at the end of 2005 their number fell by 2,500 relative to December 2004. For the sake of illustration we state that at the end of 2005, there was more than 1,100 jobseekers with disabilities still not reviewed.

To evaluate summarily we may note that the strategy of employing citizens with disabilities within the employment services measures is primarily oriented at the implementation of the *sheltered employment model* (sheltered workshops and sheltered workplaces), including the provision for the duty of employers to employ a prescribed proportion of citizens with disabilities under exactly defined conditions.

Article 15, paragraph 2

“ With a view to ensuring the effective exercise of the right of the physically or mentally disabled to vocational training, rehabilitation and resettlement, the Contracting Parties undertake to take adequate measures for the placing of disabled persons in employment, such as specialised placing services, facilities for sheltered employment and measures to encourage employers to admit disabled persons to employment. “

Question A

The Act 5/2004 Coll. in Section 63 paragraph sub-paragraph d), imposes a duty on the employer to employ persons with disabilities, subject to Section 9 paragraph 1 sub-paragraph a), (hereinafter referred to as the “person with disabilities”), if employing at least 20 employees, and the office of labour, social affairs and family has persons with disabilities on its register, in the number comprising 3.2 % of the total number of the employer’s employees.

Where the employer has failed to comply with the duty in the relevant calendar year, subject to Section 63 paragraph 1 sub-paragraph d) aforementioned Act and has not used the form of alternative performance, i.e. has not placed an order with a sheltered workshop, or sheltered workplace, for the purposes of fulfilling the compulsory proportion of disabled persons employed by him, the employer shall be obliged, within the meaning of Section 65 of the Act No. 5/2004 Coll., not later than by 31 March of the ensuing calendar year, to remit to the account of the office of labour, social affairs and family a levy in respect of every missing person with disabilities, at the amount of three times the monthly minimum wage, as effective at the end of the calendar month, in which the levy for non-compliance with compulsory proportion of persons with disabilities is made.

Where the office had jobseekers with disabilities on its register only for a part of the calendar year, the levy shall be reduced by an amount that is the product of the monthly minimum wage, as effective at 31 March of the calendar year in which the levy is made for non-compliance with compulsory share of employment of persons with disabilities, half of the number of months during which the office did not have persons with disabilities on its register and the number of persons with disabilities by which the fulfilment of the share is short subject to Section 63 paragraph 1 sub-paragraph d) of the Act No. 5/2004 Coll.

The policy of employment support for persons with disabilities is covered in the eighth and ninth chapters of the Act No. 5/2004 Coll. and in the Regulation of the MoLSAF No. 44/2004 Coll., by which the Section 69 paragraph 2 of the Act No. 5/2004 Coll. is implemented. Within the active labour market policy measures employment assertion of persons with disabilities is supported, namely by

- allowance for setting up a sheltered workshop or a sheltered workplace and for their retention (subject to Section 56 of the Act on the employment services)
- allowance for persons with disabilities for operations or involvement in self-employment (subject to Section 57 of the Act on the employment services);
- allowance for the activities of a work assistant (subject to Section 59 of the Act on the employment services),
- allowance for reimbursement of the operating cost of a sheltered workshop or a sheltered workplace and for reimbursement of the travel cost of employees (subject to Section 60 of the Act on the employment services).

Question B

The development in the support for self-employment, job creation, and other active labour market measures promoting integration of persons with disabilities in the labour market for 2005-2006 is given in the Annex No.11 to the letter.

Apart from the contributions referred to in the table outline, in 2005 and 2006, special contributions were effected designed to support the job creation for persons with disabilities under the support project of *creating new jobs through non-repayable flat rate contributions*, namely under the call for projects testing out new active labour market measures within the meaning of Section 54 paragraph 2 sub-paragraph a) of the Act No. 5/2004 Coll.

Through this programme 986 new jobs were created for the disabled people in 2005 (the spending amounting to 212,5 thousand SKK, with the average contribution per 1 job at 215,5 SKK) and, in 2006, 1,897 new jobs were supported (spending amounting to 408,7 thousand SKK, with the average contribution per 1 job at 215,4 SKK).

ARTICLE 18: THE RIGHT TO ENGAGE IN A GAINFUL OCCUPATION IN THE TERRITORY OF OTHER CONTRACTING PARTIES

Article 18 paragraph 1

“ With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Contracting Party, the Contracting Parties undertake to apply existing regulations in a spirit of liberality.”

Question A

The legislation of the Slovak Republic regarding the right to engage in a gainful occupation, namely - the Act of the NC SR No. 5/2004 (Section 32 paragraph 6) provides that “A citizen has the right to freely select an occupation and carry it out throughout the territory of the Slovak Republic, or s/he can secure a job abroad” i.e. there are no obstructions for citizens to take up employment abroad. A citizen can secure the employment abroad himself/herself, or via a legal or natural person having been licensed to intermediate employment abroad.

The Ministry of Labour, Social Affairs and Family is in charge of employment of foreigners in the territory of the Slovak Republic. The Border and Aliens Police Department of the Presidium of the Police Corps co-acts in the area of employment of aliens, issuing residence permits to foreigners to move in the territory of the Slovak Republic for this purpose.

The Border and Aliens Police Department of the Presidium of the Police Corps is charged with decision making on granting residence permits to foreigners moving in the territory of the Slovak Republic that have applied for a residence permit by reason of employment. Aliens are granted long-term residence permit in the territory of the Slovak Republic for the purpose of employment. A foreign person can be employed on the basis of a work permission issued by the competent office of labour, social affairs and family, pursuant to the Act No. 455/1991 Coll. – the Trade Act, as a self-employed person. Granting of the long-term residence permit is governed by the Act of the National Council of the Slovak Republic No. 73/1995 Coll. on the stay of aliens in the territory of the Slovak Republic and the internal implementing regulation or the President of the Police Corps No.14/1998 on the procedure in matters of aliens' stay in the territory of the Slovak Republic.

Pursuant to Section 6 paragraph 2 of the cited act on aliens' stay, the long-term residence permit is issued for the period needed for the achievement of the purpose of the stay, not exceeding however one year. This period may be repeatedly extended, subject to the application by the alien, always by not more than one year.

Upon request, a long-term residence permit may be issued also to the spouse of the employed alien and to his children aged up to 18 years, provided they accompany him during his stay in the territory of the Slovak Republic. These persons are issued long-term residence identically with the alien, in accordance with the cited act on the aliens' stay.

The Act No.455/1991 Coll. business does not restrict the right to engage in business. The same right applies to nationals of the Slovak Republic and the aliens moving in the territory of the Slovak Republic, or foreign persons. This Act does not provide for the entire right to

engage in a gainful business but only to a part which constitutes business within the meaning of that act.

Aforementioned Act does not contain provision that would prescribe different conditions for business for foreign persons from those for nationals. Currently, the area is harmonised relating to the professional competence for the execution of certain activities to recognise documents of professional competence.

Article 18 paragraph 2

“ With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Contracting Party, the Contracting Parties undertake to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers.”

Question A

The application for the residence permit for the purpose of employment is submitted pursuant to Section 8 paragraph 1 of the Act No. 48/2002 Coll. on the stay of aliens in the territory of the Slovak Republic. The application is submitted with the diplomatic authorities of the Slovak Republic abroad. Pursuant to Section 8 paragraph 2 of the cited act, a document of secured accommodation is to be supplied with the application, as well as a certificate of the health state from the healthcare facility of the home state, or the state of last residence, and of the Slovak Republic substantiating that the applicant is not a carrier of a disease whose spreading is punishable under the criminal law; a certificate of the home state, or the state of the last residence, and from the Slovak Republic, suggesting that the applicant has not committed an act that is a deliberate criminal offence; a valid travel document; and a document substantiating the purpose of the stay, which for the purpose of employment is the employment permission; and for the purpose of undertaking business, a trade licence; or an entry in the Commercial Register.

The exception is applied in respect of the nationals of the Czech Republic; in their employment and long-term residence permits the procedure is pursued in accordance with the intergovernmental agreement of 1992 between the Slovak Republic and the Czech Republic on the employment of their citizens.

Question B

The charges for granting the long-term residence permit for the purpose of employment or engaging in self-employment are levied within the meaning of item 24 of the Schedule of Charges that is part of the Annex to the Act No.145/1995 Coll. on administrative charges, as later amended.

- For the submission of application for the issue of long-term residence permit for the purpose of employment, subject to the work permit, or trade licence - 5,000 SKK
- For granting long-term residence permit for the purpose of maintaining family unity the alien must pay 3,000 SKK.
- For the extension of the long-term residence permit for the purposes of employment, the alien must pay 3,000 SKK
- For the extension of the long-term residence permit for the purpose of maintaining family unity the alien must pay 2,000 SKK.

Persons younger than 15 years of age and the nationals of the Czech Republic are exempted from the charges. The collection of a charge under item 24 can be waived, or the charge can be reduced for a humanitarian reason, or reciprocity reason which the alien is obliged to substantiate.

The legal persons or natural persons are exempted from the charge pursuant to Section 4 of the cited act for the acts in respect of which an international treaty, or international agreement binding on the Slovak Republic so stipulates.

For granting the long-term residence permit for the purpose of employment the alien must pay the tax within the meaning of the Act of the National Council of the Slovak Republic No. 145/1995 Coll. Pursuant to item 24 of the Schedule of Charges which constitutes the Annex of the cited Act, the charges are collected from the alien:

- For the submission of the application for long-term residence permit for the purpose of employment - 5,000 SKK.
- For granting long-term residence permit for the purpose of maintaining family unity the alien shall be charged 3,000 SKK.
- For the extension of the long-term residence permit for the purposes of employment, the alien shall be charged 3,000 SKK
- For the extension of the long-term residence permit for the purpose of maintaining family unity the alien shall be charged 2,000 SKK

Persons younger than 15 years of age and the nationals of the Czech Republic are exempted from the charges. The collection of a charge under item 24 can be waived, or the charge can be reduced for a humanitarian reason, or a reciprocity reason which the alien is obliged to substantiate.

The legal persons or natural persons are exempted from the charge pursuant to Section 4 of the cited act for the acts in respect of which an international treaty, or international agreement binding on the Slovak Republic so stipulates.

The amount of administrative charges for the acts by the trade licensing authorities is the same for all entities – 1,000 SKK for granting the trade licence, and 2,000 SKK for granting the concession.

Question C

In connection with granting long-term residence permits for the purpose of employment in a dependent employment relationship or in the independent work activity, no measures have been taken in this respect.

Supplementary question of the Committee to Article 18 paragraph 2

The report does not mention what formalities are in place to obtain a work permit for self-employed workers. The Committee requests to provide the relevant information on this issue in the next report.

Pursuant to Section 19 of the Act No. 48/2002 Coll. on the stay of aliens and on amending of certain acts: „An alien can be granted the permit for temporary stay (residence) for the purpose of business activity by a police section, based on a trade license issued pursuant to a

special regulation. An alien who has been granted permit for temporary residence for the purpose of business activity must not enter employment or an equivalent employment relation.”

Pursuant to Section 5 of the Act No. 455/1991 Coll. on trade activities (Trade Law) *”A natural person residing in or a legal person having its seat outside the territory of the Slovak Republic can operate a trade on the territory of the SR under equal conditions and in the same scope with that of the SR nationals. However, they have to appoint responsible representatives. Natural persons who have been granted refugee status, subject to special regulations, can operate a trade under the same conditions as an alien who has been granted permanent residence permit in the territory of the SR.” A foreign person must supply his or her extract from the Crime Register of the country of origin.*

The application is submitted with the competent labour office. There are no administrative fees charged for the submission of the application for the work permit.

The Committee requests the information on the administrative requirements for the renewal of the temporary residence permit.

The renewal of the temporary residence permit is in the competence of the police section competent according to the place of residence of the alien. It is renewed for **maximum 180 days**, where the permit for temporary residence for the purpose of seasonal employment has been granted for less than 180 days, and the completion of work requires the stay; **maximum 3 years**, where the assumed alien's stay will last for at least three years; or for **maximum 5 years**, where it involves an alien with long-term residence.

The alien submits this application no later than 60 days prior to the expiry of the validity of the temporary residence permit. The police section shall decide about the application for renewal no later than within seven days prior to the expiry of the validity of the temporary residence permit.

For the application for renewal of the temporary residence permit for the purpose of business the alien is obliged to substantiate that he or she is able to earn a living for himself or herself and his/her family out of the taxed income from such business. This does not apply to an alien with a long-term residence.

Article 18 paragraph 4

“ With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Contracting Party, the Contracting Parties undertake to recognise the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Contracting Parties. “

Where an alien wants to terminate the long-term residence in the territory of the Slovak Republic, he is obliged to notify the termination of residence not later than 30 days before the lapse of the date of the permitted residence pursuant to Section 16 paragraph of the Act No. 48/2002 Coll.

An alien can be withheld from leaving, against whom in the Slovak Republic:

- a) an execution of the decision has been ordered for failing to comply with the maintenance obligation, or financial obligations, particularly against the Slovak Republic

criminal prosecution is in progress, or who did not serve the prison sentence that he had been imposed by the national court, unless the punishment has been pardoned or the execution of punishment has lapsed.

Additional Protocol to the European Social Charter of 1988

ARTICLE 1: THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF SEX

(Article 1 of the Additional Protocol of 1988)

“ With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex , the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- access to employment, protection against dismissal and occupational resettlement
- vocational guidance, training, retraining and rehabilitation
- terms of employment and working conditions including remuneration;
- career development including promotion.

“Provisions concerning the protection of women, particularly as regards pregnancy, confinement, and the post-natal period, shall not be deemed to be discrimination as referred to in paragraph 1 of this Article. “

“Paragraph 1 of this Article shall not prevent the adoption of specific measures aimed at removing de facto inequalities.”

“Occupational activities which, by reason of their nature or the context in which they are carried out, can be entrusted only to persons of a particular sex may be excluded from the scope of this Article or some of its provisions. “

Question A

Provisions concerning the elimination of every kind of discrimination in employment are given in the following legal provisions and regulations:

Act No. 311/2001 Coll., last amending the Act No. 348/2007 Coll.,

Act No. 552/2003 Coll. on the performance of work in the public interest

Act No. 365/2004 Coll on equal treatment in certain areas and protection against discrimination and on the amendment of certain acts (Anti-discrimination Act).

In addition, anti-discrimination provisions are also contained in:

Section 55 paragraph 2 of the Act No. 131/2002 Coll. on higher education and on amending of certain acts, as later amended , and on amending of certain acts

Section 16 of the Act No. 315/2001 Coll. on fire and rescue corps

Section 3 of the Act No. 312/2001 Coll. on the civil service

Section 14 of the Act No. 5/2004 Coll. on the employment services

Section 4 of the Act No. 474/2005 Coll. on the Slovaks living abroad and on amending of certain acts

Section 5a of the Act No. 200/1998 Coll. on the civil service of customs officers.

Section 5 of the Act No. 552/2003 Coll. on the performance of work in the public interest

Section 2a of the Act No. 73/1998 Coll. on the civil service of the members of the police corps, the Slovak Intelligence Service, the Court and Prison Guard Service of the Slovak Republic, and the Railway Police

Section 7 paragraph 11 of the Regulation No.379/2005 Coll. amending the Regulation of the Ministry of Education of the Slovak Republic No. 510/2004 Coll. on the completion of

studies at the secondary schools and on completion of vocational education in the vocational apprentice schools, apprentice schools and schools of practical instruction
Section 20 of the Act No.154/2001 Coll. on prosecutors, and prosecution candidates
Section 3 of the Act No. 346/2005 Coll. on the civil service of professional soldiers of the armed forces of the Slovak Republic and on amending of certain acts.

We need to give the relationship between the Labour Code and the Anti-discrimination Act. Pursuant to Section 13 paragraph 1 of the Labour Code, the employer shall be obliged to treat the employees in the employment relations in accordance with the principle of equal treatment for the area of employment relations, provided under a separate Act No. 365/2004 Coll on equal treatment in certain areas and protection against discrimination and on the amendment of certain acts (Anti-discrimination Act). It will follow from the above that the Anti-discrimination Act operates subsidiarily to the Labour Code, i.e. in the cases where the particular legal provision concerning equal treatment is lacking in the Labour Code, the Anti-discrimination Act needs to be fully applied.

According to Article 1 of the Basic Principles of the Labour Code natural persons have the right to work and to free selection of occupation, to just and satisfactory work conditions and the protection against unemployment. These rights belong to them without any restrictions and direct or indirect discrimination on the grounds of gender, marital and family status, race, colour of skin, language, age, unfavourable health state, disability, faith and religion, political or other belief, trade union activity, national or social origin, membership of nationality or ethnic group, property, extraction, or other status, except where the law so provides, or where substantive reasons exist in respect of the performance of works lying in particular qualifications and the nature of the work that the worker is to carry out.

Article 6 of the Basic Principles of the Labour Code provides that women and men have the right to equal treatment, as regards the access to employment, remuneration, and promotion, vocational training, and the conditions of work. Women are ensured working conditions enabling them to participate in work with regard taken of their physiological preconditions, and with regard to the social function in maternity, and women and men, with regard to their family responsibilities in rearing of and caring for children.

The employer shall be obliged to treat the employees in the employment relations in accordance with the principle of equal treatment provided for the area of employment relations, under a separate Act on equal treatment in certain areas and protection against discrimination and on amending of certain acts (Anti-discrimination Act).

Pursuant to Section 13 paragraph 2 of the Labour Code, in accordance with the principle of equal treatment, discrimination is prohibited also on the grounds of marital and family status, colour of skin, language, political or other belief, trade union activity, national or social origin, property, extraction or other status.

Pursuant to Section 41 paragraph 8 of the same Act, in admitting a person in employment the employer must not be in breach of the principle of equal treatment as regards access to employment (Section 13 paragraphs 1 and 2 of the Labour Code).

Pursuant to Section 6 paragraph 1 of the Act No. 365/2004 Coll on equal treatment in certain areas and protection against discrimination and on the amendment of certain acts

(Anti-discrimination Act), in accordance with the principle of equal treatment, discrimination is prohibited against persons in employment relations, equivalent legal relations and the associated legal relations on the grounds of sex, religious belief or faith, race, national or ethnic origin, disability, age, or sexual orientation.

The principle of equal treatment under Section 6 paragraph 1 of the Anti-discrimination Act shall be applicable only in respect of the rights of natural persons provided under separate acts for the areas of :

- a) access to employment, occupation, other gainful activity, or office, (hereinafter referred to as “employment”) including the requirements in recruiting in employment and the conditions and ways of conducting the selection for employment,
- b) work performance and working conditions, including remuneration, promotion in employment, and conditions governing dismissal,
- c) access to vocational training, advanced vocational training and participation in the programmes of active labour market measures, including counselling in job selection and job change (hereinafter referred to as “vocational training”), or
- d) membership or activity in an employees' organisation, employers' organisation and in professional association organisations, including provision of advantages these organisations afford their members.

As discrimination

- a) on the grounds of sex is also regarded the discrimination on the grounds of pregnancy or maternity, as well as discrimination on the grounds of sexual or gender identification,
- b) on the grounds of race, national or ethnic origin is also regarded the discrimination on the grounds of relationship to a person of certain race, national or ethnic origin,
- c) on the grounds of religion or faith, is also regarded the discrimination on the grounds of a relationship to a person of particular religion or faith and the discrimination against a person without religious belief,
- d) on the grounds of disability is also regarded the discrimination on the grounds of previous disability or a discrimination against a person, in whom, based on outer symptoms a disability could be assumed.

Section 6 paragraph 2 contains the prohibition of discrimination on the grounds of sex for the areas contained in Article 1 paragraph 1 of the Additional Protocol.

Conditions of pay of employees in the business sphere form an integral part of the working conditions. Within the meaning of Section 119 of the Act No. 311/2001 Coll. paragraph 1, there must be equal pay conditions for men and women, without any discrimination based on sex. Women and men have the right to equal pay for like work, or for work of equal value. The cited right shall apply also to employees of the same sex, where they carry out like works or works of equal value. The system of work assessment (work positions) applied by the employer must equally draw on the same criteria for men and women, without any discrimination based of gender.

The Labour Code shall apply to the employment relations of employees in performing work in the public interest (Act No. 552/2003 Coll. on performing of work in public interest, as later amended), unless the act on performing work in the public interest, or a separate regulation provides to the contrary. It will have followed from the above that the

provisions of the Labour Code concerning discrimination shall also apply to the employees performing work in public interest. Pursuant to Section 5 paragraph 2 of the Act No. 552/2003 Coll., on performing of work in the public interest, in selection procedure the principle of equal treatment must be observed in employment relations and equivalent legal relations provided for in the Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and on the amendment of certain acts (Anti-discrimination Act). In line with the principle of equal treatment in employment relations, equivalent legal relations and the legal relations associated with them, discrimination against persons is prohibited on the grounds of their sex, religious belief, or faith, racial origin, national or ethnic origin, disability, age or sexual orientation. As discrimination is also regarded the discrimination on the grounds of pregnancy or maternity, as well as the discrimination on the grounds of sexual or gender identification. As discrimination based on racial origin is also regarded the discrimination on the grounds of relationship to a person of certain race, national or ethnic origin. As discrimination based on religious belief is also regarded the discrimination on the grounds of a relationship to a person of particular religion or faith and the discrimination against a person without religious belief. As discrimination based on disability is also regarded the discrimination on the grounds of previous disability, or discrimination against a person, in whom, based on the outer symptoms a disability could be assumed.

In the selection procedure discrimination is prohibited on the grounds of marital and family status, race, colour of skin, language, political or other belief, trade union activity, national or social origin, property, extraction, or other status

In concluding higher-level collective agreements between the trade union association (i.e. employees representatives) and the employers' association (i.e. employers' organisations) the Contracting Parties undertake to observe the principle of equal treatment and implement non-discriminatory policy in the implementation of the content of the agreement and in their other activity.

By adopting the Act No. 103/2007 Coll. an efficient social dialogue at national level has been promoted between the state, employers and employees (hereinafter referred to as the “social partner”) through their representatives, as a democratic vehicle for addressing economic and social development, employment growth and ensuring social peace.

The cited act provides for the national tripartite consultations between the state and the social partners negotiating through their representatives and discussing the essential issues of the economic and social development and employment growth, with a view to achieving agreement on these issues, and for setting up, composition and the principles of activity of the Economic and Social Council of the Slovak Republic.

The Economic and Social Council of the Slovak Republic has been established by law as a consultation and negotiation body of the Government and social partners at national level (Section 4 of the Tripartite Act).

The Economic and Social Council of the Slovak Republic

- a) shall agree positions and recommendations in the field of economic and social development and the development of employment,

- b) shall conclude agreements in the field of economic and social development and the development of employment,
- c) shall negotiate positions and recommendations in the area of the state budget,
- d) shall negotiate positions and recommendations to proposals for generally binding regulations relating to important interests of employees and employers, particularly economic, social, working and pay conditions, conditions of employment and business conditions,
- e) shall promote all forms of collective bargaining,
- f) shall establish its advisory bodies,
- g) shall approve the Rules of Procedure for the Council

Question B

We have no knowledge of any court rulings in the area covered by Article 1 paragraph 1. Though that does not rule out that legal actions could have been brought but were either rejected on the grounds that the complainants failed to present sufficient evidence of their having been discriminated against on the grounds of sex, or that the actions had been subsumed into other legal proceedings such as invalidity of the termination of employment relationship on other grounds.

Question C

The employee has the right to lodge a complaint with the employer in connection with the breach of the principle of equal treatment under Section 13 paragraphs 1 and 2 of the Labour Code; the employer is obliged to respond to the complaint without undue delay, arrange for remedy, abstain from such action, and eliminate any consequences thereof (Section 13 paragraph 4 of the Labour Code).

Pursuant to Section 41 paragraph 9 of the Labour Code, where in the rise of the employment relationship the employer is in breach of the duty, set out in Section 41 paragraph 8, the natural person has the right to reasonable financial compensation.

It will have followed from the above, that the jobseeker has the right of recourse to the court with a claim for indemnification with regard to the breach of the duty of the principle of equal treatment by the employer as regards the access to employment. The burden of proof shall rest with the employer who is obliged to establish that there has not been a breach of the principle of equal treatment.

The following legal regulations provide for safeguarding of the right to equal treatment also in the case of a compliant or legal dispute regarding discrimination:

Pursuant to Article 9 the right has been enshrined in the Labour Code of the employee to the protection by court and to the prohibition of his placement at a disadvantage or his harm induced by the employer for the exercise of the employee's rights.

Section 13 paragraph 3 – the prohibition of victimisation or other retribution resulting from lodging a complaint, bringing action or making a petition to start criminal proceedings.

Section 13 paragraph 4 – the right of the employee to lodge a complaint with the employer with regard to the breach of the principle of equal treatment.

Section 13 paragraph 5 – the right of the employee to claim legal protection before a court, where he believes that his rights or legally protected interests have been affected by failure to

observe the principle of equal treatment, or the conditions pursuant to paragraph 3 of Section 13.

The Act No. 365/2004 Coll.

Section 9 paragraph 1 enshrines the right to equal treatment and protection against discrimination.

Section 9 paragraph 2. The right of every person to claim protection before a court, if he believes that his rights or legally protected interests or freedoms have been affected by failure to observe the principle of equal treatment.

Question D

The National Labour Inspectorate and its labour inspectorates are an important part of the machinery for the promotion of equal opportunities and equal treatment in the labour market practices in Slovakia. Annually, labour inspectorates organise reviews focused on the checks of working conditions, as determinants of gender inequalities of labour and based on the findings of irregularities they order remedial action.

As regards equal pay, a major step has been taken in the Slovak Republic when on 1 September 2007 the Act No. 348/2007 Coll. fell effective, amending the Act No. 311/2001 Coll. - the Labour Code, as later amended. The amendment added in the Labour Code a separate Section 119a, titled “The wages for like work and for work of equal value”. Within the meaning of this provision, the wage conditions of employees must be agreed without any discrimination on the grounds of sex.

The hitherto provided duty of the employer to give a woman and a man the same wage for the same work has been legislatively extended through the new Section 119a of the Labour Code with a duty to guarantee equal wage conditions for the man and woman in the case of the performance of work of equal value, i.e. in the case where the woman and the man carry out work of comparable demands.

Like work (the same, equal) or the work of equal value shall be deemed to be the work of the like or comparable complexity, responsibility or strenuousness that is carried out in the like or comparable working conditions and with the achievement of the same or comparable work performance and work results in the employment relationship with the same employer. In addition to these criteria, in assessing the value of work of the woman and the man, the employer can make use of other objectively measurable criteria that are applicable to all employees without discrimination based on sex.

Where the employer applies a system of valuation of work positions this valuation must be based of equal criteria for men and women without any discrimination based on sex.

Section 14 of the Act No. 5/2004 as amended by the Act 365/2004 Coll. contains a special provision in the matter of **access to employment**.

As regards the matter of **protection against dismissal** - the recent amendment of the Labour Code prohibits the employer from serving a notice on an employee also during the period when a lone female or male employee takes care of a child under the age of three years (§ 64 1c). In addition to the above, also Section 2 and 6 of the Anti-discrimination Act, Articles 6 and 8 of the Basic Principles of the Labour Code, Section 13 of the Labour Code and the new provision of Section 119a of the Labour Code, as well as the Constitution of the Slovak Republic under Article 12 paragraph 2, enshrine the general prohibition of discrimination, and, in Article 36 sub-paragraph b, the legal protection against arbitrary dismissal from employment and against discrimination in employment.

Question E

Despite the legislation, as referred to under Point D, wage gaps persist between women and men. With a view to eliminating this fact the remit of the existing Commission for the management and coordination of works relating to the Labour Price Information System has been extended with the solution of the issues of gendered wage gaps. In the cited commission work together experts of the Department for Gender Equality and Equal Opportunities, the Faculty of Law of the Comenius University, the Institute for Work and Family Studies, Trexima, s.r.o, and the Statistical Office of the SR.

In other areas of Article 1 paragraph 1 concealed discrimination may also occur. The annual checks of the National Labour Inspectorate in the area of gender equality and equal opportunities focus, inter alia, on revealing those facts.

Question F

The provisions listed in the Appendix in Article 1 are not deemed to be eliminated from the scope of the application of the Protocol.

Question G

The protection of the woman in the case of pregnancy, confinement, and post-natal period is provided in the following legal regulations:

The Labour Code No. 311/2001 Coll.

Section 55 paragraph 2 sub-paragraphs b) and f) Transfer to another work.

Section 64 paragraph 1 sub-paragraph c) Prohibition of notice.

Section 68 paragraph 3 Prohibition of immediate termination of employment relationship.

Section 141 paragraph 2 sub-paragraph a) point 3, Time off for pre-confinement medical checks.

Section 157 Return to work upon completion of maternity or parental leave.

Section 161 to Section 170. Provisions govern the working conditions of women taking care of children. For example transfer to another work, maternity leave, parental leave, working time arrangements, breaks for nursing .

The Regulation of the Government of the Slovak Republic No. 272/2004 establishing the list of works and workplaces prohibited for pregnant women, mothers until completion of the ninth months of confinement, and nursing mothers, the list of works and workplaces involving specific risks for pregnant women, mothers until completion of the ninth months of confinement, and for nursing mothers and which establishes certain duties for employers in employing these women (hereinafter referred to as the “Regulation”) provides for the prohibition of exposure to risk, with the List of works and workplaces constituting the Annex to the Regulation.

The Act No. 365/2004 Coll., Section 8 paragraph 7 sub-paragraph b) provides that different treatment for the purpose of protection of pregnant women and mothers shall not be deemed to be discrimination.

Protection against dismissal for the pregnant woman, the woman and the man taking care of a child has been enshrined in the Labour Code. As will follow out of Section 64 of

the Labour Code, the employer must not serve a notice in the protective period, i.e. during the time when the woman is pregnant, when the female employee is on maternity leave, or when the female or male employee is on parental leave, or when a lone female or male employee takes care of child aged under three years. The employer may terminate the employment relationship with a notice served to a pregnant woman and the woman on the maternity leave or the female or male employee on parental leave, and a lone female or male employee taking care of child aged under three years only exceptionally, namely in the case the employer or a part thereof is dissolved or relocated. (Section 63 paragraph 1 subparagraph a) of the Labour Code) and hence there is not a legal or natural successor of the employer, and in cases where the employment relationship could be terminated immediately because of the contravention of the work discipline.

Where the operations of the employer permit it, upon request on health grounds or some other serious grounds the employer may grant the employee suitable weekly working time arrangements, or agree them in the employment contract upon his or her request under the same conditions. In assigning employees in work shifts the employer is also obliged to take account of the needs of pregnant women, women and men taking care of children. Where a pregnant woman and the woman and the man taking continuous care of a child younger than 15 years makes a request for a part-time arrangement or other suitable arrangement of the fixed weekly working time, the employer is obliged to grant the request unless serious operating reasons prevent him from so doing.

The employer may employ the pregnant woman, and the woman or man taking continuous care of a child under three years of age and the lone woman or the lone man taking care of a child under 15 years of age, in overtime only with their consent. On call time can only be agreed with them.

The employer is obliged to give a nursing mother special breaks for the purpose of nursing in addition to the breaks during the work (subject to Section 170 paragraph 1 of the Labour Code)

A mother that works the statutory weekly hours has the right to two half-hour breaks for nursing per shift, in respect of every child, until the completion of 6 months of the child's age, and one half-hour break per shift for nursing in the ensuing six months. The employer shall fix the breaks for nursing so as not to frustrate the operations. The Labour Code permits to aggregate the breaks and provide them at the beginning or the end of the working shift. (Section 170 paragraph 2 of the Labour Code). Where the mother works shorter working hours, but not less than half of the statutory weekly hours, she has the right to one half-hour break for nursing in respect of every child until the end of the sixth month of its age (Section 170 paragraph 2 of the Labour Code).

It will have followed from the above, that the extent of breaks for nursing is provided on the basis of two criteria, namely from the aspect of the distribution of the weekly working time of the female employee, and the age of the child.

The breaks for nursing are counted in the working time of the woman and a wage compensation is payable in their respect at the amount of the rate of her average earnings (Section 170 paragraph 3 of the Labour Code).

Parental leave has been enshrined in the Labour Code in accordance with the Directive No. 96/34/EC so as to enable the rise of entitlement to time off without pay by reason of childcare for not only the woman but also the man, provided they care for a born child. The entitlement to parental leave has thus become an individual, non-transferable right of any of the parents. Hence not only the mother but also the father or both mother and father

can take care of the child. The man is eligible to parental leave to the same extent as the woman, from the birth of the child, i.e. both parents can be on parental leave even simultaneously. The conditions for the entitlement to maternity allowance are provided in the Act No. 461/2003 Coll. on social insurance, as later amended; maternity allowance is payable to only one of the parents.

The woman takes her maternity leave, as a rule, from the sixth week before the anticipated confinement date but not earlier than from the beginning of the eighth week before that date.

Where the woman has used up less than six weeks of her maternity leave before the confinement, because the childbirth occurred earlier than the date established by the medical doctor, she shall be entitled to the maternity leave from the date of its start until the lapse of time, as provided under Section 166 paragraph 1 of the Labour Code. Where the woman has used less than six weeks of her maternity leave before confinement for other reason, she shall be provided maternity leave from the date of confinement until the completion of 22 weeks, or 31 weeks, where it involves a woman giving birth simultaneously to two or more children, or where she is a lone mother.

With regard to confinement and care of a born child, the woman shall be entitled to maternity leave in the duration of 28 weeks. Where the woman gave birth simultaneously to two or more children, or where it involves a lone mother, she shall be entitled to maternity leave in the duration of 37 weeks. In connection with the care of a child, the man shall equally be entitled to parental leave from the childbirth in the same extent, provided he takes care of the born child (Section 166 paragraph 1 of the Labour Code).

To enhance the childcare the employer shall be obliged to provide the woman and the man, where they have asked for it, parental leave until the child reaches three years. Where this involves a child with a long-term unfavourable health state requiring special care, the employer shall be obliged to provide the woman or the man who have asked for it, parental leave until the child's six years of age. This leave shall be provided in the extent for which the parent has asked, as a rule, not less than one month at any one time. (Section 166 paragraph 2 of the Labour Code).

Pursuant to Section 169 paragraph 1 of the above, the entitlement to maternity leave and parental leave shall also belong to a woman or a man who subject to a lawful ruling of the competent authority have taken a child in their care substituting parental care; the child entrusted in their care by the decision of the competent authorities for later adoption or foster care, or the child whose mother died.

In such case the maternity leave or the parental leave shall be provided to the woman or the man from the day of taking the child in their care for the duration of 22 weeks, and where the woman or the man has taken two or more children in their care, or where it involves a lone woman or lone man, in the duration of 31 weeks, but not longer than until the day the child reaches eight months of age. The parental leave shall be provided in the duration of three years from taking the child in care and in the duration of six years from taking in care a child with a long-term unfavourable health state requiring special care, not longer than until the day the child reaches six years.

Where the child was born dead the woman shall be entitled to maternity leave in the duration of 14 weeks.

Where the child dies during the time when the woman is on maternity leave, or the woman or man on parental leave, the leave shall continue for two more weeks from the death of the child, not longer though than by the day the child reached one year.

Maternity leave in regard to confinement must never be shorter than 14 weeks and can in no case be terminated or interrupted before the lapse of six weeks from the date of confinement.

Pursuant to Section 157 of the relevant Act, where an employee returns to work upon completion of maternity or parental leave (Section 166 paragraph 1), the employer shall be obliged to place them in their original work and the workplace. If this cannot be done because the work is no longer done, or the workplace has been cancelled, the employer must place them in other work which corresponds to their contract of employment.

Provision of Section 157 of the Labour Code solves the situation where the employee returns to work after completion of materiality leave or parental leave **pursuant to Section 166 paragraph 1 of the Labour Code. i.e.** after 28 weeks or 37 weeks (where the woman gave birth to two or more children simultaneously, or where it involves a lone woman).

Upon the female employee's return after parental leave (**Section 166 paragraph 2 of the Labour Code**), the employer shall be obliged to assign her work according to the contract of employment (Section 47 paragraph 1, sub-paragraph a) of the Labour Code).

Women cannot be employed in works, which are not physically appropriate for them, or which are harmful to their organism, particularly in works which may threaten their maternity role. The lists of works and workplaces which are prohibited for all women, pregnant women, mothers until the completion of the ninth month after confinement, and nursing mothers have been laid down by the Government Regulation of the Slovak Republic No. 272/2004 Coll. establishing the list of works and workplaces that are prohibited for pregnant women, mothers until completion of the ninth month of confinement and nursing mothers, the list of works and workplaces involving specific risks for pregnant women, mothers until completion of the ninth month of confinement and nursing mothers and by which certain duties are established for employer in employing these women (Section 161 paragraph 1 of the Labour Code).

Equally, the pregnant woman cannot be employed in works, which subject to the medical assessment threaten her pregnancy owing to the medical reasons particularly related to her person. This equally applies to a mother until the completion of the ninth month from confinement and to a nursing woman (Section 16 paragraph 2 of the Labour Code).

According to the § 162 of the Act if a pregnant woman is carrying out work which is prohibited for pregnant women, or which subject to the medical statement threatens her pregnancy, the employer shall be obliged to make temporary adjustments to her working conditions. Where the adjustments to her working conditions cannot be made, the employer shall transfer the woman temporarily to a work which is suitable for her, and in which she can achieve the same earnings as those under her present contract of employment, and if this cannot be ensured, he shall transfer her subject to mutual agreement also to other kind of work. Where a woman achieves lower earnings in the work to which she has been transferred through no fault of hers, she is provided the balancing allowance in pregnancy and maternity under a special regulation to level off the difference (i.e. Act No. 461/2003 Coll. on social insurance, as later amended).

Where the pregnant woman cannot be transferred to a job with daytime work or other suitable work, the employer is obliged to give her leave with pay.

These provisions of the Labour Code apply equally to a mother until the completion of the ninth month from childbirth and to a nursing mother.

Question H

All measures for the protection of men and women in the areas covered by Article 1 paragraph 1 are of legislative nature and have been referred to under previous points.

Question I

The catalogues of work activities applied in the classification of work activities of employees in the performance of work in the public interest, whose wage and salary expenditures are covered from the budget of the founder, are formulated strictly gender neutrally. That means that the formulation of examples of working activities does not provide reason for excluding any one gender from the possibility to carry out the relevant working activity. The Ministry of Labour, Social Affairs and Family has prepared a draft to denounce the Convention of the International Labour Organisation concerning employment of women in underground work in mines of all types No. 45/1935. The convention is not consistent with the effective Act No. 311/2001 Coll., and the Act No.365/2004 Coll. and with the principles of the European Union on equal treatment between men and women in the area of employment, reflected in a number of directives and measures of the European Union.

The only known example of an occupation that cannot be carried out by women are priests of certain churches, which is determined by the canon law in the Catholic church and the religious rules in other churches.

Panel No.1: Measure of the employment, unemployment in 2005 and 2006
Annex to the link No. 1, paragraph 1

**Employment people,
unemployment in the countries (in thousand)**

Country	Sex	Unemployment		Working		Economic activ	
		2005	2006	2005	2006	2005	2006
Slovakia	Together	427,5	353,4	2216,2	2301,4	2645,7	2654,8
	Men	223,6	179,5	1233,0	1291,1	1458,8	1470,6
	Woman	203,8	173,9	983,1	1010,3	1186,9	1184,2
Bratislava	Together	17,1	14,4	313,5	317,4	330,5	331,8
	Men	7,5	7,6	165,0	164,8	172,5	172,4
	Woman	9,6	6,8	148,5	152,6	158,0	159,4
Trnava	Together	30,1	25,4	258,5	264,5	289,1	289,9
	Men	13,4	10,7	144,4	150,7	158,3	161,4
	Woman	16,7	14,7	114,1	113,9	130,8	128,5
Trencin	Together	23,9	21,2	271,1	280,0	295,2	301,2
	Men	12,2	11,7	152,2	155,4	164,5	167,1
	Woman	11,7	9,6	119,0	124,5	130,7	134,1
Nitra	Together	61,4	45,1	284,4	297,7	346,0	342,8
	Men	34,4	23,5	156,5	166,7	191,1	190,2
	Woman	27,0	21,6	127,9	131,0	154,9	152,5
Zilina	Together	50,3	39,4	281,1	294,1	331,6	333,6
	Men	24,4	19,0	162,5	170,9	187,1	189,8
	Woman	26,0	20,4	118,6	123,3	144,6	143,7
Banska Bystrica	Together	77,6	68,6	248,8	257,5	326,7	326,0
	Men	41,0	33,5	136,6	144,3	177,8	177,9
	Woman	36,6	35,1	112,3	113,1	148,9	148,2
Presov	Together	80,1	68,0	292,8	309,2	373,7	377,2
	Men	44,2	35,5	167,2	179,4	212,2	214,8
	Woman	35,9	32,5	125,6	129,9	161,5	162,4
Kosice	Together	87,0	71,3	266,1	281,0	353,1	352,3
	Men	46,5	38,1	148,8	158,9	195,3	197,0
	Woman	40,5	33,3	117,3	122,1	157,8	155,3

Source: statistics office

Panel No. 2: Measure economic activity in 2005 and 2006
Annex to the link No. 1

Country		2005	2006
Slovakia	together	59,5	59,1
	men	68,4	68,2
	women	51,3	50,7
Bratislava	together	63,8	63,3
	men	71,3	70,4
	women	57,2	57,2
Trnava	together	62,3	61,8
	Men	70,8	71,3
	women	54,4	52,9
Trencin	together	58,4	59,1
	men	67,2	67,7
	women	50,1	51,0
Nitra	together	57,8	56,9
	men	66,9	66,0
	women	49,5	48,5
Zilina	together	58,8	58,5
	men	68,3	68,5
	women	49,8	49,0
Banska Bystrica	together	59,5	59,1
	men	68,0	67,6
	women	51,8	51,3
Presov	together	59,5	59,3
	men	69,6	69,4
	women	50,1	49,6
Kosice	together	56,6	56,0
	men	65,5	65,4
	women	48,5	47,3

Panel No.. 3: Measure of the employment in 2005 and 2006
Annex to the link 1

Country	Measure of the employment15+		Measure of the employment 15-64		
		2005	2006	2005	2006
Slovakia	together	49,8	51,2	57,7	59,4
	Men	57,8	59,9	64,6	67,0
	Women	42,5	43,2	50,9	51,9
Bratislava	Together	60,5	60,6	69,6	69,8
	Men	68,2	67,3	76,0	75,1
	Women	53,8	57,2	63,5	64,9
Trnava	Together	55,7	56,4	64,2	65,2
	Men	64,6	66,6	71,7	74,2
	Women	47,4	52,9	56,8	56,1
Trencin	Together	53,6	54,9	62,7	64,3
	Men	62,1	62,9	70,3	71,2
	Women	45,6	51,0	55,1	57,5
Nitra	Together	47,5	49,4	55,9	58,3
	Men	54,8	57,9	61,8	65,5
	Women	40,9	48,5	50,1	51,2
Žilina	Together	49,8	51,6	57,4	59,6
	Men	59,3	61,7	66,0	68,7
	Women	40,9	42,0	48,9	50,3
Banska Bystrica	Together	45,3	46,7	52,8	54,4
	Men	52,3	54,9	58,6	61,6
	Women	39,1	39,2	47,2	47,4
Presov	Together	46,6	48,6	53,7	55,9
	Men	54,8	58,0	61,1	64,5
	Women	38,9	39,7	46,2	47,2
Kosice	Together	42,7	44,6	49,2	51,5
	Men	49,9	52,7	55,6	58,6
	women	36,1	37,2	43,0	44,3

Source: statistics office

Measure of the unemployment %

Country		2005	2006
	Together	16,2	13,3
Slovakia	Men	15,3	12,2
	women	17,2	14,7
	Together	5,2	4,3
Bratislava	Men	4,4	4,4
	Women	6,1	4,3
	Together	10,4	8,8
Trnava	Men	8,5	6,6
	Women	12,8	11,4
	Together	8,1	7,1
Trencin	Men	7,4	7,0
	women	9,0	7,1
	Together	17,8	13,2
Nitra	Men	18,0	12,4
	Women	17,4	14,1
	Together	15,2	11,8
Žilina	Men	13,1	10,0
	women	17,9	14,3
	Together	23,8	21,1
Banska Bystrica	Men	23,1	18,8
	Women	24,6	23,7
	Together	21,5	18,1
Presov	Men	20,9	16,6
	women	22,2	20,1
	Together	24,7	20,3
Kosice	Men	23,8	19,3
	women	25,7	21,4

Source: statistics office

Panel No.4 The employees according to the sex in 2005 and 2006
Annex to the link No.1

	2005	2006
Men and women together		
Employees together	1 929,0	2 002,6
Employees to the full time job	1 877,2	1 944,6
Employees to the part time job	51,8	58,1
Men		
Employees	1 020,5	1 073,5
Employees to the full time job	1 005,8	1 059,0
Employees to the part time job	14,7	14,5
Women		
Employees	908,5	929,2
Employees to the full time job	871,4	885,6
Employees to the part time job	37,1	43,6

Employees according to the style of working time and sex

	2005	2006	v %
Men and women together			
Employees	100,0	100,0	
Employees to the full time job	97,3	97,1	
Employees to the part time job	2,7	2,9	
Muži			
Employees	100,0	100,0	
Employees to the full time job	98,6	98,6	
Employees to the part time job	1,4	1,4	
Ženy			
Employees	100,0	100,0	
Employees to the full time job	95,9	95,3	
Employees to the part time job	4,1	4,7	

Panel No. 5 Employees according to the situation in the work and sex in thousand in 2005 and 2006
Annex to the link No. 1

	2005	2006
Men and woman together		
Working people	2 216,2	2 301,4
Workers	1 929,1	2 002,6
Enterprisers	277,8	288,0
Enterspriser without employees	206,3	216,7
Enterspriser with employees	71,5	71,3
Family members help out in enterprises	1,5	1,1
Not specified employees	7,8	9,2
Men		
Working people	1 233,0	1 291,1
Workers	1 020,5	1 073,5
Enterprisers	210,7	214,7
Enterspriser without employees	157,3	162,2
Enterspriser with employees	53,5	52,5
Family members help out in enterprises	0,5	0,5
Working people	1,3	2,0
Workers		
Enterprisers	983,1	1 010,3
Enterspriser without employees	908,6	929,2
Enterspriser with employees	67,1	73,3
Family members help out in enterprises	49,0	54,5
Not specified employees	18,0	18,9
Family members help out in enterprises	1,1	0,6
Not specified employees	6,5	7,2

Source: ŠÚ SR, VZPS

Sheet n. 6: Employment 2005 and 2006 in thousands
Annex to article 1

	2005	2006
Men and women together		
Economy SR	2216,2	2301,4
A,B Farming, fisheries	105,1	100,8
C,D,E Industry	649,1	666,4
C raw materials	14,7	16,0
D Industry production	591,9	608,6
E Production.elekt., gas, water	42,6	41,9
F Building industry	209,8	226,1
G Trade	269,5	290,6
H Hotels, restaurants	90,3	101,8
I Caring, post, telekom.	147,2	156,2
J Finances.	48,1	51,8
K Rental.	129,2	131,6
L Public services,defence	154,6	161,8
M Educations	163,7	166,8
N Healthcare, social insurance	150,0	154,5
O Other public, social and personal services	88,4	85,3
P Consumer sector	7,4	5,8
Q Exterit. organisations	0,2	0,2
Not found	3,8	1,9
Men		
Economy SR	1233,0	1291,1
A,B Farming, fisheries	79,2	76,7
C,D,E Industry	414,1	429,6
C Eaw materials	13,4	15,3
D Industry production	366,2	380,5
E Production.elekt., gas, water	34,6	33,9
F Building industry	196,9	213,1
G Trade	119,7	129,4
H Hotels, restaurants	32,0	35,5
I Caring, post, telekom	106,1	116,9
J Finances.	16,6	19,4
K Rental	78,7	75,7
L Public services,defence	77,6	82,5

M Education	38,6	40,7
N Healthcare, social insurance	27,7	29,9
O Other public, social and personal services	43,4	41,0
P Consumer sector	0,5	0,2
Q Exterit. Organisations	0,2	0,1
Not found	2,1	0,7
Women		
Economy SR	983,1	1010,3
A,B B Farming, fisheries	25,9	24,2
C,D,E Industry	235,1	236,9
C Raw materials	1,4	0,8
D Industry productions	225,7	228,2
E Production.elekt., gas, water	8,1	8,0
F Building industry	12,9	13,0
G Trade	149,8	161,2
H Hotels, restaurants	58,3	66,3
I . Caring, post, telekom	41,2	39,3
J Finances	31,5	32,5
K Rental	50,6	55,9
L Public services,defence	77,0	79,3
M Education	125,1	126,1
N Healthcare, social insurance	122,4	124,6
O Other public, social and personal services	44,9	44,4
P Consumer sector	7,0	5,6
Q Exterit. Organisations	0,1	0,1
Not found	1,7	1,2

Source: ŠÚ SR, VZPS

Panel No 7: Measure of the employment and unemployment in selected groups in 2005 and 2006
Annex to the link No 1

Indices	Average to the year in %	
	2005	2006
Gross measure of the employment (15-64)		
Together	57,7	59,4
Men	64,6	67,0
women	50,9	51,9
Gross measure of the employment of the young people (15-24)		
15-24 together	25,7	25,7
15-24 men	28,1	29,0
15-24 women	23,0	22,4
Gross measure of the employment of the old people (55-64)		
55-64 together	30,3	33,2
55-64 men	47,8	49,9
55-64 women	15,6	19,0
Gross measure of the unemployment 15+		
Together	16,2	13,3
Men	15,3	12,2
women	17,2	14,7
Gross measure of the unemployment of the young people (15-24)		
15-24 together	29,7	26,6
15-24 men	30,4	26,3
15-24 women	28,7	27,0
Gross measure of the unemployment of the old people (55-64)		
55-64 together	13,3	9,8
55-64 men	13,1	9,9
55-64 women	13,8	9,4

Source: statistics Office

Sheet n. 8: Unemployment 2005 and 2006 in thousands
Annex article 1

Indices	2005	2006
	Together	427,5
less then 1 month	23,5	14,7
more then 1 month but less then 3 months	22,9	18,4
more then 3 months but less then 6 months	32,9	22,3
more then 6 months but less then 1 year	57,0	39,5
more then 1 year but less then 2 years	78,1	54,1
more then 2 years	213,0	204,1
Not found	-	-
less then 6 months	79,3	55,4
more then 6 months but less then 1 year	57,0	39,5
More then 1 year	291,2	258,2
Men – together	223,6	179,5
less then 1 month	13,5	7,7
more then 1 month but less then 3 months	12,7	9,6
more then 3 months but less then 6 months	16,6	10,8
more then 6 months but less then 1 year	27,4	18,6
More then 1 year but less then 2 years	39,8	24,8
More then 2 years	113,9	107,7
Not found	-	-
less then 6 months	42,8	28,1
more then 6 months but less then 1 year	27,4	18,6
More then 1 year	153,6	132,6
Women – together	203,8	173,9
less then 1 month	10,0	7,1

more then 1 month but less then 3 months	10,3	8,8
more then 3 months but less then 6 months	16,3	11,5
more then 6 months but less then 1 year	29,6	20,9
More then 1 year but less then 2 years	38,4	29,2
More then 2 years	99,2	96,4
Not found	-	-
Less then 6 months	36,6	27,4
more then 6 months but less then 1 year	29,6	20,9
More then 1 years	137,6	125,7

Source: ŠÚ SR, VZPS

**Sheet n. 9. Supposed Number of employees in employment services and ESF in Labour office
Anex article 1, paragraph 3**

Labour offices in Bratislava county:

Information and advisory services	26
Meditation services	50
Expert advisory services	19
Project leading	24
Together	119

Labour offices:

Information and advisory services	585
Meditation services	1162
Expert advisory services	343
Project leading	460
Together	2550

Central labour Office

Deputy DG employment services section	1
Department of information and mediation services	2
Department of administration policy for employment services	12
Compartement of information and mediation services	13
Department of APTP instruments	2
Department of Expert advisory services	9
Department of APTP allowance	9
Deputy DG European social fund	2
Department of expenses management	12
Department of project coordination	11
Department of monitoring and evaluation	10
Working place Košice	1
Together	84

Sheet n. 10. Overview Number of employees in employment services and ESF in Labour office
Anex article 1, paragraph 3

Labour office PSVaR v Bratislava:

P.č.	ÚPSVR	Number of employees in employment services and ESF		
		together	zamestnanci SZ a ESF	predstavení SZ a ESF
1.	Dunajská Streda	52	47	5
2.	Galanta	42	37	5
3.	Piešťany	38	33	5
4.	Senica	51	45	6
5.	Trnava	45	40	5
6.	Partizánske	51	47	4
7.	Nové Mesto n.V	32	27	5
8.	Považská Bystrica	39	35	4
9.	Prievidza	61	56	5
10.	Trenčín	46	39	7
11.	Komárno	56	51	5
12.	Levice	77	72	5
13.	Nitra	85	79	6
14.	Nové Zámky	111	105	6
15.	Topoľčany	42	37	5
16.	Čadca	41	36	5
17.	Dolný Kubín	28	23	5
18.	Námestovo	60	54	6
19.	Liptovský Mikuláš	38	33	5
20.	Martin	58	52	6
21.	Ružomberok	30	26	4
22.	Žilina	69,8	62,8	7
23.	Banská Bystrica	40	35	5
24.	Banská Štiavnica	66	60	6
25.	Brezno	37	33	4
26.	Lučenec	78	72	6
27.	Revúca	41	36	5
28.	Rimavská Sobota	75	68	7
29.	Veľký Krtíš	36	31	5
30.	Zvolen	76	69	7
31.	Bardejov	71	65	6

32.	Humenné	64	58	6
33.	Kežmarok	44	39	5
34.	Poprad	68	62	6
35.	Prešov	125	119	6
36.	Stará Ľubovňa	33	28	5
37.	Stropkov	36	31	5
38.	Vranov n.T.	65	60	5
39.	Košice	193	183	10
40.	Michalovce	108	101	7
41.	Rožňava	60	55	5
42.	Spišská Nová Ves	75	70	5
43.	Trebišov	85	79	6
Together		2748,8	2492,8	256

Panel No. 11: Activ measures in the labour market to the disabled people
Annex to the link No. 15, paragraph 2, question B

AOTP	Rok 2005			Rok 2006		
	Number of the created, occupied persons	The value of the financial equipment	The average value of the financial equipment to the 1 person	Number of the created, occupied persons	The value of the financial equipment	The average value of the financial equipment to the 1 person
§ 56	362	54 798 287	151 376	638	114 215 831	179 022
§ 57	271	42 195 092	155 701	405	76 448 848	188 763
§ 59	58	9 076 415	156 490	60	15 242 003	254 033
§ 60	2 731	109 060 695	39 934	2 793	121 389 900	43 462
§ 110 act 387/96 Z.z. *)	1 891	5 478 046	2 897	0	0	0
Together	5315	220 608, 5 tis.	101, 3 tis.	3896	327 296,5 tis.	133,0 tis.

Legenda:

AOTP – activ measures in the labour market

*) employment act NR SR č.387/1996 Z.z.

PM – working place

Table 12: Vocational guidance in the years 2005 and 2006

Annexes to Article 9

	JoS – Vocational guidance - information and professional advice on types of occupations and the prerequisites and requirements for their performance						JoS – Vocational guidance - Information on the labour market - topical situation, anticipated evolution						Total
	Total	<i>of which women</i>	<i>of which in ICS</i>	<i>LTU</i>	<i>School leaver</i>	<i>50 plus years</i>	Total	<i>of which women</i>	<i>of which in ICS</i>	<i>LTU</i>	<i>School leaver</i>	<i>50 plus years</i>	
<i>Number of individual services</i>	34,776	16,048	13,406	x	x	x	46,810	23,558	21,998	x	x	x	81,586
<i>Number of group activities</i>	673	627	534	x	x	x	2,341	2,242	2,027	x	x	x	3,014
Total number of services rendered	449	16,675	13,940	0	0	0	49,151	25,800	24,025	0	0	0	84,600
<i>Number of persons in individual activities</i>	25,678	12,227	12,029	3,878	3,245	3,931	35,406	18,009	18,624	6,194	4,257	5,902	61,084
<i>Number of persons in group activities</i>	6,771	3,103	4,616	832	736	1,073	24,511	12,200	19,290	1,412	2,850	3,808	31,282
Total number of persons in the activities	32,449	15,330	16,645	4,710	3,981	5,004	59,917	30,209	37,914	7,606	7,107	9,710	92,366

Table 13: Vocational guidance for pupils of primary schools in the years 2005 and 2006

	PS pupils – Vocational guidance - Information and professional advice on types of occupations and prerequisites and requirements for their performance; Information on the labour market – topical situation, anticipated evolution		
	Total	<i>of which women</i>	<i>of which in ICS</i>
<i>Number of individual services</i>	250	170	167
<i>Number of group activities</i>	251	220	68
Total number of services rendered	501	390	235
<i>Number of persons in individual activities</i>	128	87	88
<i>Number of persons in group activities</i>	6,135	2,656	1,381
Total number of persons in the activities	6,263	2,743	1,469

Table 14: Vocational guidance for pupils of secondary schools in the years 2005 and 2006

	SS pupils – Vocational guidance - Information and professional advice on types of occupations and prerequisites and requirements for their performance; Information on the labour market – topical situation, anticipated evolution		
	<i>Total</i>	<i>of which women</i>	<i>of which in ICS</i>
<i>Number of individual services</i>	653	330	587
<i>Number of group activities</i>	900	543	287
Total number of services rendered	1,553	873	874
<i>Number or persons in individual activities</i>	404	183	353
<i>Number if persons in group activities</i>	24,552	10,092	4,308
Total number of persons in the activities	24,956	10,275	4,661

Table 15: At risk of loss of employment in the years 2005 and 2006

	At risk of loss of employment - Vocational guidance - Information and professional advice on types of occupations and the prerequisites and requirements for their performance; Information on the labour market - topical situation, anticipated evolution		
	Total	<i>of which women</i>	<i>of which in ICS</i>
<i>Number o individual services</i>	803	335	592
<i>Number of group activities</i>	10	10	2
Total number of services rendered	813	345	594
<i>Number of persons in individual activities</i>	624	292	504
<i>Number of persons in group activities</i>	405	309	23
Total number of persons in the activities	1,029	601	527

Table 16: Information and professional advice in the selection of occupation in the years 2005 and 2006

	Others - Information and professional advice on types of occupations and the prerequisites and requirements for their performance; Information on the labour market - topical situation, anticipated evolution		
	Total	<i>of which women</i>	<i>of which in ICS</i>
<i>Number of individual services</i>	4, 956	335	1,992
<i>Number of group activities</i>	27	10	18
Total number of services rendered	4, 983	345	2,010
<i>Number of persons in individual activities</i>	3,189	292	1, 550
<i>Number of persons in group activities</i>	619	309	424
Total number of persons in the activities	3, 808	601	1,974

Note "Others" – are the clients of the offices of labour, social affairs and family that cannot be included in the groups of jobseekers (JoS), job changers (JoC), primary school pupils (PS), secondary school pupils (SS), employers and those at risk of loss of employment