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EUROPEAN SOCIAL CHARTER

7th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF SLOVAK REPUBLIC

(Articles 2, 4, 5 and 6 of the Charter and Articles 2 and 3 of the Additional Protocol for the period 01/01/2005 – 31/12/2008)

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CYCLE XX-1

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

The European Social Charter
(revised)

Seventh 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 2008:
(Articles 2, 4, 5, 6, 21, 22, 26, 28, 29 of the Revised Charter)

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 2008

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 23 April 2009

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 2 – The right to just conditions of work

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

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

Information to be submitted

Article 2 § 1 – to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other factors permit;

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

Subject to Section 86 paragraph 2 of the Labour Code, the hours of work in even distribution of working time over particular weeks cannot exceed nine hours on any particular day. In uneven distribution of the working time over particular weeks, the hours of work over the course of 24 hours must not exceed 12 hours (Section 87 paragraph 4 of the Labour Code). The weekly hours of work of an employee shall, subject to Article 85 paragraph 5, be maximum 40 hours.

An employee, whose hours of work are distributed so that he works alternately, in both shifts in a two-shift operation, shall have the weekly working hours of maximum 38 ¾ hours, and in all shifts in a three-shift operation, or in uninterrupted operation, it shall be maximum 37 ½ hours per week.

The weekly working time of an employee who carries out activities leading to exposure to radiation from a source of ionising radiation of category A, in a controlled zone of workplace with the sources of ionising radiation, as well as the working hours of an employee who works with a proven chemical carcinogen in the working processes involving the risk of chemical carcinogenicity, may be maximum 33 ½ hours.

Within the meaning of Section 85 paragraph 8 of the Labour Code that involves the so-called established weekly working time.

Below the limits referred to in this provision the working time of employees may be reduced in a collective agreement, or in the Employment Guidelines. For example under the higher-level collective agreement for 2009 for employers governed by the Act No. 553/2003 Coll. on remunerating certain employees performing work in the public interest, the weekly working time of an employee is 37 ½ hours, for an employee whose working time is distributed so that he works alternately, in both shifts in a two-shift operation, it is 36 ¼ hours, and for an employee whose working time is distributed so that he works alternately, as in all shifts in a three-shift operation, or in uninterrupted operations, it is 35 hours per week.

Pursuant to Section 85 paragraph 9 of the Labour Code, the average weekly working time of an employee, including overtime work, cannot exceed 48 hours. The period for which the cited average is monitored follows out of other provisions of the Labour Code that govern the ways of distributing hours of work, such as Sections 86, 87, 97 of the cited act.

By regarding non-active part of on-call time in the workplace to be hours of work, pursuant to Section 85 paragraph 9 and Section 85a, in the average weekly working time shall be counted:
the working time comprising the established working hours and the non-active part of on-call time in the workplace and the overtime work.

Article 2 § 2 – to provide for public holidays with pay;

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

Public holidays are provided by the Act No. 241/1993 Coll. on national holidays, days of rest and memorial days, as later amended. National holidays in the Slovak Republic include:

1 January – Day of the Rise of the Slovak Republic,
5 July – Day of St. Cyril and St. Method,
29 August – anniversary of the Slovak National Uprising,
1 September – Day of the Constitution of the Slovak Republic,
17 November - Day of the Struggle for Freedom and Democracy

National holidays are days of rest.

Other days of rest from work besides Sundays include the following holidays:
a) 6 January – Revelation of the Lord (Three Kings and the Christmas Holiday of the Orthodox Christians),
b) Good Friday,
c) Easter Monday,
d) 1 May – Labour Day,
e) 15 September – Virgin Mary of Seven Grieves
f) 1 November – All Saints Day,
g) 24 December – Christmas Eve,
h) 25 December – Christmas Day,

i) 26 December – Second Christmas Holiday,
j) 8 May – Day of Victory over Fascism.

Pursuant to the Labour Code, work can be ordered on days of rest only exceptionally, after consultations with the employees' representatives. Public holidays and the days coinciding with the weekly continuous rest of the employee shall be days of rest from work

The employer may order the employee to work on these days only exceptionally, after consultations with the relevant trade union body.

On a day of weekly continuous rest of the employee, the employee may be ordered only the following inescapable works that cannot be carried out on workdays:
a) emergency repair works,
b) loading and unloading works,
c) stocktaking and closing of books,
d) works carried out in the continuous operations to replace an employee who has failed to turn out for shift,
e) works to ward off danger posing threat to life, health, or in emergencies,
f) works inescapable in regard to meeting the living, health and cultural needs of the population,
g) feeding and treating livestock,
h) urgent works in agricultural plant production in founding, treating and harvesting cultivated plants and in processing foodstuffs.

On the day of public holiday an employee may be ordered only works that may be ordered on the days of continuous weekly rest of the employee, the works in uninterrupted operations and the works necessary to guard the premises of the employer.

On the days of 1 January, Easter Sunday, 24 December after 12.00 a.m., and on 25 December, an employee cannot be ordered or agreed with work comprising sale of goods to final consumers, including work associated thereof, with the exception of retail sale at petrol stations with fuels and oils; retail sale and dispensation of medical drugs in pharmacies; the retail sale at airports, in harbours, other facilities of public transport and in hospitals; the sale of travel tickets and sale of souvenirs.

Article 2 § 3 – to provide for a minimum of four weeks' annual holiday with pay;

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

Pursuant to Section 103 of the Labour Code, the basic length of holiday with pay shall be at least four weeks.

An employee who by the end of the calendar year will have achieved at least 15 years of employment relationship after his or her 18 years of age shall be entitled to the annual holiday with pay of at least five weeks.

The annual holiday with pay of teachers, including school directors and their deputy directors, teachers in kindergartens, including kindergarten directors and their deputies,

teacher assistants, vocational training masters and educators shall be at least eight weeks in a calendar year.

In the period of the employment relationship shall be counted, provided it coincides with the period after 18 years of age, the time

a) of continuous care of a child aged up to three years,
b) of the performance of service in the armed forces, armed police corps and in the prison service and courts guarding service, the performance of the civilian service and the performance of civil service,
c) of successfully completed study,
d) graduate students' research degree study in science /arts (Candidate of Sciences Degree),
e) PhD degree study,
f) membership in a cooperative undertaking where membership comprises also the employment relationship,
g) of personal care after a close person that was predominantly or fully paralysed and was not placed in a social service facility or equivalent health care facility, the tome of personal care after a long-term severely disabled minor requiring special care unless the child was placed in an institution providing care to such children,
h) of the preparation for a vocation undertaken under special regulations,
i) during which the employee was filed on the Jobseekers Register as a registered unemployed or was in receipt of disability (=invalidity) pension,
j) of custody or imprisonment, where the criminal prosecution against the employee has been suspended, or where he has been acquitted, even if in subsequent proceedings, and the time of imprisonment served on the basis of a repealed judgement exceeding the time of a less strict sentence imposed in the subsequent proceedings,
k) of self-employment.

The period of the employment relationship abroad, or potentially other credited periods spent abroad shall be counted in the period relevant for the length of annual holiday under the same conditions as if the employee worked in the territory of the Slovak Republic.

Pursuant to Section 116 paragraph 1 of the Labour Code, the employee shall be entitled to wage replacement for the annual holiday amounting to his average earnings. For the section of the holidays exceeding four weeks of the basic holiday, which the employee could not use even by the end of the ensuing calendar year, the employee will be entitled to wage replacement amounting to his average earnings. The employee cannot be paid wage replacement for four weeks of his unused basic holiday, except where he could not take the holiday by reason of the termination of the employment relationship.

Article 2 § 4 – to eliminate risks in inherently dangerous or unhealthy occupations, and, where it has not been yet possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations;

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

Within the meaning of Section 85 paragraph 6 of the Labour Code, the weekly working time of an employee that works with a proven chemical carcinogen in the working processes involving the risk of chemical carcinogenicity, or that carries out activities leading

to exposure to radiation from a source of ionising radiation of category A in a controlled zone of workplace with the sources of ionising radiation, shall be maximum 33 ½ hours.

Pursuant to Section 106 of the Labour Code, an employee working underground in minerals extraction or digging tunnels and pits throughout the calendar year, and an employee carrying out arduous work or work detrimental to health, shall be entitled to additional paid holidays of one week. Where an employee works under these conditions for only a part of the calendar year, he shall be entitled to 1/12 of the additional holidays for every 21 days worked.

For the purposes of additional holidays, as employee working in strenuous or health damaging conditions, or one that carries out particularly arduous or health damaging works shall be regarded an employee who

a) continually works in the health establishments or their other workplaces in which patients are treated suffering from contagious form of tuberculosis and the acquired immunity deficiency syndrome (HIV/AID),

b) is exposed to direct risk of infection while working in the workplaces with infectious materials,

c) is, to a significant extent, exposed to the unfavourable effects of ionising radiation at work,

d) engages in the direct treatment or attends to mentally sick or mentally disabled, for at least half of the established weekly working time,

e) works continuously for at least one year in tropical or other particularly arduous areas for health,

f) carries out extraordinarily strenuous works, in which he is exposed to the detrimental physical or chemical effects, to such an extent, that they may have significantly unfavourable effects upon the health of the employee,

g) works with the proven chemical carcinogens, or engages in the working processes with inherent risk of chemical carcinogenicity.

Pursuant to Section 106 paragraph 3 of the Labour Code, the types of works particularly strenuous or detrimental to health, the workplaces and areas in which these works are engaged in, shall be provided by a generally binding legal regulation to be issued by the Ministry of Labour, Social Affairs and Family of the Slovak Republic, upon agreement with the Ministry of Health of the Slovak Republic.

The types of works particularly strenuous or detrimental to health, the workplaces and areas in which these works are engaged in are specified in the Implementing Regulation No. 75/1967 Coll. on additional holidays for workers carrying out harmful or particularly strenuous works and on the wage loss compensations after termination of incapacity for work in some occupational diseases, as amended.

Article 2 § 5 - to ensure a weekly rest period, which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest.

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

Pursuant to Section 93 of the Labour Code, the employer shall be obliged to organise the working time so as to enable the employee to have continuous rest period of two consecutive days once a week, which must fall on Saturday and Sunday, or Sunday and Monday. Where the nature of work and the conditions of operations do not permit to organise the working time as indicated above, exceptionally, two other consecutive weekdays of continuous rest per week shall be provided.

Where by reason of the nature of work and the conditions of operations the working time cannot be organised so as to enable the employee to have two consecutive days of continuous weekly rest, the employer may, upon prior agreement with the employees' representatives, or, in case there are no employees' representatives operating in the employer undertaking, upon agreement with the employee, arrange the working time of employees older than 18 years, in such a way that the employees have at least 24 hours of continuous weekly rest period that should coincide with Sunday. The Labour Code prescribes for the employer a duty to provide the employee additionally with alternative continuous weekly rest period within eight months of the day, on which he should have been provided the weekly rest.

Where the nature of work and the conditions of operations do not permit the organisation of the working time according to the preceding paragraphs, the employer may, upon prior agreement with the employees´ representatives, or, upon agreement with the employee older than 18 years of age where no such representatives operate in an employer, arrange the working hours so as to enable the employee to have at least 35 hours of continuous weekly rest period that should coincide with Sunday and a part of the day preceding Sunday, or a part of the day following Sunday.

Article 2 § 6 – to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship.

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

Pursuant to Section 42 of the Labour Code, the employment relationship shall be established in written form between the employer and the employee. The employer shall be obliged to issue one copy of the employment contract in writing to the employee.

Within the meaning of Section 43 of the Labour Code, the employer shall be obliged to agree with the employee the essential requisites of the employment contract, which shall include:
a) the type of work for which the employee is accepted and its brief description,
b) the place of work performance (municipality and the organisational part of otherwise identified place),
c) the date of the commencement of employment,
d) the wage conditions, unless they have been agreed in the collective agreement.

Besides the requisites referred to above, the employer shall also give other working conditions in the employment contract, namely the pay days, the working hours, the assessment of holidays and the length of the notice period.

If the working conditions have been agreed in the collective agreement, it is sufficient to make a reference to the provisions of the collective agreement; otherwise it is enough to refer to the relevant provisions of this act.

It is possible to agree other conditions in the employment contract in which the participants are interested, particularly other perks.

Where the place of work performance is abroad, with the time of employment abroad exceeding one month, the employer shall also state in the employment contract:

a) the period of work performance abroad,
b) the currency in which the wages or a part thereof will be paid,
c) other considerations associated with the employment abroad, in cash or in kind,
d) potential conditions for the return of the employee from abroad.

In the case the written employment contract does not contain the conditions prescribed by law, the employer shall be obliged, not later than within one month from the commencement of the employment relationship, to provide a written statement to the employee containing those conditions.

If the employment relationship is to terminate before the completion of one month from the commencement of employment, the employer shall issue the written statement on acceptance in employment before the end of the employment relationship.

If the place of work performance is abroad, the employer shall be obliged to issue the written statement on acceptance in employment before the employee's departure abroad.

Article 2 § 7 - to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

Pursuant to Section 98 of the Labour Code the employer shall be obliged to ensure that the employees performing night work undertake a medical assessment of the fitness for night work
a) before the transfer to night work,
b) periodically, as appropriate, but at least once a year,
c) any time during the transfer to night work due to health disorders elicited by the performance of night work,
d) where a pregnant woman or a mother of a child younger than nine months requests it.

The costs of the assessment of fitness as indicated above shall be borne by the employer.

The employer shall be obliged to equip the workplace in which night work is

performed with the means to administer first aid, including ensuring means to call prompt medical attention.

The employer shall be obliged to periodically consult with the employees' representatives the arrangements for night work. The employer shall be obliged to ensure for the employees performing night work the safety and protection of health at work corresponding to the nature of their work and ensure that protective and preventive services or equipment relating to safety and health protection at work be available at all times for the night workers and that they be equal to those available to other employees.

The employer regularly employing night workers shall be obliged to notify the competent labour inspectorate and the employees' representatives of this fact if they request it.

The employer shall be obliged to organize the established weekly working time of a night worker in a way that the average work shift does not exceed eight hours in the course of maximum four consecutive calendar months and the calculation of the average work shift of a night worker is based on a five days' working week.

The working hours of an employee performing arduous physical work or challenging mental work or life and health threatening work shall not exceed eight hours in the course of 24 hours. The employer shall, upon agreement with employees' representatives, in accordance with the safety and health regulations, define the scope of arduous physical work or challenging mental work or the life and health threatening work.

Article 4 – The right to a fair remuneration

With a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake:

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

Information to be submitted

Article 4 § 1- to recognize the right of workers to a remuneration such as will give them and their families a decent standard of living,

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The right to adequate and fair remuneration for the performed work, sufficient to provide the employee a decent standard of living is guaranteed by Article 36 Section a) of the Constitution of the Slovak Republic and is implemented by the Act on Minimum Wage, the Labour Code and other acts providing remuneration of particular employee groups.

The institute of the minimum wage has been provided by Act No. 663/2007 Coll. on the minimum wage, as amended, effective from 1 February 2008. The Act on the minimum wage defines the legal framework and the time schedule for negotiations of employees' and employer representatives (social partners) on the amount of minimum wage for the next year, objective criteria for adjusting the amount of minimum wage that have to be considered in negotiations and the procedure to be followed in failing to achieve the agreement on the amount of minimum wage. The Government regulation shall fix the particular amount of minimum wage for the relevant year.

The act has been amended twice: The first amendment increased the status of the Government party as an equal partner within the tripartite body in the decision-making on the new amount of minimum wage and other objective criteria were added the development of which needs to be considered, including the productivity of labour. The second amendment to the Act on the minimum wage responded to the introduction of the Euro currency.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The amount of minimum wage is negotiated by social partners between 1 April and 15 July of the current year. Failing to reach agreement, the social partners will communicate their positions to the Ministry of Labour, Social Affairs and Family of the Slovak Republic that will prepare the proposal of the minimum wage amount and submit it to the Economic and Social Council of the Slovak Republic, the supreme tripartite body established by law, for discussion.

Where until 31 August the amount of the monthly minimum wage is not agreed upon at the meeting of the Economic and Social Council of the Slovak Republic, the Ministry of Labour, Social Affairs and Family of the Slovak Republic will prepare a draft government regulation proposing to increase the previous minimum wage by at least the percentage increase in the average monthly national nominal wage, as reported by the Statistical Office of SR for the previous year.

The final minimum wage shall be decided by the Government of the SR by 20 October, at the latest. In adopting the decision, the Government shall take account of the development in the consumer prices, employment, the average monthly wage and the subsistence minimum for the preceding two years, the position of social partners, the development in the net minimum to net average wage ratio and also the development in the productivity of labour.

3) Please provide pertinent figures on national net average wage (for all sectors of economic activity and after deduction of social security contributions and taxes; this wage may be calculated on an annual, monthly, weekly, daily or hourly basis); national net minimum wage, if applicable, or the net lowest wages actually paid (after deduction of social security contributions and taxes); both net average and minimum net wages should be calculated for the standard case of a single worker; information is also requested on any additional benefits such as tax alleviation measures, or the so-called non-recurrent payments made available specifically to a single worker earning the minimum wage as well as on any other factors ensuring that the minimum wage is sufficient to give the worker a decent standard of living; the proportion of workers receiving the minimum wage or the lowest wage actually paid. Where the above figures are not ordinarily available from statistics produced by the States party, Governments are invited to provide estimates based on *ad hoc* studies or sample surveys or other recognized methods.

In 2008 the minimum wage (gross) was set at 8,100 SKK monthly (approx. € 268.87) and, with effect from 1 January 2009, it is set at € 295.50 monthly. The minimum wage amount is established as a monthly rate and an hourly rate and is binding on all categories of employees.

The development in the net average wage and net minimum wage and, particularly, the net minimum to net average wage ratio (Kaitz index) are among the criteria that the Government of Slovak Republic consider when deciding the minimum wage amount. The following table gives the development in these indicators expressed in euros for the past 4 years:

Indicator/Year	2005	2006	2007	2008	2009
Net minimum wage	186.85	198.33	218.45	232.82	256.08
- growth index in %	110.48	106.15	110.14	106.58	110.0

Net average wage	448.42	483.60	519.29	558.89	583.65*)
- growth index in %	109.12	107.85	107.38	107.63	104.4
Kaitz index in %:	41.67	41.01	42.07	41.66	43.88

*) The figure according to the forecast of the Financial Policy Institute of the SR of 15 June 2009.

By the amendment of the Act on the income tax, the Government of SR introduced, in 2009, a special tax bonus, the so-called employee premium by which the net income of low-income employee groups was increased. By increasing the net minimum wage for 2009 by employee premium of € 15.09 to the final € 271.17, the part from the anticipated average wage will thus be increased to as much as 46.46 %.

The qualified estimate of the number of employees receiving minimum wages is 1.48 per cent.

Article 4 § 2 – to recognize the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The business sphere employee claims for overtime work are provided under Section 121 of the Labour Code (Act No. 311/2001 Coll., as amended): unless the employee takes time off in lieu for overtime work, he will be entitled to the achieved wage and the wage bonus of minimum 25 % of his average earnings for every overtime hour worked. If this involves an employee working in inherently dangerous occupations he shall be entitled to the wage bonus of at least 35 % of his average earnings. Higher rates of wage bonus may be agreed in the collective agreement or in the employment contract.

The entitlement to the wage for overtime work, the wage bonus for overtime work and the time off in lieu shall not arise to an employee in whose wage account has been taken of potential overtime work. The amount of wage may take into account potential overtime work of a maximum 150 hours annually. The scope of positions of employees whose wages may be agreed with account taken of potential overtime work, shall be agreed in the collective agreement with the employer.

The employer who has not agreed such scope of employees in his collective agreement may agree the wage conditions in writing only with the senior officials or an employee carrying out conceptual, systemic, creative, methodological or business activities or organizing or coordinating complex processes or extensive sets of very complex systems.

The employee taking time off in lieu for overtime work shall lose the entitlement to the wage bonus for overtime work. In such a case the employee shall be entitled to one hour of time off in lieu for one hour of overtime work.

The amendment of the Labour Code, effective from 1 September 2007, was an essential reform by which the possibility to agree wages with account taken of overtime work has been reduced to a narrow scope of senior officials and employees carrying out challenging creative mental work. Prior to the amendment it was possible to agree the wage with a senior official at the two top levels of management, in which overtime work has been taken into

account in the scope of 400 hours; by the amendment of the Labour Code this number of hours has been reduced to 150 hours regardless of the level of management assigned to the position of the senior official concerned.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

A more favourable provision for the entitlements for overtime work is in the competence of the employer. If a trade union organization operates in the employer undertaking, which concludes collective agreements with the employer, more favourable conditions for remuneration of overtime work can be agreed in the collective agreement.

3) Please provide pertinent figures, statistics (estimates, if necessary) or any other relevant information, in particular: methods used to calculate the increased rates of remuneration; impact of flexible working time arrangements on remuneration for overtime hours; special cases when exceptions to the rules on remuneration for overtime work are made.

The data of the survey on working conditions in which 3,502 organizations were included in 2008 reveal that the employees' entitlements for overtime work vary according to the time when the overtime work was performed:

Time of overtime work performance	**Average amount of wage bonus**
- overtime work on weekdays (Monday - Friday)	26.8 % of the employee's average earnings
- overtime work on calendar Saturday	39.9 % of the employee's average earnings
- overtime work on calendar Sunday	45.1 % of the employee's average earnings

In applying flexible working time, the employee shall select the start or the end of the working time on particular days within time intervals prescribed by the employer (discretional

working time). The time the employee is obliged to be present in the workplace (basic working time) is inserted between the two intervals of discretional working time.

In flexible working time arrangement, the overtime work shall be the work performed by the employee at the instruction of the employer, or with his consent, outside the basic working time while applying:

- the flexible working day beyond the length of the work shift falling to the relevant day according to the weekly work schedule prescribed by the employer,
- the flexible working week beyond the prescribed weekly working time,
- the flexible four weeks' working period beyond the prescribed working time falling to this period.

Article 4 § 3 – to recognise the right of men and women workers to equal pay for work of equal value.

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The general legal framework is provided by the Act No. 365/2004 Coll. on equal treatment in certain areas and on the protection against discrimination and on amending of certain acts (the Anti-discrimination Act). In employment relations, it includes the provisions on the duty to treat employees in accordance with the principle of equal treatment established for the area of employment relations, including the prohibition of discrimination on the ground of sex (the Labour Code in Section 13 and particularly in Section 119a). http://www.employment.gov.sk/index.php?id=17201

A special Section 119a of the Labour Code reflects the principle of equal pay of women and men for equal work or for work of equal value. Within the meaning of this provision, the wage conditions must be agreed without any discrimination on the ground of sex, with this principle applying to every consideration for work, as well as to the considerations that are paid or will be paid in connection with the employment in pursuance of other provisions under this act, or subject to special regulations.

The Labour Code provides for a legal entitlement of women and men to equal wage for equal work, or work of equal value. As equal work or work of equal value is regarded the work of equal or comparable complexity, responsibility, and difficulty that is carried out under equal or comparable working conditions while achieving the same or comparable performance and work results in an employment relationship with the same employer.

The Labour Code, in accordance with Article 4 of the Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, provides that where an employer uses a job classification system for determining pay, it shall be based on the same criteria for both men and women without any discrimination on grounds of sex.

An essential reform occurred by the amendment of the Labour Code, effected by the Act No. 348/2007 Coll. amending the Act No. 311/2001Coll, the Labour Code, as amended, and which amends some acts, with effect from 1 September 2007.

The amendment responded to the observations of the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation according to which the previous provision of entitlements of men and women to equal remuneration did not sufficiently unequivocally reflect the principle of equal remuneration for work of equal value. Therefore, an obligation was incorporated in the Labour Code to guarantee equal wage conditions for men and women also in the case of the performance of work of equal value. http://www.employment.gov.sk/index.php?id=17201

In view of the decision by the European Court of Justice of the European Communities regarding the interpretation of the notion of "remuneration" it was also provided that the principle of equal remuneration for men and women shall apply not only to all types of considerations provided for the performed work but also to the considerations which are provided to employees in connection with employment but are not wages for the work.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Special measures are not applied, the legal framework unequivocally provides for entitlements of men and women to an equal wage for equal work or for work of equal value. In the event of non-compliance with this principle, the men employees or the women employees have a possibility to request inspection from the competent labour inspectorate.

3) Please supply detailed statistics or any other relevant information on pay differentials between men and women not working for the same employer by sector of the economy, and according to level of qualification or any other relevant factor.

The average wage of men and women for QIV 2008 according to classification of occupations based on the survey on average earnings and the percentage share were as follows:

ISCP – ISPZ	**Quarter 4 of 2008**			
Classification of occupations	Full-time employees			
	total gross monthly wage [EUR/month]	men gross monthly wage [EUR/month]	women gross monthly wage [EUR/month]	proportion of woman's wage in man's wage [%]
Total	**797.69**	**890.15**	**691.52**	**77.69%**
0 Occupation not given	725.06	773,82	659.26	85.20%
1 Legislators, senior officials and managers	1,742.55	1,960.33	1,367.43	69.76%
2 Science and other professionals	1,047.03	1,233.29	908.45	73.66%
3 Technicians , health and teaching professionals	854,76	1 006,71	755,84	75,08%
4 Office clerks (Clerks)	662.57	768.03	622.03	80.99%

5 Service workers and shop and market sales workers	507.46	593.40	460.95	77.68%
6 Skilled agricultural and fishery workers	515.81	546.48	472.27	86.42%
7 Craft and related trade workers	676.32	729.69	469.05	64.28%
8 Plant and machine operators and assemblers	666.51	709.67	542.09	76.39%
9 Elementary occupations	462.45	517.55	415.86	80.35%

Occupational segregation is the most important cause of gender gaps: the gaps in the average wages of men and women are mostly due to women working in sectors that are less paid, such as education, health service while men are working in the higher-paying sectors such as financial and insurance services, information and communication.

Based on the analysis of the gender wage gap using the method of cell decomposition (job cells), by which earnings of men and women were compared not only by classification of occupations but also by the same job positions held with the same employer the wage gap was found to be not more than 10%, with account taken of the equal education.

Article 4 § 4 – to recognise the right of all workers to a reasonable period of notice for termination of employment.

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Pursuant to Section 62 of the Labour Code, if a notice is served the employment relationship shall terminate upon the lapse of the period of notice. The period of notice is the same for both the employer and the employee and shall be at least two months. Where the notice is served to an employee having worked five years with the employer, the period of notice shall be at least three months. A longer period of notice may be agreed in collective agreements and also in the employment contract.

With a view to achieving flexibility of the employment relationship and supporting the rise and development of small and medium-sized enterprises the amendment of the Labour Code (Act No 348/2007 Coll, with effect from 1 September 2007) in Section 49 paragraph 6 provides that the part-time employment relationship with the weekly working time of less than 15 hours may be terminated by notice, from either the employer or the employee, for any reason or without giving any reason. The period of notice shall be 30 days and shall start running on the day of the delivery of notice.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The Ministry of Labour, Social Affairs and Family SR has prepared an amendment of the Labour Code proposing to delete Section 49 paragraph 6. The anticipated effect of the amendment of the Labour Code is 1 March 2010.

Article 4 § 5 - to permit deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards.

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The maximum deductions from wages that the employer may effect based on the provisions of Section131 paragraphs 1 and 2 of the Labour Code without the employee's consent is limited by a special regulation, which is the Regulation of the Government of the Slovak Republic No. 268/2006 Coll. on the scope of deductions from wages in the execution of a decision.

The diction of this section of the Labour Code fully reflects the obligation to permit deductions from wages only under such conditions and to the extent prescribed by national laws or other regulations and provisions, or when it is in accordance with collective agreements or arbitration awards.

Based on the comment of the Governmental Committee of the European Social Charter, which in its position from 2008 expressed a view that it considered the possibility of making deductions from wages on the basis of an agreement on wage deductions to be too general and pointed out to the need to limit also these deductions from wages, the Act No. 460/2008 Coll. amending the acts in the competence of the Ministry of Labour, Social Affairs and Family of the Slovak Republic in connection with the introduction of the euro currency in the Slovak Republic with effect from 1 January 2009, extended the limit of the possibility to make deductions from wages only to the extent prescribed by a special regulation, to include also the deductions made by agreement on the deductions from wages for the purpose of satisfying the employer’s claim.

The possibility of making additional deductions from the employee's wages beyond the frame of priority deductions (deductions for contributions to insurance funds and tax prepayments), the enumeratively defined types of deductions, as well as beyond the frame of deductions effected on the basis the agreement between the employer and the employee is subject of the agreement between the Contracting Parties. In accordance with the principle of contractual freedom, in these other cases, the possibility is left to the employee in particular to decide, whether he will agree to such types of deductions from wages whose extent and scope is not enumeratively defined by legal regulations.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

In the light of unequivocally defined scope of priority deductions from wages and the deductions executable without the consent of the employee, by virtue of a decision by court or administrative body, or following out of generally binding legal regulations, no special measures having the nature of agreements, programmes, projects or action plans have been adopted for the implementation of this legal framework.

Article 5: The right to organise

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

Information to be submitted

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

In the Slovak Republic the freedom of employees and employers to form organisations is ensured by the Constitution of the Slovak Republic and by the Act No. 83/1990 Coll. on citizens' association, as amended (hereinafter referred to as " Act on citizens' association").

The right to organise is denied only to professional members of the armed forces. The prohibition to form trade unions in the armed forces is provided in Section 2 paragraph 4 of the Act on citizens' association.

The Constitution of the Slovak Republic, in its Article 37 paragraphs 1 and 2, guarantees to everybody the right to form freely organisations with others for the protection of their economic and social interests. The above-mentioned generally binding legal regulations apply to all employees or other persons forming trade union organisations. Trade union organisations are formed independently of the state. It is inadmissible to limit the number of trade union organisations or favour some in an undertaking or in an industrial branch.

The activity of trade union organisations, the rise and activity of other organisations for the protection of economic and social interests may be restricted by law, if it involves a measure necessary in the democratic society for the protection of security of the state, public order or the rights and freedoms of others. The right to strike is guaranteed. Law shall provide the conditions. Judges, prosecutors, members of the armed forces and armed corps and members and employees of fire and rescue corps shall not have this right.

The right to organise in the public service and in the civil service is provided for all employees in the Act on citizens' association. The competences of trade union organisations are stipulated in the Act No. 2/1991 Coll. on collective bargaining, as amended, in the Act No. 312/2001 Coll. on the civil service and on amending of certain acts (hereinafter referred to as the "Civil Service Act"), and in the Act No. 311/2001 Coll., the Labour Code, as amended (hereinafter referred to as "the Labour Code"), which applies subsidiarily to the employment relations of the employees in the public interest and by virtue of delegation to the civil service employment relations.

By adopting the Labour Code, the Civil Service Act, the Act No. 552/2003 Coll on the performance of work in the public interest, the Act No. 553/2003 Coll on the remuneration of certain employees performing work in the public interest and on amending of certain acts, the Act No. 346/2005 Coll. on the civil service of professional members of the armed forces of the Slovak Republic and on amending of certain acts, as amended (hereinafter referred to as "the Act on the civil service of professional members of the armed forces"), the Act No. 73/1998 Coll. on the civil service of the members of the Police Corps, the Slovak Information Service, the Prison Service and Court Guards of the Slovak Republic and the Railways Police, the Act No. 200/1998 Coll. on the civil service of customs officers and on amending of certain acts, the Act No. 315/2001 Coll. on the Fire Rescue Brigade, as amended, the Act No. 154/2001 Coll on prosecutors and prosecutor candidates, as amended and the Act No.385/2000 Coll. on judges and assessors and on amending of certain acts, as amended, conditions have been created for all employees at different employers in the Slovak Republic to organise, as well as to take part in the determination of the terms of employment and the working conditions in the public service.

In the Slovak Republic there are certain restrictions provided in the following acts.

Section 11 paragraph 4 of the Act on the civil service of professional members of the armed forces provides that a professional soldier cannot organise in the trade union organisations operating in the armed forces and in the workplaces in which he or she performs the civil service. The professional soldier may not be a member of a political party or a political movement and must not take an active part in the rallies organised by political parties or political movements within the meaning of the provision of Section 11 paragraphs 2 and 3 of the Act on the civil service of professional members of the armed forces. The restriction is also provided under Section 13 paragraph 1 sub-paragraph n) of the Act on the civil service of professional members of the armed forces within the meaning of which a citizen who has completed the activities restricted or prohibited by Sections 11 and 12 of the cited act cannot be accepted in the civil service.

Within the meaning of the provision of Section 225 of the Act No. 73/1998 Coll. on the civil service of the members of the Police Corps, the Slovak Information Service, the Prison Service and Court Guards of the Slovak Republic and the Railways Police, to protect the rights and legitimate interests of police officers, the relevant trade union organisations act whose activity in the civil service of police officers is provided under the eleventh part of this Act; the provisions of the eleventh part however do not apply to the National Security Office and the Slovak Information Service.

The Civil Service Act provides for the right of the civil servant to the creation of conditions for the proper performance of the civil service in particular service offices. At the same time a civil servant has in addition to this right also the rights arising from other generally binding legal regulations.

The prohibition referred to above, follows out of Article 37 paragraph 3 of the Constitution of the Slovak Republic under which the activity of the trade union organisations and the rise and activity of other associations for the protection of economic and social interests may be restricted by law, if it involves measures necessary in the democratic society for the protection of state security, public order or the rights and freedoms of others. This fact is declared also in Article 54 of the Constitution of the Slovak Republic, under which the right to form trade union organisations may be limited by law also for the members of the

armed forces.

Within the meaning of Section 9 and the Act No. 300/1990 Coll. amending the Act No. 83/1990 Coll. on citizens' association, a trade union organisation and an employers' organisation shall become legal persons on the day following the day on which the petition for their registration has been delivered to the Ministry of Interior of the Slovak Republic (Section 7 paragraph 1).

For the registration of the trade union organisation and the employers' organisation provisions of Section 6 paragraph .2, Section 7 paragraph 1, and Section 9 paragraph 2 of the Act on citizens' association shall apply analogously; provisions of Section 6 paragraph.1, Section 7 paragraphs 2 and 3, Section 8 and Section 9 paragraph 1 shall not apply to trade union organisations and employers' organisations.

Where an association of trade unions or an association of employers is involved the provision of Section 9a paragraph 1 of the Act on citizens' association regarding the acquisition of legal capacity shall apply analogously.

It will have followed from the cited provisions of Section 9a paragraph 2 of the Act No.300/1990 Coll. amending the Act on citizens' association that the provisions governing the procedure for registration of citizens' organisations do not fully apply to the trade union organisations. The Ministry of Interior of the SR only keeps records on these entities. The law does not give the ministry of interior the authority or the right to refuse a petition for registration of a trade union organisation and an employers' organisation. These organisations are not subject to dissolution or suspension of the activity through an administrative procedure on the part of the state. Pursuant to Section 6 paragraph 2 of the Act on citizens' association, in conjunction with the Act No. 300/1990 Coll amending the Act No.83/1990 Coll. on citizens' association, the petition for registration may be handed in by at least three citizens one of whom at least must be older than 18 years of age (preparatory committee). Further, they are to indicate which of the members of the preparatory committee older than 18 years is empowered to act in their name. They shall attach the Statutes, in two copies, to the petition. In the course of their existence, the trade union organisations and the employers' organisations are obliged by law to notify the registering body, i.e. the ministry of interior, of any changes to the Statutes, the change of the registered office and of the dissolution.

Pursuant to the Constitution of the Slovak Republic and the relevant acts referred to above, also other citizens legally residing and working in the territory of the Slovak Republic may join or form trade union organisations and they shall enjoy the same right to organise as the Slovak Republic nationals. If the foreign nationals are employees – members of a trade union organisation, they may take full part in the activity, administration or the management of the trade union organisation; they may be elected into its bodies. The issues of the ability of these persons to be elected, to hold particular offices in the trade union bodies is not provided by law, it is in the exclusive competence of the trade union organisation concerned.

Based on Section 9a paragraph 2 of the Act on citizens' association, it is not possible to deny registration to a trade union body, and subject to Section 3 paragraph 2 of the cited act, nobody can suffer civil injury by the fact that he or she is organised, is a member of the organisation, takes part in its activity or supports it, or remains outside it.

The measures for the protection of the relevant trade union body are included in the Labour Code under Section 240 paragraphs 5, 6, and 7. The freedom of choice in whether someone wishes or not to be a member of the trade union movement is guaranteed in Section 3 paragraphs l and 2, and Section 6 of the Act on citizens' association. The employees that do not organise in a trade union organisation may elect their representatives, which are the works council or the works trustee.

2) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Number of member organisations and the number of trade union and employers' association members:

Trade union organisation in 2009

Name	*Number of organisations*	*Number of members*	*Note*
The Confederation of Trade Unions		*394, 162*	
The Independent Christian Trade Unions of Slovakia		*	
The General Free Trade Union		*	

Organisation in employers' organisations in 2009

Name	*Number of organisations*	*Number of members*	*Note*
The National Union of Employers	*33*	*238, 854*	
The Association of Employers' Unions and Associations	*17*	*304, 768*	

** The data is not available*

Article 6 – The right to bargain collectively

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake

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

and recognise

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

Information to be submitted

Article 6 § 1 – With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake to promote joint consultation between workers and employers.

1) Please describe the general legal framework applicable to the private as well as the public sector. Please specify the nature of, reasons for and extent of any reforms.

Pursuant to Article 4 of the Fundamental Principles of the Labour Code employees or employees' representatives shall have the right to be informed on the economic and financial situation of the employer and the anticipated development of his activities, namely in a comprehensible way and at appropriate time. Employees may be consulted and make their proposals on the prepared decisions of the employer which have an impact on their status in the employment relations.

The cited principle is more specified in the particular provisions of the Labour Code. http://www.employment.gov.sk/index.php?id=17201

The right to mutual consultations of employees and employers is applied within the meaning of Section 229 of the Labour Code. As follows out of this provision, with a view to ensuring fair and satisfactory working conditions, employees shall take part in the decision-making of the employer that concerns their economic and social interests, either directly or through the relevant trade union body, works council, or through a works trustee; the employees' representatives shall render each other close cooperation. The employees' participation in the employment relations takes the following forms: co-decision making, consultation, information and the control activity.

A more specific provision for the co-decision making is found, for example, in the provisions governing the issue of the Employment Guidelines (Section 84), the determination of the start and end of the working hours (Section 90), the working time arrangements

(Section 87), specifying the plan of holidays and determining drawing of collective holidays (Section 111), issuing and amending the labour consumption standards (Section 133), agreeing the time scope for carrying out the function of an employees' representative (§ 240). In addition it is found in the provisions of Section 39, Section 47, Section 88, Section 91, Section 93, Section 97, Section 142 and in other provision of the Labour Code.

A consultation is sharing of views and the dialogue between the employees' representatives and the employer. The scope of issues that the employer is obliged to consult in advance with the employees' representatives is specified under Section 237 paragraph 2 of the Labour Code.

For the purposes of consultation, the employer shall be obliged to provide the employees' representatives with the necessary information, consultations and documents and, shall as far as possible, take account of their standpoints.

Consultation is applied, for example, in the provisions of the Labour Code governing the transfer of the rights and obligations from employment relations (Section 29), the termination of employment relationship on the part of the employer by notice or by summary termination (Section 74), ordering work on days of rest (Section 94), employee training (Section 153), etc.

The right to information in broader terms is provided in the Labour Code under Section 229 paragraphs 2 and 3, Section 238 and in other provisions, such as Section 29 paragraph 1, Section 47 paragraph 4, Section 98 paragraph 7, etc.

The Labour Code also provides for the procedure in cases where several trade union organisations operate side-by-side in an employer. Then the employer must, where, in cases concerning all or a great number of employees, the generally binding legal regulations or the collective agreement require a consultation or a consent of the trade union body, fulfil this obligation vis-à-vis the relevant bodies of all participating trade union organisations unless they and the employer have agreed otherwise (Section 232 paragraph 1 of the Labour Code).

The forms of consultation and provision of trans-national information are also provided for employers and groups of employers operating in the territory of the Member States of the European Union, with a registered office in the Slovak Republic. It is implemented through the European Works Council, or through an agreed procedure.

The promotion of mutual consultations of employees and employers is also provided in other generally binding employment regulations.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

For the implementation of the legal framework further measures have been adopted, particularly at the level of the employers' organisations.

3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

The mutual consultations of workers and employers take place particularly in the

workplaces. The statistical data is not surveyed centrally.

Article 6 § 2 – to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

1) Please describe the general legal framework applicable to the private as well as the public sector. Please specify the nature of, reasons for and extent of any reforms.

The right to bargain collectively is guaranteed by the Constitution of the Slovak Republic under Article 36 paragraph g).
Pursuant to Article 37 paragraph 1 of the Constitution, everyone has the right to organise with others freely for the protection of their economic and social interests.

The trade union organisations or the employers' organisations are formed under the Act No. 83/1990 Coll. on citizens' association, as amended. These organisations are formed as independent of the state and their constitution is subject only to registration at the competent state body.

The Labour Code (Article 10 of the Fundamental Principles) states that the employees and employers have the right to bargain collectively; in case of conflicts of their interests the employees have the right to strike and the employers have the right to lock-out. Trade union bodies shall take part in the industrial/employment relations, including collective bargaining. The works councils or the works trustee shall take part in employment relations under the conditions stipulated by law. The employers shall be obliged to allow the trade union, the works council or the works trustee to operate in the workplaces.

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

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

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

As in the Labour Code, the Act on collective bargaining also provides for the procedure in co-decision making, where several trade union organisations operate in an employer side by side. Pursuant to the Act on collective bargaining, in the case of concluding the collective agreement on behalf of the employees' collective, the relevant trade union bodies operating in the employer can represent employees and act with legal consequences for all employees only jointly and in mutual agreement, unless they have agreed between

themselves otherwise. In case of failure to agree on the course of action subject to the first sentence, the employer shall be authorised to conclude a collective agreement with the trade union having the highest number of members in the employer or with the other trade union organisations whose total number of members in the employer exceeds that of the largest trade union organisation (Section 3a).

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The legal framework is implemented by means of collective bargaining and in concluding company collective agreements and higher-level collective agreements (hereinafter referred to as "HLCA"). It involves both the private and the public sector.

3. Please provide pertinent figures, statistics or any other relevant information, in particular on collective agreements concluded in the private and public sector at national and regional or sectoral level, as appropriate.

The Ministry of Labour, Social Affairs and Family of the Slovak Republic (hereinafter referred to as "MOLSAF SR"), pursuant to Section 9 of the Act No. 2/1991 Coll. on collective bargaining, as amended, deposits the HLCA and publishes their deposition in the Collection of Laws of the Slovak Republic.

The status in the deposition of HLCAs and their addenda and the publication of the deposition in the Collection of Laws of the SR from 2000 is as follows:

2000 - 29 HLCA and 43 addenda (+ 26 HLCA were extending their period of validity)
+ 1 HLCA on supplementary pension insurance and
1 addendum to HLCA on supplementary pension insurance.
2001 - 27 HLCA and 39 addenda to HLCA
2002 - 35 HLCA and 26 addenda to HLCA
2003 - 13 HLCA and 42 addenda to HLCA
2004 - 17 HLCA and 29 addenda to HLCA
2005 - 21 HLCA and 21 addenda to HLCA
2006 - 22 HLCA and 34 addenda to HLCA
2007 - 10 HLCA and 27 addenda to HLCA
2008 - 20 HLCA and 17 addenda to HLCA
2009 - 8 HLCA and 19 addenda to HLCA (status as of 31 August 2009)

At 31 August 2009, 27 HLCA were in force, deposited at the MOLSAF. These involved HLCAs in both the private and the public sector.

Article 6 § 3 – to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes.

1) Please describe the general legal framework as regards conciliation and arbitration procedures in the private as well as the public sector, including where relevant decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.

The Labour Code preventively creates conditions to avoid labour disputes.

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

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

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

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

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

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

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

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

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Pursuant to Section 10a of the Act No. 2/1991 Coll. on collective bargaining, as amended, the ministry shall select mediators and arbitrators upon request from a citizen of the Slovak Republic, or at the advice of state bodies, scientific institutions, universities, representatives of employers and trade unions. The ministry shall verify the professional qualifications of mediators and arbitrators always upon the completion of three years.

3. Please provide pertinent figures, statistics or any other relevant information, in particular on the nature and duration of Parliament, Government or court interventions in collective bargaining and conflict resolution by means of, *inter alia*, compulsory arbitration.

The status of settlement of collective disputes before mediators (hereinafter referred

to as "M") and arbitrators (hereinafter referred to as "A"), appointed by MOLSAF from the year 2000 is as follows:

2000 - 29 disputes before M
of which: 3 disputes – cancelled in writing on the part of the claimant (agreement achieved)
23 disputes settled successfully
3 disputes ending unsuccessfully – they did not ask for an A

2001 - 32 disputes before M
of which: 5 requests for a M – declined by the MOLSAF SR
16 disputes settled successfully
8 disputes ending unsuccessfully – 4 requests for an A
3 disputes settled by agreement without participation of a M
2 requests for an A declined by the MOLSAF SR
2 disputes before an A settled successfully

2002 - 24 disputes before M
of which: 19 disputes settled successfully
3 disputes settled by agreement without participation of a M
2 disputes cancelled in writing – agreement achieved

2003 - 29 disputes before M
of which: 10 disputes settled successfully
15 disputes ending unsuccessfully – 1 dispute before an A
4 disputes cancelled in writing – agreement achieved
1 request for an A – the request cancelled.

2004 - 26 disputes before M
of which: 10 disputes settled successfully
11 disputes ending unsuccessfully – 2 requests for an A
5 disputes cancelled in writing – agreement achieved
2 disputes before an A settled successfully

2005 – 17 disputes before M
of which: 8 disputes settled successfully
5 disputes ending unsuccessfully – 2 requests for an A
4 disputes cancelled in writing – agreement achieved between social partners without M
1 request for an A declined by MOLSAF SR
1 dispute before an A settled successfully

2006 – 19 disputes before M
of which: 14 disputes settled successfully
5 disputes ending unsuccessfully
1 dispute cancelled in writing – agreement achieved without M

2007 - 17 disputes before M
of which 10 disputes settled successfully
4 disputes ending unsuccessfully
3 disputes ending for other reasons – negotiations of the Contracting Parties

continued without M

1 dispute before an A – after the arbitrator has been appointed the dispute ended in agreement and signing of the collective agreement by Contracting Parties

2008 - 17 disputes before M
of which: 8 disputes settled successfully
2 disputes ending unsuccessfully
7 disputes ending for other reasons – negotiations of the Contracting Parties continued without M
2 disputes before an A settled successfully

2009 - 8 disputes before M (status as of 31 August 2009)
2 disputes settled successfully
1 dispute ending unsuccessfully
5 disputes pending settlement

1 dispute before an A – ending by the decision of the A.

Article 6 § 4 – to recognise the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into.

1) Please describe the general legal framework as regards collective action in the private as well as the public sector, including where relevant decisions by courts and other judicial bodies, if possible. Please also indicate any restrictions on the right to strike. Please specify the nature of, reasons for and extent of any reforms.

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

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

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

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

Pursuant to Section 141 paragraph 6 of the Labour Code, the employer shall be obliged to excuse the absence of an employee at work for the time of his/her participation in strike in connection with his or her exercise of the economic and social rights; the employee shall not be entitled to wage or wage replacement. After a decision on unlawfulness of the

strike by court becomes effectual the participation in strike shall be deemed to be unjustified absence of the employee at work.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The legal provision of strike can be used particularly by the private sector. The strike has not yet been exercised in the public sector.

3) Please provide pertinent figures, statistics or any other relevant information, in particular: statistics on strikes and lockouts as well as information on the nature and duration of Parliament, Government or court interventions prohibiting or terminating strikes and what is the basis and reasons for such restrictions.

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

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

There were neither parliamentary nor government interventions that would prohibit or terminate strikes or apply other restrictions.

However, the unlawfulness of a strike is decided by court. So far there is knowledge of temporary restraining order of the court by which it was ruled on the suspension of the strike (railways). This decision was overruled by subsequent decision of the court of appeal.

To date, no employer in the Slovak Republic has had recourse to lock-out.

Article 21 – The right to information and consultation

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

a. to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and
b. to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.

Information to be submitted

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Pursuant to Section 11a of the Labour Code, the employees' representatives shall include the relevant trade union body, the works council, or the works trustee. For matters of health and safety at work also the employees' health and safety representative, subject to a special regulation, shall be deemed to be the employees' representative.

In a cooperative company where the employment relation to the cooperative of the member is a component part of membership, the employees' representative shall, for the purposes of this act, be a special cooperative body elected by the membership meeting.

The right to information is provided in the Labour Code in Section 238 and other provisions, such as Section 29 paragraph 1, Section 47 paragraph 4, Section 98 paragraph 7.

Pursuant to Section 238 information shall mean the provision of the data by the employer to the employees' representatives with a view to familiarising with the content of the information. The employer shall inform the employees' representatives in a compressible way and at the appropriate time, about the economic and financial situation of the undertaking and the anticipated development in their activity. The employer may refuse to disclose information that could be prejudicial to the undertaking, or may require that this information be regarded as confidential.

Pursuant to Section 237 of the Labour Code, the consultation shall mean the exchange of views and a dialogue between the employees' representatives and the employer. The employer shall consult the employees' representatives beforehand concerning in particular,

a) the situation, the structure and the anticipated development in employment and the planned measures, particularly where employment is endangered,
b) the essential issues of the corporate social policy, the measures to improve work hygiene and the working environment,
c) the decisions that may lead to essential changes to the work organisation or to contractual conditions,

d) the organisational changes that are deemed to include the reduction or suspension of the activity of the employer or a part thereof, merge, amalgamation, division, change to the legal form of the employer,
e) the measures to prevent employment accidents at work and occupational diseases and to protect the employees' health.

The consultation shall be held in a comprehensible way, and at the appropriate time, with the adequate content, with a view to reaching agreement.

For the above purposes the employer shall provide the employees' representatives with the necessary information, consultations and documents, and, within the possibilities of the undertaking, shall have regard to their standpoints.

Consultation shall be applied, for example, in the provisions of the Labour Code governing the transfer of the rights and obligations from the employment relations (Section 29), collective dismissals, (Section 73), the termination of employment relationship on the part of the employer by notice or summary termination of employment relationship (Section 74), ordering of work for days of rest (Section 94), employees' training (Section 153).

Employees' representatives, professionals carrying out the tasks on behalf of the employees' representatives shall be obliged to keep confidentiality regarding the facts they have learned in the course of the performance of their function and that have been designated by the employer as confidential. This obligation shall also last for the duration of one year from the end of the performance of the function, unless a special regulation provides otherwise (Section 240 paragraph 5 of the Labour Code).

Pursuant to Article 4 of the Fundamental Principles of the Labour Code employees or employees' representatives shall have the right to be informed about the economic and financial situation of the undertaking and the anticipated development of its activities, namely in a comprehensible way and at the appropriate time. Employees may express their positions and make their proposals for the prepared decisions of the employer, which have an impact on their status in the employment relations.

In addition, the Labour Code makes special provision for the way and the dates of consultation and information of employees' representatives, for example, in collective dismissals, the transfer of the rights and obligations from the employment relations and in other cases.

A special legal provision concerning employment and the obligation of employers in dismissing employees is also stipulated in the Act No. 5/2004 Coll. on the employment services, as amended.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

For the implementation of the legal framework measures are adopted particularly at the level of employers and employees' representatives in particular undertakings. The right to information and consultation is applied in both the private and the public sector and is not restricted by regulations, collective agreement or other measures. However the employer may designate certain information as confidential and require that the information be not disclosed

to other entities and for other purposes than those for which it was provided.

3) Please provide pertinent figures, statistics or any other relevant information, in particular on the percentage of workers out of the total workforce which are not covered by the provisions granting a right to information and consultation either by legislation, collective agreements or other measures.

The exercise of the right to information and consultation within the employers' organisations is not centrally monitored.

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

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

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

Information to be submitted

Article 22 § a) – With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national practice, to contribute to the determination and the improvement of the working conditions, work organisation and working environment;

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Employees and employees' representatives shall take part in the determination and improvement of the working conditions and working environment and shall organise works that are important factors for ensuring health and safety at work.

Within the meaning of Section 10 of the Act No. 124/2006 Coll. on safety and health protection at work and on amending of certain acts, as amended, the employer shall enable employees and employees' representatives for safety and health protection at work to take part in the solution of the issues of safety and health protection at work and to consult them beforehand about the issues that may significantly affect health and safety protection at work

Within the meaning of Section 12 paragraph 1 sub-paragraph a) of the Act No. 124/2006 Coll., employees shall have a possibility in the undertaking to discuss all issues of safety and health protection at work relating to their work. They cooperate with the employer and employees' representative for occupational health and safety, subject to Section 12 paragraph 2 sub-paragraph b) of the Act No. 124/2006 Coll., in the required extent, so as to enable the discharge of their duties for ensuring safety and health protection at work and the tasks imposed by the competent labour inspectorate or a supervisory body.

The employer shall submit to employees or employees' representatives for health and safety at work the background materials and allocate them reasonable time to give their positions on

a) the draft concept of occupational health and safety policy, the draft programme of its implementation and for their evaluation,

b) the proposal for the selection of working equipment, technologies, work organisation; positions on the working environment and on the workplace,
c) the proposal for the determination of technical workers to carry out preventive and protective services and the tasks subject to Section 8 paragraph 1 sub-paragraph a), Section 21 paragraph 1, Section 22 paragraph 1 and Section 26 of the Act No. 124/2006 Coll.,
d) the execution of the tasks of preventive and protective services, where these tasks are outsourced,
e) the risk assessment, identification and implementation of protective measures, including provision of personal protective equipment and the equipment of collective protection,
f) the employment accidents, dangerous emergencies and occupational diseases and other injuries to health from work that occurred in the undertaking, including the results of investigations of their causes, and proposals for action,
g) the way and the extent of information of employees, employees' representatives for safety and the designated technical workers for the implementation of preventive and protective services,
h) the planning and provision for instruction and information of employees and the training of employees' representatives for safety.

Within the meaning of Section 133 of the Labour Code, http://www.employment.gov.sk/index.php?id=17201 the employer shall, in determining the work consumption standard, i.e. in determining the required amount of work and the work pace, take into account the work pace appropriate to the physiological and neuropsychological capacities, the legislation and the other regulations to ensure safety and health protection at work, the time for personal hygiene after the end of work and the time for the natural needs of the employee. The introduction and changes of the work consumption standards are agreed in the collective agreement. If they are not agreed in the collective agreement, then the employer shall introduce the standards and effect changes to them only upon agreement with the employees' representatives. If an agreement is not reached within 15 days of the submission of the proposal, the competent labour inspectorate shall decide on the work consumption standards, in pursuance of a special regulation. The employer shall communicate the work consumption standards and changes to them to employees always before the start of work, and they cannot be applied retroactively.

Article 22 § b) - With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national practice, to contribute to the protection of health and safety within the undertaking;

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The employees' representative for safety and health protection at work significantly contributes to ensuring safety and health protection at work in an undertaking, particularly by the fact that, in pursuance of Section 19 paragraph 2 of the Act No. 124/2006 Coll., he shall
a) carry out inspections of workplaces and verify the implementation of measures in terms of ensuring the safety and health protection at work,

b) request from the employer the information on the facts having impact on safety and health protection at work; consult them with the trade union organisation or with the works council operating in the undertaking, and after agreement with the employer and with professionals in the relevant field, with the proviso that classified information protected by special regulations is not disclosed,
c) cooperate with the employer and make proposals for measures to increase the standard of safety and health protection at work,
d) require from the employer to eliminate the shortcomings identified; where the employer has not eliminated the shortcomings to which he was alerted, the safety representative is authorised to give instances to the relevant labour inspectorate or to the relevant supervisory body,
e) take part in the deliberations organised by the employer regarding safety and health protection at work, in the investigation of causes of employment accidents, occupational diseases, and other events subject to Section 17 of the Act No. 124/2006 Coll., in the measurement and assessment of the factors of the working environment, take part in the inspections carried out by the relevant labour inspectorate or by the relevant supervisory body and shall request from the employer information on the results and conclusions of these inspections and the implementation of the imposed measures, measurements and assessments,
f) present observations and proposals to the relevant labour inspectorate or the relevant supervisory body in carrying out labour inspection or supervision in the undertaking.

Where there has not been an employees' safety and health protection representative appointed in an employer, the authorisations above shall be implemented by the employees and the employer shall discharge the duties provided by this act vis-à-vis the employees´ representatives for safety and health protection at work directly vis-à-vis the employees, in a way that will ensure adequate co-participation of employees in the area of safety and health protection at work.

The committee for safety and health protection at work, which the employer is obliged to establish if employing more than 100 employees, as advisory body for the area of safety and health protection at work, within the meaning of Section 20 of the Act No.124/2004 Coll., shall:

a) regularly assess the situation in safety and health protection at work, the situation and development in the rate of employment accidents, occupational diseases and other events subject to Section 17 of the Act No. 124/2006 Coll., and shall evaluate other issues of safety and health protection at work, including the working environment and the working conditions,
b) propose measures in the area of management, control and improvement of the situation in safety and health protection at work,
c) give position on all issues relating to safety and health protection at work,
d) request from the employer the information necessary to carry out its activity.

This Committee shall be convened in the employer undertaking at least once a year.

If a trade union organisation operates at the employer, the control over the situation in safety and health protection at work is also conducted by the trade union body within the meaning of Section 149 paragraph e) of the Labour Code, and this body also takes part in the deliberations on occupational safety and health protection issues.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

For the implementation of the legal framework, measures and tasks have been adopted arising out of the Concept for safety and health protection at work in the Slovak Republic for 2008 to 2012, by which further development is promoted of the care by employers of the area of occupational safety and health protection in the workplaces, in cooperation with employees, employees' representatives for safety and health protection at work, and the representatives of trade union bodies.

Article 22 § c) - With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national practice, to contribute to the organisation of social and socio-cultural services and facilities within the undertaking;

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

With a view to ensuring just and satisfactory working conditions employees take part in the decision-making of the employer regarding their economic and social interests, either directly or through the relevant trade union body, the works council or the works trustee; employees' representatives render each other close cooperation (Section 229 paragraph 1 of the Labour Code).

Article 22 § d) - With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national practice, to contribute to the supervision of the observance of regulations on these matters.

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The supervision of the observance of the regulations governing the issues of occupational safety and health protection at work is ensured by employees, employees' representatives in the undertaking.

Pursuant to Section 12 paragraph 2 sub-paragraph j) of the Act No. 124/2006 Coll., employees shall notify, without delay, the senior official, or the safety technician, employees' representative for occupational safety and health protection, the competent labour inspectorate, as appropriate, of any shortcomings that might endanger safety or health, particularly the imminent and serious threats to life or health, and shall take part, according to their possibilities, in their elimination.

Pursuant to Section 149 of the Labour Code, in an employer where there is a trade union organisation, it shall conduct control over the situation in the safety and health protection at work and it shall in particular

a) check how the employer complies with his duties in caring for safety and health protection at work and whether the employer consistently creates conditions for safe and health-non-injurious work, it shall regularly check the workplace and facilities of the employer for the benefit of employees, and control the management by the employer of the personal protective equipment,
b) check whether the employer properly investigates the causes of employment accidents, take part in identifying the causes of employment accidents and occupational diseases, or shall do the investigation itself,
c) request from the employer to eliminate the shortcomings in the operations, machinery and equipment, or the work procedures and to suspend work in the case of imminent and serious thereat to life or health of employees or other persons staying on the premises or in the workplace of the employer with his knowledge,
d) draw the employer 's attention to the overtime work and the night work that might threaten the safety and health protection of employees,
e) take part in the deliberations regarding safety and health protection issues.

The trade union body shall produce a protocol on the shortcomings. In the event of imminent and serious threat to life and health, the protocol shall also contain the request for suspension of work, identifying the work and the time from which it request the suspension of work. The statement by the employer on the identified shortcomings shall be a component part of the protocol.

The trade union body shall notify the competent labour inspectorate body or the competent state mining administration body of its request for suspension of work. The request for suspension of work of the trade union body shall stand until the employer has eliminated the shortcomings, otherwise, until the completion of its investigation by the competent labour inspectorate body or the competent state mining administration body.

The costs incurred in the conduct of control by the trade union body over the situation in the safety and health protection at work shall be borne by the state.

The employees' representative for safety and health protection at work, within the meaning of Section 19 paragraph 3 of the Act No. 124/2006 Coll., shall

- conduct checks of workplaces and verify the implementation of measures, from the aspect of ensuring safety and health protection at work,
- request from the employer to eliminate the shortcomings identified; where the employer fails to eliminate the shortcomings, to which he was alerted, the employees' representative shall be authorised to give instances to the competent labour inspectorate or to the competent supervisory body,
- submit comments and make proposals to the competent labour inspectorate or to the competent supervisory body in carrying out labour inspection or supervision in an employer.

Where no employees' representative is appointed for safety and health protection at work the competences above shall be carried out by the employees and the employer shall ensure reasonable co-participation of employees in the area of safety and health protection at work.

Pursuant to Section 13 paragraph 2 of the Act No. 125/2006 Coll. the labour inspector shall inform the competent employees' safety and health protection representative, the relevant trade union body and the works council, or the works trustee of the result of the labour inspection conducted at an inspected employer, in case shortcomings were found.

Article 26 – The right to dignity at work

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

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

Information to be submitted

Article 26 § 1 – to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct;

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Pursuant to Section 2a) of the Act No. 365/2004 Coll., the Anti-discrimination Act, as amended, the discrimination shall mean direct discrimination, indirect discrimination, harassment, sexual harassment and unjustified punishment; discrimination shall also include an instruction to discriminate and the incitement to discriminate

Within the meaning of Section 2a), paragraph 5 of the Anti-discrimination Act, sexual harassment involves verbal, nonverbal or physical conduct of sexual nature that is intended or results in or may result in upsetting the dignity of the person and that creates intimidating, humiliating, degrading, hostile or offensive environment.

Pursuant to Section 9 of the Anti-discrimination Act, everyone who believes that his or her rights, legally protected interests or freedoms have been aggrieved by non-compliance with the principle of equal treatment can claim his or her right before a court. He or she can in particular, demand that the person who failed to comply with the principle of equal treatment abstain from his or her conduct and, if possible, rectify the unlawful state, or provide reasonable satisfaction.

Where the reasonable satisfaction was not sufficient, particularly, where by non-compliance with the principle of equal treatment the dignity, social esteem or social assertion of the person aggrieved was significantly impaired, s/he may also claim compensation for non-material injury in cash. The amount of damages for non-material injury shall be determined by court with regard taken of the severity of injury inflicted and all the circumstances in which it occurred. The right to damages or the right to other compensation subject to special regulations shall not be affected by this Act.

Pursuant to Section 11 of the Anti-discrimination Act, the proceedings in matters of breach of the principle of equal treatment shall be set off upon the application of the person contesting that his or her right was affected by the breach of the principle of equal treatment (hereinafter referred to as "plaintiff"). The plaintiff shall be obliged to identify in the application the person he or she claims to have been in the breach of the principle of equal treatment (hereinafter referred to as "respondent"). The respondent shall be obliged to prove that he was not in breach of the principle of equal treatment, if the plaintiff establishes before the court the evidence from which it may be reasonably presumed that there has been a breach of the principle of equal treatment.

Article 26 § 2 – to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct.

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Pursuant to Section13 paragraph 3 of the Labour Code, the exercise of the rights and obligations arising out of the employment relations must be consistent with good morals. Nobody can abuse these rights and obligations to the detriment of the other Party to the employment relations or to the detriment of co-workers. Nobody can be persecuted or otherwise punished in the workplace in relation to the implementation of employment relations for making a complaint about another employee or the employer, a charge, or an application to start criminal proceedings.

The employee shall have the right to make a complaint to the employer in connection with the breach of the principle of equal treatment and the employer shall be obliged to respond to the complaint without undue delay, find a remedy, abstain from such conduct and eliminate its consequences (Section 13 paragraph 4 of the Labour Code).

An employee who considers that his/her rights and legally protected interests have been wronged because the principle of equal treatment has not been applied or because the conditions pursuant to Section 13 paragraph 3 of the Labour Code have not been observed, may have recourse to the court and claim legal protection provided by a special Act on Equal Treatment in Certain Areas and on the Protection Against Discrimination and on Amending of Certain Acts (the Anti-discrimination Act) (Section13 paragraph 5 of the Labour Code).

An employee may claim his or her rights and legally protected interests also before a court, if s/he considers to be or to have been wronged in his or her rights, legally protected interests or freedoms by non-observance of the principle of equal treatment. The person may in particular demand that the person that has failed to observe the principle of equal treatment abstain from such conduct, remedy the unlawful state, where possible, give reasonable satisfaction (Section 9 of the Act No. 365/2004 Coll., the Anti-discrimination Act, as amended).

Within the meaning of Section 150 paragraph 2 of the Labour Code, an employee who has been wronged by the breach of the obligations arising out of the employment relations,

may file a complaint with the Labour Inspectorate competent according to the employee's place of the workplace.

In case the labour inspectorate detects a contravention of the obligation arising out of the employment regulations it shall be authorised to have recourse against the employer, impose a penalty of up to € 33, 193.92 (1 million SKK) within the meaning of the Act No. 125/2006 Coll. on the labour inspection and on amending of certain acts, as amended.

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

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

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

Information to be submitted

1) Please describe the general legal framework, including decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.

a) Effective protection against action that could do employees' representatives harm is provided under Section 240 of the Labour Code.

The employer cannot place employees' representatives at a disadvantage or otherwise punish them for discharging the tasks arising out of their function.

During the term in office and one year upon its termination the employees' representatives shall be protected against actions than could harm them, including the termination of employment relationship and that could be motivated by their position or activity.

The employer may give notice to a member of the competent trade union body, a member of the works council or a works trustee, or summarily terminate their employment relationship only with prior consent of the employees' representatives. As prior consent shall also be regarded when the employees' representatives failed to refuse granting the employer consent in writing within 15 days of the day the employer had asked for it. The employer may use the prior consent only within the period of two months of its granting.

Where the employees' representatives refused to grant consent, subject to the preceding paragraph, the notice or the summary termination of employment relationship on the part of the employer shall be null and void on that ground; where the other conditions for notice or summary termination of employment relationship have been satisfied and the court, in a dispute pursuant to Section 77 of the Labour Code, establishes that it cannot justly require the employer to continue employing the employee, the notice or the summary termination of employment relationship shall be valid.

A similar protection pursuant to the above paragraphs shall also apply to the employees' representatives for safety and health protection at work, subject to a special regulation.

Pursuant to Section 250 of the Labour Code, Section 240 of the Labour Code on the conditions for the activity of the employees' representatives and their protection shall apply to the members of the special negotiation body, members of the European Works Council and the employees' representatives of the employer ensuring other procedure for trans-national information and consultation.

b) Pursuant to Article 10 of the Fundamental Principles of the Labour Code, employees and employers shall have the right to bargain collectively; in the case of conflict of their interests, employees shall have the right to strike and employers shall have the right to lock-out. Trade union bodies shall take part in the employment relations, including collective bargaining. The works council or the works trustee shall take part in the employment relations under the conditions stipulated by law. The employer shall be obliged to enable the trade union body, the works council, or the works trustee to operate in the workplaces.

Apart from the above, the conditions that facilitate employees' representatives to perform their activity are provided under Section 240 of the Labour Code, namely:

The activity of the employees' representatives, which is directly related to the discharging of tasks of the employer, shall be deemed to be the performance of work for which the employee is entitled to wages.

The employer shall, pursuant to Section 136 paragraph 1 of the Labour Code, give time off for carrying out the function of the employees' representatives or for their participation in training organised by the relevant trade union body, the works council and the employer, unless this is precluded by important reasons of operation. The employer shall provide time off without wage replacement, unless the Labour Code, a special regulation or a collective agreement stipulate to the contrary, or unless the employer and the employee have agreed otherwise.

The employer shall release an employee on long-term for carrying out a public office and for carrying out a trade union function. The employee shall not be entitled to wage replacement from the employer, in which he is in the employment relationship.

The employer shall release an employee on long-term for carrying out a trade union function in a trade union body operating at this employer under the conditions agreed in the collective agreement, and for carrying out the function of a member of the works council upon agreement with the works council.

The employer shall give time off with pay for carrying out a trade union function for the time agreed by the employer and the relevant trade union body, and for carrying out the function of the member of the works council or the works trustee for the time agreed by the employer and the works council or the work trustee. If an agreement has not been reached, the employer shall provide time off with pay in the scope of:

a) 4 hours per month to at least one representative of the trade union body of the trade union organisation with a minimum of 50 members employed in the employer,

b) 12 hours per month, to at least one representative of the trade union body of the trade union organisation with 50 and more members employed in the employer,

c) 16 hours per month to at least one representative of the trade union body of the trade union organisation with 100 and more members employed in the employer,

d) 4 hours per month to at least one member of the works council or to the works trustee.

The employer shall have the right to check whether the employee uses the time off awarded for the purpose for which it was intended.

The employer shall, according to his operational possibilities, provide the employees' representatives rooms with the necessary equipment for the necessary operations, free of charge, in appropriate extent, and shall cover the costs associated with their maintenance and technical operations.

Employees' representatives, professionals discharging the tasks on behalf of employees' representatives shall be obliged to keep confidentiality about the facts they have learned in the course of performing their function and that were designated by the employer as confidential. This obligation shall stand also during one year of the termination of office, unless a special regulation provides to the contrary.

The same conditions of activity, with the exception of the third paragraph, (i.e. provision of time off in the scope of 4-16 hours) shall also apply to the employees' representatives for safety and health protection at work, subject to a special regulation.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Supervision and control over ensuring effective exercise of the right of employees' representatives to carry out their functions in the undertaking shall be performed particularly by higher-level trade union bodies (trade unions) whose basic organisations operate in the employers.

If problems occur and evidence is established of the existing shortcomings and these cannot be eliminated by ordinary negotiations, the employees' representatives may have recourse to the state bodies of labour inspection, whose activity is provided under the Act No. 125/2006 Coll. on the labour inspection and on amending of the Act No. 82/2005 Coll. on illegal work and illegal employment and on amending of certain acts, as amended.

The labour inspection bodies have the right to impose penalties on the employer for the contravention of the obligations arising out of law, other generally binding legal regulations and collective agreements.

Employees' representatives may also file an application to the relevant court.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

The ensuing of the effective exercise of the right of workers' representatives to carry out their functions in the undertaking is not centrally monitored. Information on these matters might be available from the trade union head offices.

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

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

Information to be submitted

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Collective dismissal is provided in Section 73 of the Labour Code (Act No. 311/2001 Coll. as amended, as follows:

(1) A collective dismissal is involved, where an employer or a part thereof terminates the employment relationship by notice, for reasons set out in Section 63 paragraph 1 sub-paragraphs a) and b) of the Labour Code, or where the employment relationship is terminated for other reason than one consisting in the person of the employee in the course of 90 days with at least 20 employees.

(2) With a view to reaching agreement the employer shall be obliged, not later than one month before starting collective redundancies, to discuss with the employees' representatives, or directly with the employees concerned, if employees' representatives do not operate in the employer, the measures allowing to avoid collective dismissal of employees, or its limitation, primarily discuss the possibility of placing the employees in suitable employment in his other workplaces, and this also after prior preparation, and the measures to mitigate unfavourable effects of the employees' collective dismissal. To this effect, the employer shall be obliged to provide employees' representatives with all necessary information and to inform them in writing, particularly about
a) the reasons of collective dismissal,
b) the number and the structure of employees with whom the employment relationship is to be terminated,
c) the total number and the structure of employees being employed by the employer,
d) the period during which the collective redundancies are to be effected,
e) the criteria for the selection of employees with whom the employment relationship is to be terminated.

(3) Simultaneously, the employer shall deliver a copy of the written information subject to paragraph 2 to the Central Office of Labour, Social Affairs and Family and the competent Office of Labour, Social Affairs and Family (Section 8 and Section 9 of the Act No. 453/2003 Coll. on the state administration bodies in the area of social affairs, family and employment services and on amending of certain acts, as amended).

(4) After discussing collective dismissals with employees' representatives the employer shall be obliged to supply written information of the results of the discussion to

a) the Central Office of Labour, Social Affairs and Family and the competent Office of Labour, Social Affairs and Family (Section 8 and Section 9 of the Act No. 453/2003 Coll.,
b) employees' representatives.

(5) Employees' representatives may submit their comments regarding collective dismissals to the Central Office of Labour, Social Affairs and Family and the competent Office of Labour, Social Affairs and Family (Section 8 and Section 9 of the Act No. 453/2003 Coll.).

(6) In a collective dismissal, the employer may serve the employee a notice for reasons set out in Section 63 paragraph 1 sub-paragraphs a) and b) of the Labour Code, or a proposal for the termination of employment relationship by agreement for the same reasons, upon the completion of one month, at the earliest, of the day the written information subject to paragraph 4 has been delivered.

(7) The employer shall discuss the measures allowing to avoid collective dismissals or to limit it with the Central Office of Labour, Social Affairs and Family and with the competent Office of Labour, Social Affairs and Family (Section 8 and Section 9 of the Act No. 453/2003 Coll.), in particular,

a) conditions of retention of employment,
b) possibilities to employ the dismissed employees in other employers,
c) possibilities for employment of the dismissed employees in case of their re-training.

(8) The Central Office of Labour, Social Affairs and Family and the competent Office of Labour, Social Affairs and Family shall use the period prescribed under paragraph 6 (Section 8 and Section 9 of the Act No. 453/2003 Coll.) for seeking solutions of problems relating to the planned collective dismissal.

(9) Where the employer is in breach of the obligations prescribed in paragraphs 2 to 4 and 6, the employee, whose employment relationship is to be terminated by the employer within collective dismissal, shall, pursuant to Section 134 of the Labour Code, be entitled to wage replacement amounting to at least twice the amount of his average earnings.

(10) Provisions of paragraphs 1 through 9 shall not apply to

a) the termination of employment relationship concluded for a fixed term after the completion of the period,
b) members of the crew sailing under the national flag of the Slovak Republic.

(11) Provisions of paragraphs 6 though 8 shall not apply to the employer who has been adjudicated bankrupt by court (Act No. 7/2005 Coll. on bankruptcy and restructuring and on amending of certain acts, as amended, the Regulation of the Ministry of Justice No. 665/2005 Coll. implements certain provisions of the Act No. 7/2005 Coll. on bankruptcy and restructuring and on amending of certain acts, as amended).

(12) Where no representatives of employees operate in an undertaking the employer shall fulfil the obligations set out in paragraphs 2 to 4 directly to the employees concerned.

(13) The employer shall fulfil the obligations set out in paragraphs 2 to 4 also where the decision on collective dismissal was adopted by the managing employer referred to in Section 243 paragraph 3 of the Labour Code.

Employees' representatives include the relevant trade union body, the works council or the works trustee (Section 11a of the Labour Code).