



29/04/2015

RAP/RCha/SVK/5(2015)Add

EUROPEAN SOCIAL CHARTER

Addendum to the 5th National Report on the
implementation of the European Social
Charter

submitted by

THE GOVERNMENT OF THE SLOVAK REPUBLIC

Article 27§3

for the period 01/01/2010 – 31/12/2013

Report registered by the Secretariat on
29 April 2015

CYCLE 2015

Article 27 – The right of workers with family responsibilities to equal opportunities and equal Treatment

3. to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment

Family responsibilities do not constitute neither a legal, nor a valid reason for termination of employment by the employer in the legislation of the Slovak Republic.

This reason for termination of employment of an employee by an employer is not listed in the Act 311/2001 Coll. The Labour Code and therefore such a reason cannot be used by an employer to terminate employment of an employee. Even if an employee would formulate such a reason for termination of employment, such a termination would be invalid and the given employee would win the court proceeding in such a case. On top of that, the given employee would be entitled to wage compensation up to 36 months. Termination of employment by the employer can be given only according to Article 63 par. 1 of the Labour Code:

(1) An employer may give notice to an employee only for the following reasons:

a) if the employer or part thereof

1. is wound up or

2. is relocated and the employee does not agree with the change in the agreed location for performance of work,

b) if an employee becomes redundant by virtue of the employer or competent body issuing a written resolution on change in duties, technical equipment or reduction in the number of employees with the aim of securing work efficiency, or on other organisational changes,

c) a medical opinion states that the employee's health condition has caused the long term loss of their ability to perform their previous work or if they can no longer perform such work as a result of an occupational disease or the risk of such an disease, or if they have already received the maximum permitted level of exposure in the work place as determined by a decision of a competent public health body,

d) an employee

1. Does not meets the preconditions set by legal regulations for the performance of the agreed work,

2. Ceases to fulfil the requirements pursuant to § 42 paragraph (2),

3. Does not fulfil, due to no fault of the employer, the requirements for the proper performance of the agreed work determined by the employer in internal regulations, or

4. Does not satisfactorily fulfil the work tasks, and the employer has in the preceding six months challenged him in writing to rectify the insufficiencies, and the employee failed to do so within a reasonable period of time,

e) if there are reasons on the part of the employee, for which the employer might immediately terminate the employment relationship with them, or by virtue of less grave breaches of labour discipline; for less grave breaches of labour discipline, the employee may be given a notice if, with respect to breach of labour discipline, they have been cautioned in writing within the previous six months as to the possibility of notice.

Article 61 par. 2 of the Labour Code states:

(2) An employer may only give notice to an employee for reasons expressly stipulated in this Act. The reason for giving notice must be defined in the notice in terms of fact such that it may not be confused with a different reason, or the notice shall otherwise be deemed invalid. The reason for giving notice may not be subsequently amended.

One of the fundamental roles of the Labour Code is to protect employees with family responsibilities, which is also confirmed by Article 64 par. 1 let. c) according to which within the period of a female employee's pregnancy, when a female employee is on maternity leave, a female employee or a male employee is on parental leave, or when a lone female employee or a lone male employee takes care of a child under the age of three, the employer may not give notice to such an employee (prohibition of notice).

The Slovak Republic is also bound by:

The International Labour Organisation Convention 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities