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

The European Social Charter

The 4th report of the Slovak Republic

on the application of the European Social Charter

submitted

by the Government of the Slovak Republic

(for the reference period of 1 January 2003 – 31 December 2004:
Article 1 paragraph 4, Articles 2, 3, 4, 9, 10, 15 of the Charter and Articles 2 and 3 of the Additional Protocol)

Cycle XVIII-2

THE FOURTH 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 2003 to 31 December 2004

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

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

Employees' representative organisations:
- Confederation of Trade Unions of the Slovak Republic (KOZ SR)

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

CONTENTS

ARTICLE 1: THE RIGHT TO WORK

Article 1 paragraph 4

„With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake:
4. to provide or promote appropriate vocational guidance, training and rehabilitation. "

Question

Please indicate, illustrating with the relevant data as far as possible, what measures have been taken to provide or promote:

a. vocational guidance;[9]
b. vocational training;[10]
c. vocational rehabilitation;[11]
with the aim of giving everyone the possibility of earning his living in an occupation freely entered upon.

Please indicate whether equal access is ensured for all those interested, including nationals of the Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

See the answers under Articles 9, 10 paragraph 3 and 15 paragraph 1.

ARTICLE 2: THE RIGHT TO JUST CONDITIONS OF WORK

Article 2 paragraph 1

„ With a view to ensuring the effective exercise of the right to just conditions of work, the Contracting 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;"

Question A

Please indicate what statutory provisions apply in respect of the number of working hours, daily and weekly and the duration of the daily rest period.

Pursuant to § 85 of the Labour Code, the working time is the time segment during which the employee is at the employer's disposal, carries out work and discharges the obligations in accordance with the employment contract.

The rest period is any period which is not working time.

For the purposes of determining the length and distributing working time, a week shall be seven consecutive days.

The working time may not exceed eight hours over the course of 24 hours, unless this Act stipulates otherwise.

Maximum weekly working time shall be 40 hours. An employee whose working time is arranged in such manner that he/she regularly performs work alternately on both shifts of a two-shift operation, shall have maximum working time of 38 and ¾ hours per week, and on

[9] If your country has accepted Article 9, it is not necessary to describe the vocational guidance services here.
[10] If your country has accepted the four paragraphs of Article 10, it is not necessary to describe the vocational training services here.
[11] If your country has accepted the two paragraphs of Article 15, it is not necessary to describe the rehabilitation services for physically or mentally handicapped persons.

all shifts of a three-shift operation or a continuous operation, maximum working time of 37 and ½ hours per week.

The weekly working time of an employee, who works with proven chemical carcinogens in the working processes involving a risk of chemical carcinogenicity, shall be maximum 33 ½ hours per week.

The weekly working time of an adolescent employee below 16 years of age shall be 30 hours per week, even if he works for several employers. Maximum weekly working time of a adolescent employee over 16 years shall be 37 ½ hours, even if he works for several employers. The working time of an adolescent employee younger than 18 years must not exceed eight hours in any 24 hours' period.

The maximum weekly working time of an employee, including overtime, shall be 48 hours.

The beginning and the end of the working time and the schedule of work shifts shall be determined by the employer upon agreement with the employee representatives and shall be communicated in writing at a place in the employer' undertaking that is accessible to the employee.

The morning shift must not, as a rule, start before 6 a.m., the afternoon shift must not, as a rule, end after 10 p.m.

The employer may, subject to agreement with the employee representatives, divide the working time of the same shift into two parts.

The employer is obliged to distribute the established weekly working time for an employee working at night so that the average length of the work shift does not exceed eight hours over the period of maximum four consecutive calendar months; in calculating the average length of the work shift of an employee working at night, a five-day working week is assumed.

The working time of an employee performing heavy physical work or strenuous intellectual work, or work which could lead to threatening life or health may not exceed eight hours in the course of 24 hours. An employer shall, after agreement with employees' representatives and in conformity with legal regulations on the provision of safety and protection of health at work, limit the extent of heavy physical work or strenuous intellectual work, or work which could lead to threatening of life or health.

The law does not establish maximum daily extent of overtime work, however, performance of overtime work is restricted by two conditions:

- overtime work must not exceed eight hours per week, on average, in the period of maximum four consecutive months, unless the employer agrees with the employee representatives a longer period, but not exceeding 12 consecutive months (§ 97 (6) of the Labour Code).
- the continuous rest between two shifts in overtime work must not be reduced to less than eight hours.

Pursuant to § 92 of the Labour Code, the employer is obliged to distribute the working time between the end of one shift and the beginning of the next shift so as to enable the employee to have a minimum 12 consecutive hours of rest within 24-hour period, and the adolescent employee, at least 14 hours of rest within 24-hour period.

This rest may be shortened as much as to eight hours to an employee over 18 years of age in continuous operations and in rotational work; in urgent repair work; if it involves warding off danger to life or health of employees; and in emergencies. In other cases, the employer may reduce this rest only subject to agreement with the employee.

It follows from the above that under the provisions of the Labour Code the maximum length of the working day, including overtime, may be16 hours.

The length of service time for the civil service employees is provided for under § 67 (2) of the Act No. 312/2001 Coll. on the civil service and on amendment of certain acts, as amended later by later regulations, (hereinafter referred to as "the Civil Service Act") as follows:

The weekly hours of service of a civil servant shall be maximum 40 hours. A civil servant, whose hours of service are distributed so that he works alternately, in both shifts in a two-shift operation, shall be maximum 38 ¾ hours, and the weekly hours of service of a civil servant working in all shifts in a three-shift operation, or in a continuous operation, shall be maximum 37 ½ hours.

Question B

Please indicate what rules concerning normal working hours and overtime are usual in collective agreements, and what is the scope of these rules.

Shorter hours of service, under the scope referred to in § 67(2) of the Civil Service Act, is possible on the basis of a collective agreement/higher-level collective agreement, concluded between the relevant higher-level trade union body and the employer, which is the state.

In 2003, working hours of service for civil servants have been shortened in the collective agreement as follows: the weekly service time is 37 ½ hours. A civil servant whose service hours are distributed so that he regularly performs civil service alternately in both shifts of a two-shift operation shall have the weekly service time of maximum 36 ¼ hours, the weekly hours of service of a civil servant working in all shifts in a three-shift operation, or in an uninterrupted operation, shall be maximum 35 hours.

In 2004, the service hours for civil servants were shortened by a higher-level collective agreement in the civil service for 2004 in the same way as in 2003, covering the whole civil service.

The issue of overtime has not been addressed in the collective agreements in the civil service.

The possibility to reduce the service hours was in 2003 linked to a collective agreement; in 2004 it was linked to a higher-level collective agreement.

In other issues relating to the service hours (continuous rest, breaks at work, etc.) provisions of the Labour Code (§ 80 – § 95) are applicable, as appropriate, also to civil servants.

Within the company collective agreement concluded between the Trade Union SPOJE (Communications), the Slovak Trade Unions of Posts and Telecommunications, and the Slovak Post, state enterprise, Banská Bystrica for the years 2003 – 2005 a weekly working time for an employee has been established at maximum 37.5 hours. The working time of an employee, including overtime, is 58 hours per week at most, even if he works for several employers. (Note: the provision of the second clause was effective until 31 December 2003).

The director of the internal organisational unit, upon consultation with the relevant trade union body, shall decide about the introduction of shorter than established working time in individual operating regimes.

The higher-level collective agreement for 2001 – 2005, concluded between the Coach Transport Association and the Independent Public Road Transport Union, agreed that the working time of an employee below 16 years of age should be maximum 27.5 hours per week, a daily maximum of 6 hours. The working time of employees aged 16 to 18 years, shall be maximum 35 hours per week. The daily working time must not exceed 7 hours.

The working time of an employee is maximum 37.5 hours. The length of the shift in uneven distribution of the working time, under the provision of § 85 of the Labour Code may exceptionally be determined at maximum12 hours, provided it is only in those workplaces where the nature of the working activity during the shift allows adequate rest and the overall physical or psychical demands are not exceeded. The working regimes with a longer than 12-hour shift are inadmissible. Determining work above 150 hours per year (so-called agreed overtime work) is conditional upon the consent by the employee and a notice of the overtime work well in time. As a notice given well in time is regarded one given at least 24 hours in advance. An early notice of overtime work given to the employee is also required in the ordered overtime work of up to 150 hours per year. In ordering overtime work, the employer shall take care that the work shall be in the relevant category of workers ordered evenly, where the operating conditions so permit".

The collective agreement of the Slovak Republic Railways stipulates that the working time shall be established according to the Labour Code, the Guideline on the provision for the working time of rotational employees (Rotational Timetable) which is part of this collective agreement, and the relevant provisions of this collective agreement.

Pursuant to § 85 of the Labour Code, a weekly working time fund without wage reduction applies

a) in employees, who work with proven chemical carcinogens in the working procedures involving a risk of chemical carcinogenicity, or who work with ionising radiation, to 33 ½ hours, without counting breaks for rest and meals of 30 minutes per shift in the working time;

b) in rotational employees, who work in uninterrupted working regime, to 36 hours in the occupations (occupational activities) of:
   - railway engine crews;

- carriage inspectors, freight transport train crews;
- shunters, the chief shunter;
- train dispatchers in the workplaces of railway stations which, subject to the provisions of directives No. 958/1997-O410 of 23 April 1997, have achieved more than 300 points;
- operation supervisors and dispatchers;
- railway depot and hump supervisors,
  and to 36 hours, in employees in the following occupations:
- operators and locomotive drivers-instructors,
  with counting breaks for rest and meals of 30 minutes per shift in the working time;

c) in the other rotational employees, who work in uninterrupted working regime, to 37 ½ hours, with counting breaks for rest and meals of 30 minutes per shift in the working time;

d) in the other employees, to 37 ½ hours, without counting the breaks for rest and meals of 30 minutes per shift in the working time;

e) in the employees, whose working time is distributed so that they regularly carry out work alternately in both shifts of a two-shift operation, to 38 ¾ hours, while counting breaks for rest and meals of 30 minutes in the working time".

In ordering and authorising overtime work provisions of § 97 of the Labour Code are followed. Ordered overtime work for any one employee must not exceed 150 hours per year. The Contracting Parties shall quarterly assess the development in using overtime work.

In the Addendum 4 to the collective agreement on establishing the working time for vessels´ crews, the working time is established so that the average working time does not exceed the limit fixed for the weekly working time in the period of the agreed 12 months.

During the time of vessels´ crews' embarkation, the vessels' commander shall determine the shift scheduling, while respecting the maximum length of one shift not exceeding 12 hours. The vessels' commander may split the working time of the same shift into two parts. The time of preparatory work connected with taking up or handing over the duties and the time of preparatory work before leaving, or upon arrival of the vessel to the domestic harbour is not calculated in the duration of one shift.

Question C

Please indicate the average working hours in practice for each major professional category.

ISCP – ISPZ 2003			**Table 1**
Occupation classification group (ISCO)	Weekly fund		
	Total	Without collective agreements	With collective agreements
Total	37.84	38.51	37.52
0 Occupation not given	38.31	38.63	37.94
1 Legislators, senior officials, and managers	38.18	38.90	37.84

2 Scientists and brain workers	38.04	38.55	37.77
3 Technical, medical, pedagogical professionals	37.55	38.17	37.30
4 Administrative workers (officials)	38.07	38.99	37.73
5 Workers in services and trade	38.50	39.02	37.91
6 Qualified workers in agriculture, forestry	38.32	39.44	37.90
7 Craftsmen and qualified producers	37.83	38.46	37.61
8 Plant and machine operators	37.48	38.28	37.20
9 Supporting an non-qualified staff	37.87	38.31	37.66

Table 2

ISCP - ISPZ 2004			
Occupation classification group	Weekly fund		
	Total	Without collective agreements	With collective agreements
Total	38.04	38.74	37.68
0 Occupation not given	38.51	38.78	38.07
1 Legislators, senior officials, and managers	38.37	39.21	37.97
2 Scientists and brain workers	38.29	39.07	37.96
3 Technical, medical, pedagogical professionals	37.90	38.68	37.57
4 Administrative workers (officials)	38.13	39.27	37.76
5 Workers in services and trade	38.63	39.21	38.15
6 Qualified workers in agriculture, forestry	38.69	39.47	38.18
7 Craftsmen and qualified producers	37.93	38.52	37.69
8 Plant and machine operators and assemblers	37.59	38.32	37.26
9 Supporting an non-qualified staff	38.17	38.74	37.86

The table gives the data for full-time employees.
Source: Quarterly Work Price Survey of the MLSAF SR ISCP 1-04
The sample includes approximately 38 % of the employees in the SR economy.

Table 3

ISCP – ISPP 2003	**The working time and the rest period**				
Section of economic activity (NACE)	**Number of orgs.**	**Single-shift**	**Two-shift**	**Three-shift**	**Continuous**	**Flexible**
	Total	Weekly hours	Weekly hours	Weekly hours	Weekly hours	% org.
1	**2**	**4**	**6**	**8**	**10**	**12**
Total	**868**	**37.95**	**37.14**	**36.77**	**36.57**	**38,48**
A Agriculture, hunting, forestry, fishing	**75**	**38.94**	**38.0**	**37.50**	**39.38**	**16,00**
C Mining and quarrying	**13**	**37.50**	**37.50**	**37.50**	**37.50**	**38,46**
D Manufacturing	**192**	**37.71**	**37.55**	**37.56**	**37.49**	**41,67**
E Electricity, gas and water supply	**49**	**37.50**	**36.21**	**37.50**	**37.20**	**36,73**
F Construction	**38**	**39.53**	**38.54**	**36.25**	**37.50**	**26,32**

G Wholesale and retail trade	23	39.42	38.13	37.50	37.50	26,09
H Hotels and restaurants	10	39.25	37.19		37.50	10,00
I Transport, storage and communications	73	38.14	37.64	36.92	37.06	49,32
J Financial intermediation	14	38.64	37.88	37.50	37.08	78,57
K Real estate, renting and business activities	77	37.93	37.01	36.67	36.52	50,65
L Public administration and defence; compulsory social security	79	37.60	36.72	36.23	35.48	55,70
M Education	77	36.84	34.85	35.06	33.59	27,27
N Health and social work	87	37,57	36.48	35.20	35.10	24,14
O Other community, social and personal services	61	38.22	37.39	37.50	35.90	49,18

Table 4

ISCP - ISPP 2004	The working time and the rest period					
Section of economic activity (NACE)	Number of orgs.	Single-shift	Two-shift	Three-shift	Continuous	Flexible
	Total	Weekly hours	Weekly hours	Weekly hours	Weekly hours	% org.
1	2	4	6	8	10	12
Total	989	38.14	35.30	33.22	34.40	39,94
A Agriculture, hunting, forestry, fishing	82	38.55	38.30	31.25	31.00	14,63
C Mining and quarrying	17	37.82	37.55	37.22	37.50	41,18
D Manufacturing	254	37.92	37.17	36.26	35.77	42,13
E Electricity, gas and water supply	55	37.59	35.64	33.82	36.74	41,82
F Construction	64	39.45	29.64	26.86	32.94	34,38
G Wholesale and retail trade	36	39.33	38.50	26.79	22.50	47,22
H Hotels and restaurants	11	38.86	37.81	37.50	37.50	18,18
I Transport, storage and communications	64	38.18	36.49	34.79		57,81
J Financial intermediation	16	32.72	26.79	37.50	37.08	75,00
K Real estate, renting and business activities	79	38.03	26.19	18.75	30.60	53,16
L Public administration and defence; compulsory social security	65	38.08	20.88	15.54		52,31
M Education	78	37.89	33.81	29.94	31.18	32,05
N Health and social work	82	38.44	37.59	35.92	35.81	24,39
O Other community, social and personal	86	38.29	32.86	24.72	33.18	40,70

services						

Source: Annual report on working conditions - V (MLSAF SR) 6-01
The sample covers circa 30% of the total number of employees in the SR economy.
The table gives the data for the organisations in which a collective agreement is concluded.

Commentary to Tables 1 and 2
The working time of full-time workers was 37.84 hours per week in 2003, and 38.04 hours per week in 2004. In both periods, the difference in the working time of the employees covered by the collective agreements and the employees covered only by the Labour Code is, on average, 1 hour per week.

Commentary to Tables 3 and 4
The working time of the employees in undertakings with concluded collective agreements in 2004, fell, relative to the year 2003, in all categories of shift work. In 2004, the proportion of undertakings with flexible time increased 1.46% on the year 2003, i.e. to 39.94%.

The length of weekly hours of service in the civil service in the years 2003 – 2004 was 37 ½ hours, 36 ¼ hours and 35 hours, respectively, in performing state service in two-shift, three-shift and continuous operations.

The Slovak Post, Plc., the Railway Company Cargo Slovakia – do not monitor the data relating to the average length of the daily and weekly working time of the employees.

Question D
Please indicate to what extent working hours have been reduced by legislation, by collective agreements, or in practice during the reference period and, in particular, as a result of increased productivity.

Based on legal provisions, the length of weekly hours of service in the civil service was reduced to 37 ½ hours, 36 ¼ hours and 35 hours, respectively, in performing civil service in two-shift, three-shift and continuous operations.

The sector of transport, post and telecommunications shows different demands for labour, which follows from the nature of work (transport service, post and telecommunication services). For this reason, in the process of collective bargaining social partners have agreed to apply uneven distribution of working time in accordance with the Labour Code. In uneven distribution of the working time under the collective agreements in the area of post and telecommunications and in the road transport, the working time in any 24-hour period must not exceed 12 hours.

An extract from the Company Collective Agreement concluded between the Trade Union SPOJE (Communications), the Slovak Trade Unions of Posts and Telecommunications, and the Slovak Post, state enterprise, Banská Bystrica for the years 2003 – 2005:
Point 8.2.5. „In uneven distribution of the working time, the work time in the course of 24 hours must not exceed 12 hours“.

An extract from the higher-level collective agreement for the years 2001 – 2005 concluded between the Association of Coach Transport and the Independent Trade Union of the Public Road Transport, Part IV: Labour-law legitimate claims, Articles 1:

Point 4. „The working regimes with a longer than 12-hour shift shall be inadmissible. (FMPSV Principles No.II. -8899/1977)".

An extract from Addendum No.5 to the Annex of the Collective Agreement on establishing the working time of the vessels crews, Article III: Shift scheduling and the shift's length:

„During the time of vessels crews' embarkation, the vessel's commander shall determine the shift scheduling, while respecting the maximum length of one shift not exceeding 12 hours."

An extract from the collective agreement between the Slovak Coach Transport Trnava, Plc. and the basic organisations of the Independent Trade Union of the Public Road Transport Point 1: Uneven distribution of the working time:

„The working time must not exceed 12 hours in the course of 24 hours."

Question E

Please describe, where appropriate, any measures permitting derogations from legislation in your country regarding daily and weekly working hours and the duration of the daily rest period (see also Article 2 paras. 2, 3, and 5).
Please indicate the reference period to which such measures may by applied.
Please indicate whether any such measures are implemented by legislation or by collective agreement and in the latter case, at what level these agreements are concluded and whether only representative trade unions are entitled to conduct negotiations in this respect.

§ 67 (2) which stipulates the length of the service time (see the replies under A through D) and the possibility of its shortening in a collective agreement, applies to all the civil servants performing civil service under the Civil Service Act.

Question F

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not so covered (see Article 33 of the Charter).

The Labour Code applies to all employees in the SR and the relevant acts on civil service apply to civil servants.

In replay to the ECSR conclusion that the situation in the Slovak Republic is not in conformity with Article 2§1 of the Charter as the legislation permits working time of more than 16 hours:

Employees must not work for more than 16 hours in the course of 24 hours, because it would be at variance with § 92 of the Labour Code on the rest period between two shifts, which must be at least 8 hours in any 24-hour period, and with § 97 of the Labour Code, within the meaning of which, even in relation to overtime work, the continuous rest of minimum 8 hours must be complied with. Employees of fire brigades are exceptions; their working time must not exceed 18 hours in the course of 24 hours. However, on-call time is also counted in their working time, i.e. the time when they do not work but are prepared for the performance of their work.

Article 2, paragraph 2

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

2. to provide for public holidays with pay;"

Question A

Please indicate the number of public holidays with pay laid down by legislation, stipulated by collective agreement or established by practice during the last calendar year.

There is no change to the information provided in SR second report.

Question B

Please indicate what rules apply to public holidays with pay according to legislation, collective agreements or practice.

Please describe, where appropriate, whether measures permitting derogation from legislation in your country regarding daily and weekly working hours have an impact on rules pertaining to public holidays with pay.

Pursuant to § 144 (3) of the Labour Code, the time when the employee does not work because it is holiday for which he is entitled to wage compensation, or in respect of which his monthly wage is not reduced, is treated as the performance of work. The claims of employees arising from work on days of rest are governed by § 122 of the Labour Code and § 18 of the Act No. 553/2003 Coll. on the remuneration of certain employees at performing work in public interest and on amendment of certain acts, as amended by later regulations.

Pursuant to § 122 of the Labour Code, if an employee works on a day of holiday, is entitled to the wage achieved plus a wage bonus of at least 50% of his average earnings. The wage bonus is payable also in respect of the work carried out on a holiday falling on a day of continuous weekly rest of the employee.

Pursuant to § 18 of the Act No 553/2003 Coll., for an hour worked on holiday, the employee is entitled to a bonus at 100% of the hourly rate of his functional salary.

Notably, these provisions give the employer and the employee an opportunity to agree on taking time off for work performed on a public holiday. This agreement has preference over financial bonus. Where the employer fails to provide time off within the agreed period, or within three calendar months from the performance of work on public holidays, the worker is entitled to a wage bonus in addition to the normal wage for the day worked on a public holiday. The employee is entitled to a wage bonus also where he has not agreed with the employer on taking time off.

Claims of civil servants in connection with performance/non-performance of civil service on public holidays are regulated pursuant to § 67 and § 88 of the Civil Service Act as follows:

A civil servant shall be entitled to time off for the civil service performed on a public holiday. The civil servant shall be entitled to his functional salary for the day when he has been provided time off for the civil service performed on a public holiday. Where the Service Office in an urgent interest of the civil service fails to provide time off to a civil servant in the following calendar month at the latest, the procedure pursuant to § 88 shall be followed. A civil servant who has not performed civil service because the public holiday fell on a normal day of his service shall be entitled to his functional salary for that day. Where, pursuant to §

68 (1), the civil servant is not provided time off for the civil service on a public holiday, for every hour of such service, he shall be entitled to a bonus at an amount, which constitutes the relevant part of his functional salary.

Question C
If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements, or other measures, please state what proportion of all workers is not so covered (see Article 33 of the Charter).

Provisions of § 67 and § 88 of the Civil Service Act apply to all civil servants, pursuant to the Civil Service Act.

In replay to the supplementary questions on Article 2, paragraph 2 previous information should be updated as follows:

Whether the employee will draw take time off or a financial compensation for the work performed on a public holiday shall depend of the agreement of the employee and the employer. If the agreement is not reached, or the employer fails to provide time off at the prescribed time, the employee is entitled to financial compensation. We would like to note that on the part of employees there is greater interest in getting financial compensation.

The civil servant has a preferential claim to time off for work on a public holiday.

Article 2, paragraph 3

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

3. to provide for a minimum of two weeks annual holiday with pay;"

Question A
Please indicate the length of annual holidays under legislative provisions or collective agreements; please also indicate the minimum period of employment entitling workers to annual holidays.
Please describe where appropriate, whether measures permitting derogation from statutory rules in your country regarding daily and weekly working hours have an impact on rules pertaining to the duration of annual holidays.

The basic length of holiday of a civil servant is at least four weeks (§ 71 of the Civil Service Act). A civil servant, who will have completed at least 15 years of the civil service relationship or employment relationship by the end of the calendar year, is entitled to a holiday of at least five weeks. The basic length of holiday can be extended through a collective agreement/higher-level collective agreement.

Through a collective agreement in 2003, and a higher-level collective agreement in the civil service for 2004, the basic length of holiday has been extended by one week, i.e. to five weeks (six weeks, respectively, upon compliance with the condition of 15 years of service). The extension of holiday applied to all civil servants.

In the other issues relating to holidays, provisions of the Labour Code apply to civil servants accordingly.

Question B
Please indicate the effect of incapacity for work through illness or injury during all or part of annual holiday on the entitlement to annual holidays.

There is no change to the information provided in SR second report.

Question C
Please indicate if it is possible for workers to renounce their annual holiday.

There is no change to the information provided in SR second report.

Question D
Please indicate the customary practice where legislation or collective agreements do not apply.

The practice is consistent with the legislation.

Question E
If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not covered (see Article 33 of the Charter).

Provisions on holidays apply equally to all civil servants according to the Civil Service Act.

Article 2, paragraph 4

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

4. to provide for additional paid holidays or reduced working hours for workers engaged in dangerous or unhealthy occupations as prescribed;"

Question A
Please state the occupations regarded as dangerous or unhealthy. If a list exists of these occupations, please supply it.

Question B
Please state what provisions apply under legislation or collective agreements or otherwise in practice as regards reduced working hours or additional paid holidays in relation to this provision.

Question C
If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers concerned is not covered (see Article 33 of the Charter.

There is no change to the information provided in SR second report.

Article 2, paragraph 5

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

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.

Question A
Please indicate what provisions apply according to legislation, collective agreements or otherwise in practice as regards weekly rest periods.

Please indicate whether postponement of weekly rest period is provided for these provisions and, if so, please indicate under what circumstances and over what period of reference.
Please indicate, where appropriate, whether measures derogating from statutory rules in your country regarding daily and weekly working time have an impact on rules relating to the weekly rest period.

Pursuant to § 93 of the Labour Code, the employer is obliged to organise the working time so as to enable the employee to have once a week continuous rest of two consecutive days, and these days 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 referred to under the preceding paragraph, two other consecutive days of continuous rest per week will be provided on other days of the week.

Where by reasons of operations the working time cannot be organised in the way referred to in the preceding paragraphs, the employer may, subject to consultation with employee representatives, or upon agreement with the employee older than 18 years, organise the working time in such a way as to enable him to have at least 24 hours of continuous rest per week that should coincide with Sunday.

The days coinciding with the weekly continuous rest of the employee are together with the holidays, the days of rest from work (§ 94 of the Labour Code).

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

On the day of continuous rest in a week of the employee may only charged the following necessary work that cannot be performed on working days:
- urgent repair work;
- loading and unloading work;
- stock-taking and closing of accounts work;
- work performed in continuous operations for an employee who failed to take up his/her shift;
- work for averting thereat endangering life or health, or in case of extraordinary events;
- imperative work with regard to satisfying the living, health and cultural needs of the population;
- feeding and care of agricultural animals;
- imperative work in agricultural crop production with planting, cultivating and harvesting of crops and in the processing foodstuffs raw materials.

Question B
Please indicate what measures have been taken to ensure that workers obtain their weekly rest period in accordance with this paragraph.

In the railway transport:

Pursuant to the Collective Agreement of the Railways of the Slovak Republic effective for 2004 – 2005, „The employer shall be obliged to organise the working time so as to enable the employee to have weekly continuous rest of 60 hours“. Upon compliance with the agreed conditions, the collective agreement allows to shorten the weekly rest period to minimum 48 hours, or even to 24 hours, with this rest period having to follow immediately after the daily uninterrupted rest, in the duration of at least eight hours.

At the posts, the relevant provisions of § 93 of the Labour Code were applied.

In the water transport:

Pursuant to Addendum 4 to the Collective Agreement on Establishing the Working Time for Vessels Crews, Article V.: ”Continuous weekly rest period shall be established in the duration of two consecutive days. Where, owing to reasons of operations, it is not possible to provide continuous rest period to this extent, it may be shortened to one day.“.

In the road transport:

Pursuant to the company collective agreement of SAD (Slovak Coach Transport) Trnava, point 4: „According to the nature of work and in compliance with § 93 (3), the employee may be reduced the weekly continuous rest by the organisation to one day. The outstanding period of continuous rest shall be provided to the employee, as cumulated once per fortnight.”

In the civil aviation:

For the employees of the Slovak Airports Administration: Continuous weekly rest shall be established so as to enable the employee, according to the schedule of shifts, to have continuous rest once per week, lasting for at least 32 hours. Continuous rest period may be shortened to as little as 24 hours, with continuous rest period of 32 hours complied with at least once in 3 weeks.

Question C

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not covered (see Article 33 of the Charter).

Please indicate, for Article 2 as a whole, the rules applying to workers in atypical employment relationships (fixed-term contracts, part-time, replacements, temporaries, etc.).

There is no change to the information provided in SR second report.

In replay to the supplementary questions of ECSR on Article 2 paragraph 4 the previous information should be updated as follows:

The employees must be provided the rest period of a minimum duration of 24 hours per week. The labour law regulations do not permit employees to forfeit their rest, for example, in exchange for higher pay.

ARTICLE 3: THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS

Article 3 paragraph 1:

„With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Contracting Parties undertake:

1. to issue safety and health regulations;“

Question A

Please list the principal legislative or administrative provisions issued in order to protect the physical and mental health and the safety of workers, indicating clearly:

a. their material scope of application (risks covered and the preventive and protective measures provided for), and

b. their personal scope of application (whatever their legal status – employees or not – and whatever their sector of activity, including home workers and domestic staff).

Please specify the rules adopted to ensure that workers under atypical employment contracts enjoy the same level of protection as other workers in an enterprise.

The occupational safety and health issue in the Slovak Republic is regulated by an extensive set of legislative rules, primarily by legal regulations and other regulations designed to ensure occupational safety and health, as well as by specific departmental rules.

Generally binding legal regulations in the field of occupational safety and health apply to all labour-law relations and similar labour relations, i.e. they apply to employers and employees in the public sphere including the state sphere, to employers and employees in the private sphere, to employees with indefinite term contracts and employment contracts with reduced working time, to employees performing work on the basis of agreements on work performed outside of an employment relationship. The appropriately apply also to self-employed persons. Generally binding legal regulations in the field of occupational safety and health are always applicable, when they regulate issues concerning activity of the employer and employee.

The employer, service office and/or other duty person specified in special regulation are obliged to provide for conditions ensuring occupational safety and health of employees, including civil servants, pursuant to relevant Acts (e.g. Act No. 330/1996 Coll. on occupational safety and health protection, as amended by later regulations; Act No. 312/2001 Coll. on civil service and on amendment of certain Acts, as amended by later regulations, and others).

The fundamental generally binding legal regulations in the field of occupational safety and health include the following:

1. The Constitution of the Slovak Republic

The Constitution guarantees to employees the right to fair and satisfactory working conditions, and within their framework, the protection of occupational safety and health. According to Article 36 „employees shall have the right to fair and satisfactory working conditions. The law shall ensure in particular the occupational safety and health protection“. According to Article 38,

„(1) Women, minors and disabled persons shall enjoy more extensive occupational health protection and special working conditions.

(2) Minors and disabled persons shall enjoy special protection in labour relations and special assistance in vocational training ".

2. Act No. 272/1994 Coll. on the protection of human health, as amended by later regulations

The Act regulates fundamental objectives of the state public health policy in the field of protection of human health, including protection of occupational health. It defines the role of the state and the rights and obligations of legal entities, natural persons licensed to undertake business activities and natural persons in the field of occupational health protection.

The Act established the obligations of employers in the health protection of employees exposed to noxious factors at work and in the working environment (noise, vibration, ionizing radiation, non-ionizing radiation, chemical factors, carcinogenic and mutagenic factors, asbestos, biological factors). In particular, the Act regulates measures toward preventing and limiting the occurrence of occupational diseases and protecting the health of employees, establishing for example the following obligations of legal entities and natural persons:

- Ascertaining noxious factors that are used or originate in link with their activities in the living and working environment,
- Completely exclude the use of noxious factor sources in the working environment, and restrict their use if complete exclusion is impracticable,
- Adhere to approved working and technological procedures,
- Employ persons who are qualified, in terms of prescribed professional competence and health conditions, to perform specific types of work.

State supervision is ensured through health protection authorities. Until 31. 12. 2003, state administration in the health protection field had been executed by the SR Ministry of Health ("MH SR"), state regional public health officers at regional offices and state district public health officers at the district offices. From 1. 1. 2004 the bodies responsible for health protection supervision are MH SR, the SR Public Health Office and the regional public health offices.

Within their respective fields of authority, the SR Public Health Office and the regional public health offices ensure also specialized tasks of the state in the field of public health, e.g. the monitoring of health indicators of the population in link to environmental and working conditions and to living and working habits, the preparation of documentation for evaluating and managing health hazards, including physical, chemical and biological factors of work and of the working environment, the keeping of hazardous work records, etc.

The Act applies to all legal entities and natural persons.

3. Act No. 330/1996 Coll. on occupational safety and health protection, as amended by later regulations

The Act established fundamental conditions for the assurance of occupational safety and health, exclusion or restriction of risks and factors preconditioning the occurrence of injuries at work, occupational diseases and other work-based health impairments, and the general principles of prevention including, according to § 8 of the Act, the following in particular:

- Removal of danger and consequent risk,

- Risk assessment, in particular with respect to the selection of working equipment, materials, substances and working procedures, as well as during their use,
- The implementation of measures to remove or reduce dangers at the places of their occurrence,
- Giving priority to collective protection measures over individual protection measures,
- Replacement of activities, at which the risk of health damage exists, by safe work, or by work at which there exists smaller risk of health damage,
- Adaptation of work to needs of an individual employee and to the latest progress in the field of technology,
- Taking into consideration of human skills, human nature and capabilities, especially with regards to the design of workplace, choice of working equipment and the choice of working and production methods, in particular with the view to eliminate or reduce the effects of harmful work, strenuous work and monotonous work damaging the health of an employee.
- Development and implementation of prevention policies by the introduction of safe equipment, technologies, new methods of work organization, improving of the working conditions with regard to the factors of working environment, as well as by implementation of social measures.
- Providing information on the issues of occupational health and safety.

The Act regulates the duties of the employer and the self-employed person in all activities underlying to his management, in particular:

- Determination and execution of the necessary preventive measures, taking all aspects of work in account,
- Detection of dangers and hazards, assessment of health damage risks to all employees,
- Elimination of dangers and hazards,
- Determination and execution of safe working procedures and of necessary protecting measures,
- Elaboration of the occupational safety and health policy concept comprising the fundamental aims of the enterprise, and of its realization programme,
- Assessment of dangers that follow from working procedure and working environment, and on its basis prepare the list of provided personal protective equipment,
- Familiarisation of employees with the occupational safety and health requirements and provision of relevant information to them,
- Advance execution of measures to be taken in cases of immediate and serious life or health hazards of employees, including fires and provision of first aid,
- Systematic control and enforcement of compliance with relevant legal and other regulations toward ensuring occupational safety and health,
- Cooperation with employees, with the competent trade union body and with the employees´ representative in matters concerning occupational safety and health protection issues.

The Act regulates issues relating to the institution of employees´ representative in matters concerning occupational safety and health protection, to the company's occupational safety and health commission, to the safety-technical service, to the company's health service, to employees´ rights and obligations, and to the education and training in occupational safety and health.

The Act, according to its § 2, applies to all fields of the production as well as non-production sphere's activities. It equally applies to legal entities and to natural persons employing natural persons in a labour-law or in similar labour relations, as well as to legal entities and natural persons engaging in the practical tuition of apprentices, vocational school pupils, secondary school students and university students.

The statutory obligations and measures appropriately apply, pursuant to § 3 (3) of the Act, to self-employed persons understood for the purposes of the Act as:

- Natural persons employing no other natural persons, or
- Natural persons providing for the fulfilment of their tasks with assistance of their spouses and/or children.

Special regulation may restrict or exclude the jurisdiction of this Act so as to apply only to activities performed by civil servants in a service relationship; however, the employer shall be obliged to ensure the highest possible occupational safety and health level.

4. Act No. 311/2001 Coll., Labour Code

The Labour Code, in its fundamental principles, guarantees to natural persons the right to fair and satisfactory working conditions, without any restrictions and any direct or indirect discrimination. The Labour Code regulates the working time of the employee working with proven chemical carcinogenic agents in work processes involving the risk of chemical carcinogenicity, by limiting it to maximally 33.5 hours per week. The working time of a adolescent employee younger than 16 years is maximally 30 hours per week, and those of a adolescent employee older than 16 years is maximally 37.5 hours per week.

Measures taken toward protection of the employee include provisions on the working time, breaks at work, overtime work, night work, working conditions and living conditions of employees, employees with altered capacity to work, on the working conditions of women, pregnant women and breast-feeding mothers, and on the working conditions of adolescent employees.

The Code also regulates the essential system of duties, tasks and powers in the field of labour protection (mainly in § 146 etc.), which includes occupational safety and health. It emphasizes the role of prevention, improvement of working conditions and cooperation of all concerned persons. Employers have the fundamental obligation to systematically provide for safety and protection of health of their employees, and to execute the necessary measures for the purpose. Employees at work are under obligation to execute care for their safety and health, and for the safety and health of those whom their activities apply to. Further and more detailed requirements of employers and employees are regulated in special legal regulations, e.g. Act No. 272/1994 Coll., Act No. 330/1996 Coll.

The Labour Code regulates also individual labour-law relations in link with the employment of natural persons by legal entities or by natural persons, and collective labour law relations. Provisions relating to the protection of work apply, by referral or subsidiary use, to all employers and employees also in civil service, and/or when performing work in public interest.

5. Act No. 95/2000 Coll. on labour inspection and on amendment of certain Acts, as amended by later regulations

The Act regulates labour inspection, asserting the protection of employees at work and the execution of state administration in the field of labour inspection; it defines the scope of state authorities in the relevant field, establishes the rights and obligations of the labour inspector and the obligations of the employer and of the natural person concerned.

According to § 2 (1) of the Act, labour inspection is defined as the supervision of compliance with:

- Labour-law regulations, mainly regulating the inception, change and termination of legal relationships, the work conditions of employees, including the work conditions of women, adolescents and persons with altered capacity to work;
- Legal regulations and other regulations, issued to provide for occupational safety and health, and to ensure safety of technical equipment, including regulations regulating the factors of the working environment;
- Wage regulations;
- Obligations ensuing from collective agreements.
- Legal regulations regulating prohibition of illegal work and illegal employment (effective from 1. 4. 2005).

The labour inspector is authorised, among others, to enter all workplaces, to request information and to order measures for elimination of identified flaws. Labour inspection includes the enforcement of responsibility for violation of regulations within the labour inspector body's powers, and for violation of obligations ensuing from collective agreements. In addition, labour inspection provides consultancy in the field of protection of the work of employers, employees and natural persons licensed to undertake business activities but not being employers (i.e. self-employed persons).

According to § 2 (3) of Act No. 95/2000 Coll., labour inspection is executed at all workplaces of employers and at all workplaces of natural persons who are licensed to undertake business activities but are not employers. This applies to all employees working for such employers.

According to Act No. 95/2000 Coll., labour inspection is not executed at:

a) Selected workplaces of the Ministry of Interior of the Slovak Republic, of the Police Corps, of the Civilian Defence, of the Ministry of Defence of the Slovak Republic, of the Corps of Prison and Justice Guards of the Slovak Republic, of the Railway Police and of the Ministry of Foreign Affairs of the Slovak Republic handling classified materials,

b) Workplaces of the Slovak Information Service,

c) Workplaces of legal entities and natural persons enjoying diplomatic privileges and immunity.

6. Government Regulation No. 159/2001 Coll. on the minimum safety and health requirements for the use of work equipment, as amended by Government Regulation No. 470/2003 Coll.

The Decree defines work equipment as any machine, apparatus, tool or installation used at work, and regulates the particular conditions of their use. The employer is obliged to consider, already at the time of selecting the work equipment, the special working conditions and type of performed work, the hazards linked to the use of the work equipment, and the hazards existing at his workplace. It also regulates the employer's duty to execute all necessary measures toward ensuring that the work equipment provided to the employee was suitable for performing the corresponding work or adapted accordingly, that hazards were limited as much as possible, and that the work equipment was checked during its use. It specifies obligations in the use of work equipment involving specific hazards, emphasizing the identification of hazards and familiarization of employees therewith. The employer shall, in cases when the use of the work equipment is linked to a potential specific threat to the safety and health of the employee, carry out the necessary measures to ensure use of the work equipment only by the designated employee and to ensure that works involving repair, reconstruction, maintenance and care for working rules were performed only by the correspondingly qualified employee or by another qualified person.

Annexes to the Regulation determine the details on requirements for using of work equipment and the minimum requirements applying to the work equipment. In particular, the work equipment must be produced, installed, placed, used and maintained so that to exclude or diminish any hazard to employees.

This Government Regulation is an implementing regulation of the Act No. 330/1996 Coll., hence its operation is linked to that of the Act, including delimitation of the terms - employer, self-employed person and employee.

7. Government Regulation No. 201/2001 Coll. on the minimum safety and health requirements for the workplace

The Regulation regulates the general requirements of the assurance of employees´ safety and health at the workplace. The employer shall ensure the workplace so that:

- Access ways to emergency exits and separate emergency exits remained permanently free and usable at any time,
- The workplace was serviced and any identified flaw potentially influencing the employees´ safety and health removed as soon as possible,
- The workplace was regularly cleaned and maintained to adequate hygienic levels,
- Safety devices and equipment designed to prevent or exclude hazards were regularly maintained and checked in order to ensure their functionality.

Furthermore, the Regulation regulates additional requirements toward the protection of life and health of employees, e.g. escape routes and exits, detection and fighting of fires, ventilation, micro-climatic conditions, daylight and artificial lighting, requirements concerning floors, walls, ceilings, roofs, windows, doors, access roads, escalators and conveyers, loading platforms and ramps. It also designates the requirements for rest rooms available to employees, including pregnant women, for personal hygiene equipment and for a first-aid room. In addition, it regulates the minimum safety and health protection requirements applying to workplaces having started operation before the effective date of the Regulation, for which the Regulation established a transition period until 1. 6. 2003, enabling their harmonisation with the aforesaid minimum requirements.

This Government Regulation is an implementing regulation of the Act No. 330/1996 Coll., hence its operation is linked to that of the Act, including delimitation of the terms -

employer, self-employed person and employee. It applies to all workplaces in the production as well as non-production spheres of activities. Certain precisely defined exceptions to which the Regulation does not apply comprise, for example, workplaces in transport equipment, fishing vessels, temporary workplaces, or workplaces performing mining activities and extracting non-restricted minerals.

8. Government Regulation No. 204/2001 Coll. on the minimum safety and health requirements for the manual handling of loads at work

The Regulation regulates the minimum safety and health requirements applicable to work with loads, entailing the risk of damage to the suspensory-locomotory system, **particularly the back injury** of employees. Work with loads is defined as any manual handling, understood as any carrying of a load, including people and animals, by one or several employees, holding of a load, its supporting, lifting, putting down, pushing, pulling, carrying or moving which, due to the characteristics of the load or to unfavourable ergonomic conditions, represent a health damage risk.

The Regulation determines the employer's obligations, particularly as follows:

a) Prevention of work with loads by introducing appropriate technical equipment, for example mechanical devices,

b) Introduction of measures excluding or reducing the risk of health damage in cases where work with loads is unavoidable, taking in account the following factors:

- Load-related factors, e.g. properties of the load, physical strain, working environment, working activity requirements,
- Individual employee-related risk factors, for example their physical unfitness for performing specific working actions or their impaired health conditions, unsuitable clothing, footwear or other personal outfitting, absence of necessary knowledge and lack of training,
- Approximate load-lifting and load-moving weight values.

Prior to commencing work the employer must assess and evaluate the safety and health conditions applying to the given work, implement measures required to exclude or reduce the risk of health damage, provide for medical examinations and fitness assessments of the employees from viewpoints of work with loads. When possible, women and adolescent workers must not regularly perform long-term work with loads, and when such work is unavoidable, the permitted limit weights of loads must be held in respect.

This Government Regulation is an implementing Regulation of the Act No. 330/1996 Coll., hence its operation is linked to that of the Act, including delimitation of the terms - employer, self-employed person and employee.

9. Government Regulation No. 247/2001 Coll. on the minimum safety and health requirements at work with display screen equipment

The Regulation regulates the employer's obligation to analyze the conditions of work and to evaluate the conditions required to ensure occupational safety and health, specifically from eyesight, suspensory-locomotory system and neuropsychical stress viewpoints, and to execute, based on the analytical results, appropriate measures to eliminate the identified flaws. In the sense of this Regulation the employer is obliged to provide for regular work breaks, or to assign, in the duration of such breaks, other works in order to alleviate the workload. The

Regulation establishes requirements relating to the outfitting of workplaces with display screen equipments (to monitors, keyboards, worktables or surfaces, work seats), to the working environment of workplaces with display screen equipments (spatial requirements, illumination, noise, micro-climatic conditions, non-ionizing radiation), and to the software. Furthermore, it regulates the employees´ health protection requirements, i.e. screening of eyes and eyesight prior to commencement of work and during work with display screen equipments and when necessary, examination of the suspensory-locomotory system and of the nervous system. At the same time the Government Regulation specifies a transition period until 31. 12. 2003 for workplaces with display screen equipments that started operation before the effective date of the Regulation, enabling their adjustment according to the aforesaid requirements.

The Annex to this Government Regulation shows the minimum requirements of the equipment and environment of workplaces with display screen equipments and software.

This Government Regulation is an implementing regulation of the Act No. 330/1996 Coll., hence its operation is linked to that of the Act, including delimitation of the terms - employer, self-employed person and employee. Its regulation does not apply to explicitly defined equipment, e.g. equipment with a display screen equipment located in the driver's cab or at the machine control position or at the control position of transport equipment, portable equipment with a temporarily or intermittently used display screen equipment, etc.

10. Government Regulation No. 444/2001 Coll. on the requirements of the use of signs, symbols and signals to ensure occupational health and safety

Safety and health signs must always be provided by the employer when dangers cannot be eliminated or sufficiently decreased by collective protection means or by work organisation measures, methods or procedures. Further obligations of the employer include mainly controlling the presence of signs, determination of dangers and hazards, and health risk assessment, as well as the provision of information about measures relating to the safety and health signs to employees and to other persons. The employer must issue instructions for using safety and health signs. Annexes to the Regulation show the general requirements of safety and health signs, signs on containers and pipes, identification and location of fire-fighting technical equipment, signs used for obstacles and dangerous locations and marking traffic routes, illuminated signs, acoustic signals, verbal communication and hand signals.

Safety and health sign is applicable to a specific object, activity or situation. It provides instructions or information required to ensure occupational safety and health by means of a sign, colour, illuminated sign or acoustic signal, verbal communication or hand signals.

This Government Regulation is an implementing regulation of the Act No. 330/1996 Coll., hence its operation is linked to that of the Act, including delimitation of the terms - employer, self-employed person and employee. Unless ruled differently by separate legislation, the Regulation does not apply to the sign of dangerous materials, preparations, products and equipment introduced into the market, as well as to signs used to control road and rail transport, inland navigation, maritime navigation and air transport.

11. Government Regulation No. 510/2001 Coll. on the minimum safety and health requirements for the site, as amended by Government Regulation No. 282/2004 Coll.

The Regulation regulates the obligations of the client, defined as the legal entity or the natural person initiating the construction, the employer and the self-employed person. It establishes the minimum requirements of occupational safety and health protection of

employees working at the construction site. The construction site is a demarcated area designed to perform building activities therein, mainly excavation, landscaping, assembly and disassembly of construction elements, repairs including technical, technological and energy-related site facilities, demolition work, maintenance work and disposal of building debris upon completion of works.

The Regulation specifies the area at hand from viewpoints of existing danger and of the site dimensions. This mainly includes the client's obligations, e.g. his duty to notify the locally competent labour inspectorate and to implement the principles of prevention, occupational safety and health.

The client is obliged to appoint a documentation coordinator and safety coordinator for each site involving works performed by more than one legal entity or natural person who is an employer or a self-employed person. The obligations of the documentation coordinator in the phase of preparation and elaboration of the site plan and site documentation include mainly the elaboration of the/

- Occupational safety and health plan, including the work performance rules applying to the site,
- Document with information required to ensure the implementation of occupational safety and health at the site start of its operation.

The safety coordinator coordinates the realization of tasks at the site from occupational safety and health aspects, concentrating mainly on the application and control of compliance with the general prevention principles as well as with the occupational safety and health plan, on updating the occupational safety and health plan and of documentation describing changes executed in the course of works, on cooperation among various employers at the site, and on the control of correct implementation of working procedures.

Annexes to the Regulation show examples of works involving specific dangers, along with a set of minimum safety and health requirements at the site.

This Government Regulation is an implementing regulation of the Act No. 330/1996 Coll., hence its operation is linked to that of the Act, including delimitation of the terms - employer, self-employed person and employee.

12. Government Regulation No. 39/2002 Coll. on the health protection at work with asbestos

The Regulation establishes the requirements of protecting employees from exposure to asbestos dust or to dusts of asbestos-containing materials, and from risks derived from such exposure. It applies to all activities wherein employees are or may be exposed to asbestos dust or to dusts of asbestos-containing materials during work.

The Regulation defines asbestos, and

a) Regulates the limits technical values and the highest limit technical values of exposure to asbestos,
b) Determines the prerequisites of the notice of work with asbestos,
c) Specifies the employer's obligations, relating mainly to/
   - Restriction of the handled amount of asbestos and of the number of employees exposed to asbestos, ensuring work procedures preventing release of asbestos dust into the atmosphere, ensuring cleaning and maintenance of the workplace as well as the accumulation, storage, transport and disposal of waste,

- Clear demarcation and marking of the workplace involving work with asbestos, separation of premises designed for eating and rest, provision of effective personal means of protection at work, separate storage of protective clothing and assurance of personal hygiene facilities,
- Measurement of the contents of asbestos in the working atmosphere, including the measuring frequency and methods, keeping records and lists of employees exposed to asbestos, keeping employees and their representatives for safety and occupational health protection informed about the work plan.

This Government Regulation is an implementing Regulation of the Act No. 272/1994 Coll., applicable to all legal entities and natural persons.

13. Government Regulation No. 40/2002 Coll. on the health protection before noise and vibrations

The Regulation establishes the requirements of health protection from exposure to noise, mechanical oscillations and shocks, and of the prevention of risks derived from such exposure. It determines the highest acceptable noise and vibration values in work, not only from the aspect of the employees´ health protection from specific health damage but also from that of their protection from noxious effects of noise and vibration at work. In addition, the Regulation regulates the requirements applying to measuring and evaluating noise and vibration at work. The employer is obliged to provide for measurement and evaluation of noise and vibrations and to keep records on the measuring results.

This Government Regulation is an implementing Regulation of the Act No. 272/1994 Coll., applicable to all legal entities and natural persons.

14. Government Regulation No. 45/2002 Coll. on the health protection at work with chemical agents

The Regulation establishes the minimum requirements of protection against risks related to the exposure of employees to chemical agents at work, and of the prevention of such risks. It applies to all activities relating to chemical agents, the effects of which employees at work are or may be exposed to.

A chemical agent is defined as any chemical element and chemical compound that may be part of a mixture, appear in natural conditions or are produced, used or released in the course of any activity including any relevant waste, regardless of whether or not they were intentionally produced or whether or not they are introduced into the market.

The Regulation comprehensively regulates the specific health protection requirements of employees coming into contact with chemical agents in the course of work. Preventive design is an important aspect of this legal regulation, emphasizing the identification of dangers, assessment of risks to the health of employees resulting from the use of chemical agents, and the acceptance of effective measures. The employer’s obligations include mainly:

a) Exclusion of the risk to employees based on chemical agents, or their reduction to the maximum possible extent,

b) Execution of the following specific protective and preventive measures:

- Establishment of suitable work procedures, systems of management and the use of adequate working means,

- Use of collective protecting measures at the sources of danger,

- Use of individual protecting measures, including personal means of protection at work,

c) Execution of specific protecting and preventive measures in the storage of toxic substances and preparations, and of very toxic substances and preparations,

d) Keeping records on the chemical agents in use and on the results of their measurements.

In addition, the Regulation regulates the qualification requirements of the persons appointed to manage works with toxic and very toxic substances and preparations. The highest permitted values of exposure of employees to chemical agents at work, biological limit values and selected chemical agents whose use is prohibited is shown in Annexes to the Regulation.

This Government Regulation is an implementing regulation of NR SR Act No. 272/1994 Coll., applicable to all legal entities and natural persons.

15. Government Regulation No. 46/2002 Coll. on the health protection at work with carcinogens and mutagens agents

The Regulation regulates the minimum requirements of the employees´ protection against the risk of their exposure to carcinogens and mutagens agents at work, and of the prevention of that risk. It applies to all activities exposing or potentially exposing employees at work to carcinogens and mutagens agents. It delimits measures systematically leading to the assurance of effective protection of employees, both in routine work and in unexpected events, e.g. breakdowns at workplaces. The Government Regulation introduced technical limit values applying to carcinogens and mutagens substances that take zero-threshold effects of these agents in account, while restricting the employees´ risk of exposure to carcinogens and mutagens substances to the lowest possibly attainable level.

In order to prevent or restrict the aforesaid risk the employer shall, in particular/

a) Carry out preventive and organisational measures, mainly reduction of the amount of carcinogenic and mutagenic substances and the number of employees exposed thereto to the lowest possible level, modification of work procedures and technical measures, along with capturing and removing risk agents from the source of their occurrence, use of suitable measuring methods, collective and individual protecting measures, adherence to hygienic principles at the workplace, demarcation and marking of the controlled zone and use of the warning symbol, safe storage, handling and transport of carcinogenic and mutagenic substances and their wastes, elaboration of plans for the protection of employees in the case of unforeseeable events or accidents potentially exposing employees to even minimum levels of carcinogenic and mutagenic substances,
b) Ensure that employees would not eat, drink and smoke in premises of potential contamination,
c) Provide efficient personal means of protection at work to employees, ensure their separate storage, check and clean them after each use,
d) Provide to employees suitable and adequate facilities for personal hygiene.

Annexes to the Regulation show the list of substances, preparations and work processes involving risks of chemical carcinogenicity, technical approximate values of gases, vapours and aerosols having carcinogenic and mutagenic properties in the working atmosphere, and equivalent exposure values of specific carcinogenic and mutagenic substances.

This Government Regulation is an implementing Regulation of the Act No. 272/1994

Coll., applicable to all legal entities and natural persons.

16. Government Regulation No. 47/2002 Coll. on the health protection at work with biological agents

The Regulation establishes the minimum requirements of employees´ protection against risks ensuing from their exposure to biological agents and of the prevention of such risks. It applies to all activities wherein employees at work are or may be exposed to biological agents.

The Regulation defines biological agents as micro-organisms, cell cultures and human endoparasites able to induce infections, allergic or toxic effects in man. They also include prions causing communicable human diseases.

The Regulation classifies biological agents in four groups according to the gravity of health consequences, specifies protecting measures in link with the exposure of employees to biological agents, and with prevention of these risks. The objective is to establish conditions for effective protection of employees´ health, mainly in public health workplaces, at veterinary facilities, laboratories, food industry and agricultural workplaces.

It regulates the employer's obligations, mainly

- Assessment of risk derived form the exposure of employees to biological agents,
- Notification of use of biological agents,
- Provision of protecting measures to reduce risks – restriction of the number of employees, elaboration of work procedures and controlling measures, use of collective and individual means of protection, including the use of personal protective equipment at work, hygienic measures, elaboration of employees´ emergency protection plans, assurance of safe handling and transport of biological agents at workplaces,
- Information and training of employees,
- Keeping lists and records about the employees´ exposure to biological agents, protection of the employees´ health in public health establishments, at veterinary care facilities, in laboratories and in rooms for experimental animals.
- The annexes to the Regulation comprise an indicative model list of activities involving biological agents, classification of biological agents, protecting measures in public health establishments, veterinary care facilities, in laboratories and in rooms for experimental animals, and protecting measures regarding industrial processes.

This Government Regulation is an implementing Regulation of the Act No. 272/1994 Coll., applicable to all legal entities and natural persons.

17. Government Regulation No. 493/2002 Coll. on the minimum requirements for occupational health and safety in potentially explosive atmospheres

This Government Regulation regulates the minimum requirements for the assurance of occupational safety and health in an explosive environment, defined as that where, under normal operating conditions, the occurrence of an explosive atmosphere may be expected.

The Regulation imposes upon employers

a) Obligations related to the prevention of, and protection against an explosion, including the execution of technical and organizational measures corresponding to the nature of work in

compliance with the general principles of prevention and assessment of risks derived from an explosion,

b) General duties, including
   - Classification of premises holding explosive environments according to the Annex,
   - Classification of explosion-endangered premises into zones and fulfilment of the minimum requirements according to the annex,
   - Marking the entry point into explosion-endangered premises with warning labels,
   - Elaboration of a written document about protection against an explosion,

c) The obligation to carry out special measures in explosion-endangered premises,

d) The obligation to coordinate all measures toward assurance of occupational safety and health, mainly those specified in the written document about protection against an explosion.

The Regulation established a temporary period for the establishment of compliance of workplaces and work means with this Regulation. Annexes to the Regulation comprise a set of preventive and protecting measures.

This Government Regulation is an implementing regulation of the Act No. 330/1996 Coll., hence its operation is linked to that of the Act, including delimitation of the terms - employer, self-employed person and employee. It does not apply to premises in public health establishments designed to provide health care, to the use of equipment designed to burn gaseous fuels in compliance with separate legislation, to the production, handling, use, storage and transport of explosives and chemically unstable materials, to mining activities, to the extraction of non-restricted minerals, and to the use of transport means in road and rail transport, inland navigation, maritime navigation and air transport, except for transport means designed for use in an explosive environment.

18. Government Regulation No. 504/2002 Coll. on the conditions of providing the personal protective work equipment

The Regulation defines personal protective work equipment as any means, including their supplements and accessories, that employee wear, hold or otherwise use at work in order to protect their safety and health against a danger. The term does not apply to standard work clothing, uniform and footwear, means used by rescue corps to give assistance, means used in road transport, sports outfitting and means designed for self-defence and/or determent.

The Regulation specifies the employer's obligation to provide employees with personal protective work equipment in cases of danger that cannot be excluded or restricted by technical means, collective means of protection or by labour organization methods and forms. Provision is allowed only of such personal protective work equipment, which comply with specific regulations, ensure efficient protection from existing threats, correspond to existing work conditions and working environment, comply with ergonomic requirements, are adapted to the state of health and, after minor adjustments, to the body of the employee, and which are safe in terms of health and sanitation.

The employer is obliged to prepare threat assessments according to established criteria, determine the conditions of use of personal protective work equipment during working hours and elaborate lists of personal protective work equipment to be provided to employees. The Regulation includes requirements for maintaining personal protective work equipment, for the

familiarization (training) of employees and for the accessibility and provision of the necessary information. Annexes to the Regulation contain a review of personal protective work equipment of dangers, and of works for which personal protective work equipment are to be provided, including criteria of their selection.

This Government Regulation is an implementing Regulation of the Act No. 330/1996 Coll., hence its operation is linked to that of the Act, including delimitation of the terms - employer, self-employed person and employee.

19. Government Regulation No. 272/2004 Coll., establishing the list of works and workplaces that are prohibited to pregnant women, mothers until the end of the ninth month after delivery and breast feeding women, list of works and workplaces linked to specific risks to pregnant women, mothers until end of the ninth month after delivery and breast feeding women, and establishing certain obligations of employers in employing such women

establishing a List of work and workplaces that are prohibited to pregnant women, mothers until the end of the ninth month following childbirth and nursing women, list of work and workplaces connected with specific risk for pregnant women, mothers until the end of the ninth month following childbirth and nursing women and establishing some obligations for employers by employing these women

The Regulation regulates the obligation of the employer to assess the nature of the specific risk threatening pregnant women, mothers until end of the ninth month from delivery and breast feeding women, and to decide on acceptance of the necessary measures. No pregnant woman, mother until end of the ninth month from delivery and breast feeding woman may be coerced to perform works representing a potential danger to her safety and health, and/or potentially affecting her pregnancy or breast feeding.

Annexes to the Regulation contain lists of works and workplaces that are prohibited to pregnant women, mothers until end of the ninth month from delivery and breast feeding women, along with lists of works and workplaces linked to specific risks to pregnant women, mothers until end of the ninth month after delivery and breast feeding women.

This Government Regulation is an implementing Regulation of the Labour Code, therefore its operation applies to all employers and employees, including by referral or subsidiary use also to civil service and to the performance of works in public interest.

20. Government Regulation No. 286/2004 Coll., establishing the list of works and workplaces prohibited to adolescent employees and regulating certain obligations of employers employing adolescent employees

The employer of adolescent employees is obliged, at all works and workplaces linked to specific risks of exposing the adolescent employee to noxious effects of physical, chemical, biological factors, influences and processes, to assess and evaluate all risks to the safety and health of such employee and to decide, based on a professional fitness assessment of the adolescent employee by the competent physician, on the acceptance of any necessary measures. The Regulation is supplemented with a list of works and workplaces prohibited to adolescent employees.

This Government Regulation is an implementing regulation of the Labour Code, therefore its operation applies to all employers and employees, including by referral or subsidiary use also to state service and to the performance of works in public interest.

21. Government Regulation No. 511/2004 Coll. on the criteria of categorization of works

from health risk viewpoints and on the particulars of work categorization proposals

The Regulation regulates the grouping of works in categories No. 1 through 4, according to the evaluation of works and working conditions from health protection viewpoints of employees exposed to specific agents in the working environment (e.g. dust, noise, vibration, chemical factors, carcinogenic and mutagenic factors, factors causing the occurrence of occupationally preconditioned skin diseases, ionizing radiation, non-ionizing radiation, biological agents, physical strain, psychic workload, etc.). In addition, the Regulation defines the particulars of work categorization proposals submitted by the employer to health protection authorities. The objective of work categorization is to improve health supervision.

This Government Regulation is an implementing Regulation of the Act No. 272/1994 Coll., applicable to all legal entities and natural persons.

22. Decree of the Slovak Occupational Safety Office and of the Slovak Mining Office No. 111/1975 Coll. on recording and registration of occupational injuries and on reporting industrial accidents (breakdowns) and failures of technical equipment, as amended by Decree of the Slovak Occupational Safety Office and of the Slovak Mining Office No. 483/1990 Coll.

The Decree establishes the obligation of employees to report, and the obligation of the employer to investigate the causes and to execute corrective measures at the occurrence of occupational injuries, industrial accidents (breakdowns) and failures of technical equipment.

The employer must prepare an accident report without delay, optimally in cooperation with the safety engineer, at the occurrence of an occupational injury. Serious, fatal and mass occupational injuries must be notified to the labour inspection authorities and/or to the competent supervising bodies investigating such accidents and ordering corrective measures.

An occupational injury is defined in Article 195 of the Labour Code as any damage to the health caused to the employee during work or in direct connection therewith as the result of short-termed, sudden and violent external influences independently upon the employee's will. Injury suffered by the employee while commuting to and from work is not an occupational injury. The employer is responsible for damage to the employee whose health was damaged or who died while performing work or in direct connection therewith (i.e. suffered an occupational injury) and who was in his employment at the time of the occupational injury. The term – occupational injury is similarly applied in cases of injury while on service pursuant to special regulation.

The Decree applies to all employers and employees.

23. Decree of the Slovak Occupational Safety Office No. 59/1982 Coll., establishing the essential requirements for ensuring the safety at work and technical equipment, as amended by Decree No. 484/1990 Coll.

The Decree regulates the general requirements of safety at work, requirements applicable to working and operating buildings and premises, to machinery and mechanical equipment, to the adjustment and processing of materials, to the felling and stockpiling of timber and related technical equipment, etc.

In its Article 1 the Decree establishes the essential requirements of safety at work and technical equipment that must be ensured by legal entities and natural persons whose

production and non-production activities are subject to supervision by labour inspection bodies.

The Decree does not apply to activities, workplaces and technical equipment which, pursuant to special regulation, are subject to supervision by bodies of the State Mining Office, to technical equipment which, pursuant to special regulation, are subject to supervision by authorities in the field of national defence, transport and telecommunications, and to selected objects of the Ministry of Interior.

24. Decree of the Slovak Occupational Safety Office No. 43/1985 Coll. on the assurance of occupational safety in work with hand-held chain saws

The Decree comprises requirements applying to the outfitting of chain saws with protective and safety devices, defined as covers of moving parts, absorbers of vibrating parts and torn chain arresters. It prohibits the use of chain saws whose parts failed to perform their designed functions. In addition, the Decree established requirements applying to the activities of the employer and employee, professional capability of the operators and control of chain saws.

The Decree applies to employers and employees operating, repairing and controlling hand-held chain saws.

25. Decree of the Slovak Occupational Safety Office and of the Slovak Mining Office No. 93/1985 Coll. on occupational safety at work with stationary containers for loose materials

The Decree regulates the requirements of container covers and enclosures – these must restrict access to sources of threat and dangerous contact points and catching of persons and parts of clothing, prevent fall or persons, reduce noisiness and dustiness, and prevent dispersal of loose material. Additional requirements apply to entries and openings into the containers, discharge holes and closures of the containers.

The Decree applies to employers and their employees while operating, maintaining, servicing, repairing and reconstructions stationary containers for loose materials.

26. Decree of the Slovak Occupational Safety Office and of the Slovak Mining Office No. 374/1990 Coll. on occupational safety and safety of technical equipment in constructions

The Decree establishes requirements for the assurance of occupational safety and safety of technical equipment in the preparation and performance of building, assembling and maintenance works and other related performances.

The Decree applies to all employers and employees executing construction works. It does not apply to construction works performed in link with underground mining and with activities performed underground, using mining methods.

27. Decree of the Slovak Occupational Safety Office and of the Slovak Mining Office No. 208/1991 Coll. on occupational safety, and safety of technical equipment in the operation, maintenance and repair of vehicles

The Decree establishes the obligations of legal entities and natural persons, who operate, maintain and repair motor vehicles. It defines the obligations of employees (drivers and servicing personnel) while driving, maintaining, repairing, loading and unloading of

vehicles. It also determines the employer's obligation to train his employees. Workplace maintenance is particularly emphasized.

The Decree does not apply to the operation, maintenance and repair of vehicles of armed units of the Ministry of Defence of the Slovak Republic and Ministry of Interior of the Slovak Republic.

28. Ministry of Labour, Social Affairs and Family of the Slovak Republic Decree No. 718/2002 Coll. on the assurance of occupational safety and health, and safety of technical equipment

The Decree defines technical equipment considered as restricted technical equipment, regulates the extent and safety assurance particulars of technical equipment (pressurized, lifting, electric and gas-operated technical equipment), along with the detailed requirements applicable to the occupational safety and health and safety of technical equipment, including the requirements applying to the professional qualification of employees.

This Decree is an implementing regulation of the Act No. 330/1996 Coll., hence its operation is linked to that of the Act, including delimitation of the terms - employer and self-employed person. The Decree does not apply to technical equipment to the extent regulated in special regulation, and to technical equipment that represents specifically defined products according to separate legislation, at their introduction into the market or start of operations.

29. Ministry of Public Health of the Slovak Republic Decree No. 271/2004 Coll. on the protection of health from non-ionizing radiation

The Decree determines the range of frequencies of the electro-magnetic field, highest permissible values of irradiation by an electro-magnetic field and the admitted excess values, the requirements of electro-magnetic source testing, the highest permissible values and protective measures in the use and operation of ultra-violet and infrared radiation sources, the highest permissible values and protective measures in the use and operation of laser radiation sources, particulars of the rules of their operation, classification requirements of lasers, marking and equipping lasers and the extent of data shown in their technical documentations.

The Decree is an implementing regulation of Act No. 272/1994 Coll. on the protection of human health, as amended by later regulation, and applies to all legal entities and natural persons.

Occupational safety and health issues are, in specific cases, regulated by special regulation in the Slovak Republic, including for instance:

30. Act No. 59/1965 Coll. on execution of sentences, as amended by later regulation

Protection of safety and health at work and fire protection of condemned persons is ensured by the correction facility. Condemned persons are obliged to care for their occupational health and safety protection and fire protection.

31. Act No. 51/1988 Coll. on mining activities, explosives and on the State Mining Administration, as amended by later regulation

The Act establishes the conditions of performing mining activities by mining methods, mainly from viewpoints of rational exploitation of mineral deposits, safe work and operations and protection of the working environment, and regulates the conditions of use of explosives

as well as the organization and methods of activities of the state mining administration. In addition, it regulates the obligations of subjects linked to mining activities and to activities performed by mining methods.

The Act applies to all legal entities and natural persons who, within their business activities, perform mining activities and activities performed by mining methods, or other activities regulated under this Act.

32. Government Regulation No. 117/2002 Coll. on the minimum safety and health protection requirements of employees in mining activities and in exploitation of deposits of non-restricted minerals

The Regulation regulates the minimum requirements for the safety and health protection of employees in mining activities and in the exploitation of deposits of non-restricted minerals, in the processing and refining of minerals in link with their exploitation and other related works.

In addition, it determines the general requirements of occupational safety and health, of maintaining operational documentation, of the coordination of activities of several employers whose employees work at the same workplace, of protection against fire, explosion and noxious atmosphere, of escape and rescue means and of communicating, warning and alarm systems.

Annexes to the Regulation regulate the general and specific particulars of requirements of workplaces and their environment, communications equipment, protection against explosions and employees´ first-aid measures, and contain also supplementary requirements applicable to the individual types of exploitation of mineral deposits and prospecting thereof.

The Government Regulation applies to all employees and employers executing the activities defined in the Regulation.

33. Act No. 370/1997 Coll. on the military service, as amended by later regulation

The Act, among others, defines the duties of the soldier, military service and superior officer in link with safety and health protection of the soldier on national service and of the professional soldier, including their organizational duties in the field of soldiers´ safety and health protection and supervision of the assurance of soldiers´ safety and health protection.

Additional regulations in the department of the SR Ministry of Defence (“MD”, “MD SR”) are in force in respect of the assurance of occupational safety and health protection, for example

34. Vševojsk-16-4 - „Occupational safety and health protection of civilian workers in the military administration and of workers of organizations within MD´s jurisdiction“

35. Vševojsk-16-5 - „Departmental list of workplaces, works and occupations applying to the provision of personal protective equipment“

36. Vševojsk-16-6 - „Essential rules of occupational safety “

37. Všeob-21-2 - „State professional technical supervision in the MD SR department“.

38. Act No. 73/1998 Coll. on civil service of members of the Police Force, Slovak Information Service, Judiciary Guards and Prison Wardens Corps and Railway Police, as amended by later regulation

The Act, among others, defines the duties of the members in link with safety and health protection of the member while on civil service, the obligations of the service office, the rights and duties of members, the rights of the trade union body and the state professional supervision of safety and fire protection.

Incomplete review of the generally binding legal regulations ensuring occupational safety and health in force in the Slovak Republic:

This review contains further generally binding legal regulations regulating protection of occupational safety and health, additionally to those listed in the preceding part of the reply to Article 3, paragraph 1. It includes the most important specific departmental regulations.

- MH Guidelines No. Z - 7709/1970 - B/1 on the assessing of fitness for work (registered in Chapter 24/1970 Coll.), as amended by MH Guidelines No. Z - 10 839/1971 - B/1 (registered in Chapter 13/1972 Coll.)
- MH Arrangement No. Z - 10 949/1973 - B/1 on the reporting and recording of occupational diseases, professional intoxications and other health impairments in work (registered in Chapter 18/1974 Coll.)
- SÚBP Decree No. 86/1978 Coll. o controls, inspections and tests of gas appliances, as amended by ÚBP SR Decree No. 74/1996 Coll.
- MH Arrangement No. Z - 1629/1978 - B/3 - 06, dated 14 February 1978, on the sanitary requirements of working environment (registered in Chapter 20/1978 Coll., as amended by MH Regulation No. Z - 9021/84 - B/2 – 06, dated 29 November 1984 (registered in Chapter 24/1985 Coll.)
- SÚBP Decree No. 51/1981 Coll. on the assurance of safety of work and technical equipment in inland navigation
- SÚBP Decree No. 25/1984 Coll. on the assurance of safety of work in low-pressure boiler rooms, as amended by ÚBP SR Decree No. 75/1996 Coll.
- SÚBP Decree No. 66/1989 Coll. on the assurance of safety of technical equipment in nuclear energy facilities, as amended by SÚBP Decree No. 31/1991 Coll.

Generally binding legal regulations regulating the fire protection field

- Act No. 314/2001 Coll. on fire protection, as amended by later legislation
- MV SR Decree No. 124/2000 Coll., establishing the fire safety principles in activities involving combustible gases and gases supporting combustion
- MV SR Decree No. 121/2002 Coll. on fire prevention, as amended by MV SR Decree No. 591/2005 Coll.
- MV SR Decree No. 79/2004 Coll. on the control of fire safety in the operation of electric appliances
- MV SR Decree No. 94/2004 Coll., establishing technical requirements of fire safety in the construction and use of structures

- MV SR Decree No. 96/2004 Coll., establishing the principles of fire safety in the handling and storage of combustible liquids, heavy fuel oils and vegetable and animal fats and oils
- MV SR Decree No. 142/2004 Coll. on fire safety during the construction and in the use of operating and other premises, used for surface treating of products with paints

Other legislation, regulating the protection of safety and occupational health in mining activities and in activities performed by mining methods

- SÚBP and SBÚ Decree No. 23/1979 Coll., determining restricted pressurized equipment and establishing some of their safety conditions, as amended by SÚBP and SBÚ Decree No. 84/1982 Coll. and by SÚBP and SBÚ Decree No. 485/1990 Coll.
- SÚBP and SBÚ Decree No. 24/1979 Coll., determining restricted lifting equipment and establishing some of their safety conditions, as amended by SÚBP and SBÚ Decree No. 486/1990 Coll.
- SÚBP and SBÚ Decree No. 25/1979 Coll. determining restricted electrical equipment and establishing some of their safety conditions, as amended by SÚBP and SBÚ Decree No. 487/1990 Coll.
- SÚBP and SBÚ Decree No. 26/1979 Coll., determining restricted gas equipment and establishing some of their safety conditions, as amended by SÚBP and SBÚ Decree No. 488/1990 Coll.
- SBÚ Decree No. 69/1988 Coll. on the mining rescue service, as amended by Act No. 58/1998 Coll.
- SBÚ Decree No. 70/1988 Coll. on selected mining equipment, as amended by Act No. 58/1998 Coll.
- SBÚ Decree No. 71/1988 Coll. on explosives, as amended by later legislation
- SBÚ Decree No. 21/1989 Coll. on occupational safety and health protection in mining operations and underground work performed by mining methods
- SBÚ Decree No. 29/1989 Coll. on occupational safety and health protection in mining operations and above-ground work performed by mining methods
- SBÚ Decree No. 50/1989 Coll. on occupational safety, health protection and safe operations in the processing and refining of minerals, as amended by Act No. 58/1998 Coll.
- SBÚ Decree No. 387/1990 Coll. on the investigation into the causes of breakdowns and serious work injuries, occurring during activities subject to the chief supervision of Mining Authority bodies, as amended by Act No. 58/1998 Coll.
- MH SR Decree No. 78/1993 Coll., establishing safety and health protection requirements in the production and processing of explosives
- MH SR Decree No. 77/1996 Coll. on the storage of explosives
- MH SR Decree No. 78/1996 Coll. on the transport and relocation of explosives within the premises of an organization
- MH SR Decree No. 208/1993 Coll. on the requirements of qualification and on the verification of professional capabilities of workers in mining activities and in activities performed by mining methods, as amended by Act No. 58/1998 Coll.

- Guidelines of ÚBÚ No. 2200/1966, dated 1.4.1966, applicable to the construction of the liquidation plan of serious accidents within mining activities performed by above-ground methods, except for surface operations of underground mines (surface emergency guidelines) (registered in Chapter 1/1967 Coll.), as amended by SBÚ Decree No. 2000/1987, dated 29.12.1987 (registered in Chapter 2/1988 Coll.) and SBÚ Decree No. 2681/1990, dated 12.9.1990 (notified under No. 399/1990 Coll.)
- Guidelines of HH ČSSR and ÚBÚ No. HE-340.2, dated 5.7.1966 (published under No. 31 Volume 27/1966, Collection of Sanitary Regulations) on the protection of health of workers from the effects of noxious dusts in organizations subject to the Mining Act (registered in Chapter 9/1967 Coll.)
- ÚBÚ Ordinance No. 6900/1967, dated 23.10.1967, on certain measures in prospecting, surveying and recovering of crude oil and natural gas (registered in Chapter 44/1967 Coll.)
- SBÚ Arrangement No. 3254/1971, dated 25.8.1971, determining the essential requirements of constructing pneumatic equipment used in blasting operations (registered in Chapter 27/1972 Coll.)
- SBÚ Arrangement No. 5300/1972, dated 21.12.1972 on safety regulations applying to 900 mm gauge mine railways (registered in Chapter 11/1973 Coll.)
- SBÚ Arrangement No. 3000/1975, dated 1.7.1975 on occupational safety and health protection, and on operational safety in making natural caves accessible and keeping them in safe conditions (safety regulations applying to caves) (registered in Chapter 33/1975 Coll.), as amended by SBÚ Decree No. 5/1983, SBÚ Decree No. 71/1988 Coll. and MH SR Decree No. 1/1993, dated 20.7.1993 (notified under No. 203/1993 Coll.)
- SBÚ Arrangement No. 8/1981, dated 4.1.1981, on occupational safety and health protection and on operational safety of drilling and geophysical works, and of the exploitation, processing and underground storage of liquid minerals and gases in natural rock structures (registered in Chapter 16/1981 Coll.), as amended by SBÚ Decree No. 88/1986, dated 7.7.1986 (registered in Chapter 20/1986 Coll.), SBÚ Decree No. 71/1988 Coll. and SBÚ Decree No. 2681/1990, dated 12.9.1990 (notified under No. 399/1990 Coll.)
- SBÚ Arrangement No. 5/1983, dated 3.1.1983, on occupational safety and health protection and on operational safety of vertical transport and walking in organizations subject to supervision of the State Mining Authority (registered in Chapter 7/1983 Coll.)
- SBÚ Ordinance No. 511/1987, dated 18.5.1987 on the tasks and on the fitness of mining rescue personnel and deep-mine divers and on the organization of mine rescue stations at diving activities (registered in Chapter 17/1987 Coll.), as amended by SBÚ Decree No. 2681/1990, dated 12.9.1990 (notified under No. 399/1990 Coll.)
- SBÚ Ordinance No. 888/1987, dated 18.5.1987 on the control, inspection and test of gas appliances (registered in Chapter 17/1987 Coll.), as amended by SBÚ Ordinance No. 2681/1990, dated 12.9.1990 (notified under No. 399/1990 Coll.)
- SBÚ Ordinance No. 1099/1987, dated 11.12.1987 on the tasks of organizations in atmospheric sampling in mines, on activities of laboratories performing analyses of gases and on their control by mining rescue stations (registered in Chapter 26/1987 Coll.), as amended by SBÚ Ordinance No. 2681/1990, dated 12.9.1990 (notified under No. 399/1990 Coll.)

- SBÚ Ordinance, dated 29.12.1987 No. 2000/1987 on plans for restraining serious industrial accidents in drilling and geophysical works and in the exploitation, processing and underground storage of liquid minerals and gases in natural rock structures (registered in Chapter 2/1988 Coll.)
- SBÚ Ordinance No. 4401/1987, dated 29.12.1987 on plans to restrain serious industrial accidents in deep underground mines (registered in Chapter 2/1988 Coll.)
- MH SR Ordinance No. 110/1030/1994, dated 15.2.1994 on the requirements of occupational safety and health and on the operational safety of heavy-current power distribution systems in coal mines (electrical network of mines) (notified under No. 49/1994 Coll.), as amended by Act No. 58/1998 Coll.
- MH SR Ordinance No. 110/1138/1994, dated 2.3.1994 on the inspection intervals of electrical equipment and on tests of inspectors of such equipment in organizations performing mining activities or activities performed by mining methods (notified under No. 63/1994 Coll.), as amended by Act No. 58/1998 Coll.

Additional generally binding legal regulations, important for occupational safety and health protection

- Act No. 139/1998 Coll. on narcotic and psychotropic substances and preparations, as amended by later regulation
- NR SR Act No. 264/1999 Coll. on the technical requirements of products, evaluation of compliance and on amending and supplementing certain Acts, as amended by later regulation
- Act No. 163/2001 Coll. on chemical substances and chemical preparations, as amended by later regulation
- Act No. 261/2002 Coll. on the prevention of serious industrial accidents and on amendment of certain Acts, as amended by later regulation
- Act No. 121/2004 Coll. on working time and rest period in transport, and on amendment of certain Acts
- Act No. 377/2004 Coll. on the protection of non-smokers and on amendment of certain Acts, as amended by Act No. **578/2004 Coll.**
- **SR Government Regulation No. 29/2001 Coll., establishing the particulars of technical requirements of products and on the evaluation of compliance, applicable to personal means of protection, as amended by SR Government Regulation No. 323/2002 Coll.**
- SR Government Regulation No. 117/2001 Coll., establishing the particulars of technical requirements of products and on the evaluation of compliance, applicable to equipment and protection systems designed for use in environments with explosive hazard, as amended by SR Government Regulation No. **295/2002 Coll.**
- SR Government Regulation No. 310/2004 Coll., establishing the particulars of technical requirements and on the evaluation of compliance, applicable to machinery
- MH SR Decree No. 511/2001 Coll. on the particulars of evaluation of the risks posed by existing chemical substances and new chemical substances to human life and health and to the environment

- MH SR Decree No. 67/2002 Coll. on the list of selected chemical substances and selected chemical preparations whose introduction to the market and use is restricted or prohibited, as amended by later regulation
- MŽP SR Decree No. 490/2002 Coll. on the safety report and emergency plan, as amended by MŽP SR Decree No. 452/2005 Coll.

The occupational safety and health issue contained in the aforesaid legal regulations designed to ensure occupational safety and health fully apply also to employees with atypical employment contracts, to the extent depending on their performance of work.

Pursuant to § 48 (6) of the Labour Code, the employee in an employment relationship agreed for a fixed term must neither be advantaged nor constrained in particular concerning working conditions with respect to occupational health and safety in comparison to an employee in employment relationship agreed for indefinite duration.

Pursuant to § 49 (5) of the Labour Code, the employee in an employment relationship with reduced working time may not be advantaged nor constrained in comparison to an employee employed for the determined weekly working time.

The legal regulations regulating occupational safety and health issues apply identically to domestic employees in the meaning of § 52 of the Labour Code, as to all other employees specified in the provisions of § 2 of the Act No. 330/1996 Coll.

According to § 223 etc. of the Labour Code, works performed outside of an employment relationship (work performance agreement and agreement on temporary job of students) are covered by legal regulations and other occupational safety and health regulations, for example, Act No. 330/1996 Coll. By provisions of § 224 (1) of the Labour Code, employees are obliged to comply with legal regulations applicable to their performed work, mainly legal regulations toward the assurance of occupational safety and health, to fulfil other regulations applying to their performed work, mainly occupational safety and health regulations, which they were duly familiarised with. According to § 224 (2) of the Labour Code the employer, based on agreements concluded for works performed outside of an employment relationship, is obliged mainly to establish adequate working conditions to employees so as to ensure their proper and safe performance of work, mainly to provide them the necessary basic resources, materials, tools and personal protective work aids, inform employees with legal regulations and with other regulations applicable to their performed work, mainly with occupational safety and health regulations, to pay the agreed remuneration to employees for the performed work and to comply with other agreed conditions; claims of the employee or other settlements in his/her favour cannot be agreed more favourably than the claims and settlements derived from employment. In addition, the employer is obliged to keep records on the concluded agreements for work performed outside of an employment in the sequential order of their conclusion, and to keep records of the working hours of employees performing work on the basis of agreement on temporary job of students.

Question B

Please, indicate the special measures taken to protect the safety and health of workers engaged in dangerous or unhealthy work.

Such measures are primarily regulated in the generally binding legal regulations, specified in the reply to Article 3, paragraph 1, Question A. They include, for example, the following regulations characterised in the reply to Question A:

- **Act No. 272/1994 Coll.**

  The Act characterises health protection as the sum of measures accepted toward prevention of diseases and health improvement, implemented in the form of care for healthy working conditions, life and work. The measures most effective in the ensuring of health protection are those of primary prevention, i.e. measures excluding or reducing the effects of noxious factors in the working environment and of adverse working conditions, so as to avoid harm of the employees´ health. Employers issue locally applicable operating regulations, determining the rules of safe work at the specific workplace, specify the noxious factors appearing at that workplace and the methods of eliminating their adverse effects on health and the methods of preventing health damage under their influence, etc.

- **Act No. 330/1996 Coll.**

  The Act, in § 8a (1) (g) (h) and (u) obliges employers:
  „g) To substitute strenuous and monotonous works and works performed in aggravated and dangerous or noxious working conditions with suitable equipment and work procedures, and with improved organisation of work,
  h) At places of use or storage of dangerous substances, or at the use of dangerous technologies and equipment which, when failed, might cause threat to life and health of major numbers of employees, other individuals and the environment,
  1. To adopt effective measures toward excluding threat to life and health; should this be impracticable from viewpoints of the current level of scientific and technical knowledge, to adopt effective measures toward their reduction,
  2. To execute unavoidable measures toward restricting the potential consequences of threat to life and health, and to enable access to the endangered area only to persons duly and provably trained and equipped with the necessary personal means of protection at work,
  3. To provide for due and provable instruction, training and equipment of employees in compliance with the applicable occupational safety and health requirements,

  u) Not to use such remuneration system that would in case of an increased work performance, result in threat to safety or health of employees, in case of employees who are exposed to higher accident occurrence rate or health damage."

- **Labour Code**

  § 97 (11) The employee performing hazardous works cannot be assigned to overtime work. Overtime work may be exceptionally agreed with such employee in works pursuant to paragraph 8 and in the interests of assurance of a safe and smooth production process.".

- Government Regulation No. 204/2001 Coll. on the minimum safety and health requirements in work with loads.
- Government Regulation No. 39/2002 Coll. on health protection in work with asbestos.
- Government Regulation No. 40/2002 Coll. on the protection of health from noise and vibrations.

- Government Regulation No. 45/2002 Coll. on health protection in work with chemical agents.
- Government Regulation No. 46/2002 Coll. on health protection in work with carcinogenic and mutagenic agents.
- Government Regulation No. 47/2002 Coll. on health protection in work with biological agents.
- Government Regulation No. 493/2002 Coll. on the minimum occupational safety and health requirements in explosive environments.

The competent state authorities execute specific practical measures toward the enforcement of occupational safety and health protection regarding dangerous or noxious works. Labour inspection at both national and regional levels, has been planning and preferentially executing controlling activities in employer subjects and at workplaces performing dangerous or noxious works, as well as at those reporting increased numbers of work injuries or occupational diseases. Joint inspections are annually planned between labour inspectorates and regional public health authorities (health protection bodies). One of the criterions in the planning of national tasks executed in special programmes is the rate of work injuries and the risk rate at work. Special-programme inspections, performed in the duration of one to two weeks include the delegation of labour inspectors to companies all over Slovakia for controlling and consulting purposes.

Assistance provided to employers for orientation in the professional areas of occupational safety and health includes the issuance and distribution of the Rules of due occupational safety and health practice, presenting the approved professional viewpoints of labour inspection bodies. They represent one of the methods in the assurance of the required level of occupational safety and health protection in dangerous and noxious works. In 2003, for example, the National Labour Inspectorate issued to employers the Principles of provision and use of personal means of protection at work, and the Principles of occupational safety and health at work with dangerous chemical substances.

Health protection authorities exercising state supervision of occupational health preferentially check workplaces where employees perform hazardous work, i.e. work involving increased danger of developing occupational diseases, occupational intoxication and/or other health impairments relating to work and to working conditions. Depending on the gravity of noxious factors in work and in the working environment influencing the health of employees, works are classified in four categories. The work categories 3 and 4 are, by decision of the competent health protection body, defined hazardous works, whereby such determinants as the exceeding of specified limits of factors related to work and working environment, indications of increased exposure of employees or changes in their state of health in connection with their performed work are taken in account. The main objective in the definition of hazardous works is to improve the employees´ health protection. Health protection authorities instruct employers to realise preventive measures (technical, organisational and others, including the use of personal means of protection at work), to improve working conditions and to ensure targeted preventive medical examinations of their employees in defined intervals.

Other measures ordered by health protection authorities, designed to prevent the occurrence of diseases preconditioned by work include the following:

- Restriction of the effects of noxious factors in work and in the working environment upon employees,

- Prohibition of use of materials, products, tools, machines, equipment and technological procedures endangering health,
- Prohibition to smoke at workplaces where smoking could increase health risks derived from factors of the working environment,
- Supply of protective beverages to employees, when necessary from viewpoints of protection of their life and health.

The Military Institute of Hygiene and Epidemiology annually issues lists of departmental workplaces within the Ministry of Defence, recognized as hazardous workplaces. The list shows the numbers of employees at these workplaces and the noxious substances that the respective employees are exposed to. Local operational rules issued at workplaces determine the rules of safe work applying at specific workplaces, listing the appearing noxious factors and the methods for elimination of their harmful health effects and for preventing health damage. They define the system of familiarisation with the aforesaid facts, the rules of measuring the values of noxious factors, and the frequency of medical examinations of employees at such workplaces. These regulations are subject to approval by sanitary supervision bodies. Safety and health protection in training and drilling activities is ensured by specific departmental regulations applying to the individual training types, with which participants are familiarised by the drill commander before commencing the training. In addition, the principles of safety in training are emphasized also by internal orders of the commanding officer of the unit.

The duty type loaded with most risks in the Department of the Ministry of Interior is that of work at heights and above unrestrained depths, as well as the activities of police officers on riot duty at regional directorates of the Constabulary, of the special forces of the Police Presidium, and of soldiers of the civilian protection rescue brigades, performing policing and rescuing activities. Recruitment for the aforesaid police officers and soldiers for these police and military units is executed under strict conditions. A special departmental regulation is in force within the Ministry of Interior of the Slovak Republic, concerning the activities performed at high places and above unrestrained depths. Departmental inspection bodies pay increased attention to adherence of the prescribed training, professional qualification, tests and regular retraining courses, along with the material and technical provisioning of these units. Both their training and their material-technical provisioning are classified subjects in compliance with applicable legislation.

Works performed by members of the railway police that are linked to increased health, risks derived from the working conditions are defined by the Railway Institute of Health. First-aid training for interventions at serious threats to life and health, and the realisation of tasks ensuing from applicable legislation in cases of rescue works, evacuations and health damages - which includes first-aid measures -represents an important component of the occupational safety and health system.

To the request of ECSR for supplementary information:

1. Ad: Prohibition or restriction of the use of asbestos and materials containing asbestos

From 15. 2. 2002 the introduction of asbestos fibres to the market and their use, as well as the introduction to the market of products containing asbestos with fibres intentionally added, including the use thereof is prohibited in the Slovak Republic - see the Ministry of Economy Decree No. 67/2002 Coll. on the list of selected chemical substances and selected chemical formulations whose introduction to the market and use is restricted or prohibited.

Annex No. 1 to the Decree specifies, in Part VI, for the crocidolite (CAS No. 12001-28-4), amosite (CAS No. 12172-73-5), anthophyllite (CAS No. 77536-67-5), actinolite (CAS No. 77536-66-4), tremolite (CAS No. 77536-68-6) and chrysotile (CAS No. 12001-29-5) fibrous asbestos types the following rules:

- The introduction of asbestos fibres to the market and their use, and the introduction to the market of products containing asbestos with fibres intentionally added, including the use thereof, is prohibited;
- The use of products containing asbestos fibres already installed and functioning, or of functioning products which the above restrictions apply to before the effective date of this Decree is permitted until their liquidation or until the end of their service life. The use of products containing asbestos terminates on 31 December 2004;
- The use of diaphragms in existing electrolytic devices is permitted until the end of their service life but not later than 31 December 2007.

In addition, application of asbestos by the spray method and by other methods using insulation or soundproofing materials containing asbestos is prohibited from 1. 2. 2002, pursuant to § 13u (3) of Act No. 272/1994 Coll.

The employees´ health protection requirements in work with asbestos, and mainly the obligations of their employers concerning the realisation of protective measures are specified in Act No. 272/1994 Coll. According to its § 13u the employer is under obligation to determine, at any activity potentially establishing the risk of exposure of employees to asbestos dust or to materials containing asbestos, the nature and degree of such exposure in order to assess the health risk of such employees, taking in account the viewpoints of employees and of their representatives.

The employees´ exposure to materials containing asbestos must be maintained at the lowest attainable level at all activities and must not exceed the highest technical approximate values (TAV), determined as follows in § 2 of Government Regulation No. 39/2002 Coll.:

- 0.1 fibre per cm^3, measured or calculated in link with the 8-hour reference interval, or
- Cumulative dosage, expressed as 6.0 fibre-days per cm^3 in a three-month period.

When the TAV is exceeded, the employer must determine the causes and introduce protective measures without delay, including suspension of work until execution of the protective measures; the contents of asbestos must remain monitored in order to determine the proper functioning of the protective measures. In case of improbability to effectively restrict the presence of asbestos dust, the employer must provide personal means of protection of his employees´ respiratory organs, and ensure such methods of work which would require the use of these means by employees only in unavoidable cases and in strictly limited durations.

When the prescribed values are assumed to be exceeded in the course of certain activities, and when no technical measures could be efficiently applied to restrict the effects of asbestos dust, the employer is obliged to provide for realisation of the following protective measures under according to § 5 of Government Regulation No. 39/2002 Coll.:

- Limit the amount of asbestos and the number of employees exposed or potentially exposed to asbestos dust to the lowest possible level,
- Provide for use of work methods preventing the release of asbestos dust into the atmosphere; when this is technically improbable, dust must be removed at the closest possible point to its release, the workplace and equipment used for work with asbestos regularly and efficiently cleaned and serviced, waste containing asbestos stored and

transported in closed containers, and when possible, immediately accumulated and disposed of in closed containers clearly marked as holding asbestos,

- Mark the workplace with warning symbols emphasizing the relevant facts,
- Demarcate and mark out those premises at the workplace where activities are performed by employees, and restrict entry to such premises only to specifically assigned employees,
- Prohibition of smoking,
- Establishment of premises for boarding and resting.

Also, the employer must provide effective personal means for body protection (protective clothing), ensure their storage and laundering in the workplace, separate storage of civilian clothing, suitable personal sanitary facilities, and personal protective respiratory means held at specified places, including their checking, cleaning and regular maintenance.

2. Ad: Ensuring efficient protection of employees against ionizing radiation

Protection of health from the effects of ionizing radiation is regulated in Act No. 272/1994 Coll. and in its implementing regulation – Ministry of Health Decree No. 12/2001 Coll.

Act No. 272/1994 Coll. applies the essential radiation protection principles specified in IAEA Recommendation No. 115/1996, issued in cooperation with WHO, FAO and ILO, titled "International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources". The Ministry of Health Decree No. 12/2001 Coll. establishes the irradiation limits in full compliance with the above-quoted IAEA Recommendation, as well as with the Council Directive 96/29/EURATOM, determining the basic requirements of protection of workers and of the population before ionizing radiation.

In order to ensure optimization of the radiation load, which the individual categories of persons executing activities that result in irradiation are exposed to, the Act established specific requirements for the performance of activities leading to irradiation, and obligatory participation in the fundamental professional preparation course in the field of radiation protection, followed with periodical retraining.

Act No. 272/1994 Coll. applies to legal entities, natural persons licensed to execute business activities and other natural persons, i.e. to employers and employees as well.

Workplaces with sources of ionizing radiation, and activities therein that are of importance from radiation protection viewpoints are subject to state supervision by the competent authorities, mainly by health protection bodies.

3. Ad: Providing transient workers (temporary employees and employees with employment contracts for fixed-period) with adequate information, training and health supervision to prevent their discrimination from the aspect of occupational safety and health within their work status:

Requirements to ensure occupational safety and health, established by generally binding legal regulations (e.g. Act No. 330/1996 Coll., Act No. 272/1994 Coll., etc.) apply to all type service contracts, i.e. also to temporary employees, employees with service contracts for fixed-period and part-time employees.

Act No. 330/1996 Coll. applies, according to its § 2 (1) „to all activities within the production and non-production sphere".

Act No. 272/1994 Coll., according to its § 1 „establishes the rights and obligations of state administration bodies, municipalities, other legal entities and natural persons and regulates the execution of state administration and state health supervision in the field of protection of human health."

According to § 48 (6) of the Labour Code, the employee in a fixed-term employment relationship must not be treated preferentially or disadvantaged, mainly in regard of his/her working conditions considered from viewpoints of occupational health and safety protection, in comparison with employees in an unspecified duration employment relationship. According to § 49 (5) of the Labour Code, the employee in a part-time employment relationship must not be treated preferentially or disadvantaged in comparison with employees working the established weekly working time.

In the meaning of § 223 of the Labour Code:

„ (1) The employer may, in exceptional cases toward fulfilling his tasks or securing his needs, conclude agreements with natural persons on works performed outside of an employment relationship (work performance agreements, agreements on temporary job of student) ….

(2) Based on such concluded agreements, the employer shall, in particular:

a) Create adequate working conditions to employees enabling proper and safe performance of work, mainly provide the necessary essential means, materials, tools and personal protective equipment,

b) Instruct employees with the legal regulations and with other regulations relating to their performed work, mainly with occupational safety and health regulations.

(3) The prohibition to perform certain works by women and adolescents apply also to works performed on the basis of such agreements.".

4. Ad: Legislation and regulations applying to self-employed persons, persons working at home, and home employees:

Act No. 330/1996 Coll., Act No. 272/1994 Coll. and their implementing regulations, i.e. generally binding legal regulations shown in the reply of the Slovak Republic to § 3 (1) are applicable:

- To all legal entities and natural persons employing other natural persons in an employment, i.e. to employers,
- To all natural persons licensed to execute business, i.e. self-employed persons,
- To all natural persons performing work for employers, i.e. to employees according to § 11 of the Labour Code, who, by this definition, are home employees,
- To all natural persons performing work for employers, i.e. to employees according to § 52 of the Labour Code, who, by this definition, are employees working at home (home employees).

Act No. 330/1996 Coll., in the sense of its § 2 (2), „applies to legal entities and natural persons employing natural persons in labour-law relations and in other similar labour relations and to legal entities and natural persons engaging in the practical tuition of apprentices,

vocational school trainees, secondary school students and university students (hereinafter, „employer").“.

In the sense of § 2 (3) of the Act No. 330/1996 Coll. the obligations and measures established by the Act appropriately apply also to self-employed persons, defined as follows for the purposes of this Act:

a) Natural persons employing no other natural persons, or

b) Natural persons performing work with assistance of their spouses or children.

The employer operating a trade in the sense of § 29 (1) of Act No. 455/1991 Coll. on trades (Trades Act), as amended by later regulations is obliged to comply with the conditions established by the Act and with related regulations. Under § 29 (2) of the same Act the employer must operate the trade properly, fairly and in a professional manner. The employer cannot be relieved of this obligation by operating the trade through his responsible representative.

The Labour Code regulates the essential issues of occupational safety and health applying to all employees, i.e. to domestic employees as well. It specifically regulates the labour relations of domestic employees, to whom § 52 applies as follows:

„(1) The employment relationship of an employee not performing work at a workplace of an employer, but who, pursuant to conditions agreed in the employment contract, performs agreed work for the employer at home or at another agreed place within the working time arranged by himself/herself (hereinafter referred to as ‘home employee’), shall be governed by this Act, with the following deviations:

a) provisions on the arrangement of determined weekly working time and on stoppage shall not apply to such employee,

b) in cases of substantive personal obstacles to work, the employee shall not be entitled to wage compensation from the employer, except in case of death of a family member,

c) the employee shall not be entitled to wages for overtime, wage allowances for work on holidays, wage allowances for night work and for work in constrained and health damaging working environment.

(2) An employee who occasionally or in exceptional circumstances upon the consent of the employer or agreement with him/her, performs work as an employee from home or from a place other than the usual place of work performance, provided that enabled by the nature of work that the employee performs pursuant to the employment contract, shall not be considered home employee.“.

Special legislation in the field of occupational safety and health, specified in the reply to § 3 (1) applies also to domestic employees due to the following stipulation of § 147 of the Labour Code:

„(1) The employer is obliged, within his field of activities, to systematically ensure the safety and health protection of his employees at work, and execute the necessary measures for that purpose, including prevention, provision of the necessary means and a suitable work protection management system. The employer is obliged to improve on the level of protection at work in all activities, and to adapt that level to the changing circumstances.

(2) Further obligations of the employer in the field of occupational safety and health are regulated in special regulation.“.

The special regulation referred to above is the Act No. 330/1996 Coll., Act No. 272/1994 Coll., and other Acts.

Article 3, paragraph 2:

„With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Contracting Parties undertake:

2. to provide for the enforcement of such regulations by measures of supervision;"

Question A

Please indicate the methods applied by the Labour Inspection to enforce health and safety regulations and please also give information inter alia, statistical, on :

a. the places of work, including the home, subjected to the control of the Labour Inspection, indicating the categories of enterprises exempted from the control;
b. the number of control visits carried out;
c. the proportion of workers covered by these visits.

The following methods are mostly applied by labour inspections:

- Supervisory activities, including the drawing of consequences for violation of national, regional or corporate regulations,
- Generally and thematically oriented inspection of companies (regarding e.g. conditions of work of women, in retail chains, illegal work),
- Subsequent inspections, evaluating the removal of flaws identified at earlier inspection activities,
- Provision of consultancy to employers, to natural persons licensed to carry out business but are not employers, and to employees, either at the labour inspectorate or directly in the companies, in the form of consultations, interpreting regulations, giving statements, recommendations and proposals how to apply regulations,
- Evaluation of corporate regulations relating to occupational safety and health (approval of occupational safety and health regulations according to § 273 of the Labour Code, and/or according to Act No. 330/1996 Coll.),
- Preparation of thematic brochures, e.g.:
  - Safe labour with chemical substances and formulations
  - Provision and use of personal means of protection
  - Employment of adolescent workers
  - Recording and registration of work injuries
  - Working conditions of women.

Supervision of adherence to legal regulations and other regulations ensuring occupational safety and health and the safety of technical equipment at the employer, along with supervision of compliance with labour law provisions regulating mainly the inception, change and termination of labour relationships, working conditions of employees, wage regulations and covenants arising out of collective agreements is implemented primarily by

labour inspection bodies on the basis of Act No. 95/2000 Coll. on the labour inspection and on amending and supplementing certain Acts (effective from 1.7.2000). The provisions regulating occupational safety and health issues, and controlling compliance therewith apply similarly to state employees and employees performing work in public interests, but the Civil Service Act contains no special provisions in this field.

The Government Resolution No. 475 dated 11 June 2003, established upon the cabinet ministers the obligation to implement a set of measures toward improving the occupational safety and health situation at employers. The state labour inspection and other supervising bodies execute control of compliance with this obligation, comprising the following specific tasks:

1. Increase of legal and social awareness in the field of occupational safety and health.
2. Support of consultancy, mainly of its active forms, provided by employers´ and trade-union institutions, specialized business subjects, labour inspection bodies and supervising authorities.
3. Enhancement of the efficiency of work of labour inspection bodies and supervising authorities.
4. Enforcement, by inspecting and supervising activities, the prevention and systemic approach of organisations to the management and execution of occupational safety and health measures.
5. Supporting the establishment of corporate health care services pursuant to § 13 of the Act No. 330/1996 Coll. on occupational safety and health protection, as amended by later regulations.
6. Targeting of the execution of labour inspection and supervision to small and medium businesses and to organisations declaring the performance of hazardous works.
7. Preparation and issuance of instructions and educating materials in the field of occupational safety and health.
8. Assurance of continuity and completion of the legislative process of proposed new legislation in the field of occupational safety and health.
9. Revaluation of the technical outfitting of mining inspectors.

State administration bodies in the field of labour inspection comprise the Ministry of Labour, Social Affairs and Family of the Slovak Republic, the National Labour Inspectorate and eight regional labour inspectorates.

Labour inspection is executed at all workplaces of employers, and at all workplaces of natural persons who, although licensed for business, are not employers (i.e. self-employed persons).

When approved by the applicable central authority, labour inspection may be executed also in establishments of the armed forces, armed security corps and armed corps in the jurisdiction of the Ministry of Defence of the Slovak Republic, Ministry of Interior of the Slovak Republic, Ministry of Justice of the Slovak Republic, Ministry of Transport, Posts and Telecommunications of the Slovak Republic, and the Ministry of Finance of the Slovak Republic.

No labour inspection under Act No. 95/2000 Coll. is executed at:

a) Selected workplaces of the Ministry of Interior of the Slovak Republic, of the Police Corps, of the civilian defence, of the Ministry of Defence of the Slovak Republic, of the Judiciary Guards and Prison Wardens Corps of the Slovak Republic, of the Railway Police and of the Ministry of Foreign Affairs of the Slovak Republic handling classified materials;

b) Workplaces of the Slovak Information Service;

c) Workplaces of legal entities and natural persons enjoying diplomatic privileges and immunity.

Compliance with occupational safety and health regulations is supervised also through specific bodies under separate legislation - Act No. 272/1994 Coll. on the protection of human health, as amended by later regulations, Act No. 51/1988 Coll. on mining activity, explosives and on the state mining administration, as amended by later regulations, Act No. 73/1998 Coll. on the civil service of members of the Police Force, Slovak Information Service, Judiciary Guards and Prison Wardens Corps and Railway Police, and Act No. 370/1997 Coll. on the military service, as amended by later regulations.

State supervision of adherence to the provisions of Act No. 272/1994 Coll., and of compliance with generally binding legal regulations in the field of health protection at work is ensured by health protection bodies (state regional sanitary officers, state district sanitary officers) and by a network of professional institutions (state health care institutes). Health protection authorities execute state health care supervision, order measures, issue decisions and instructions to eliminate identified flaws, and impose sanctions. State health care institutes carry out state supervision, monitor the fulfilment of measures and decisions issued by health protection bodies, and submit proposals to health protection bodies toward elimination of identified flaws and proposals to impose sanctions.

According to § 39 etc. of Act No. 51/1988 Coll., bodies of the state mining administration supervise compliance with this Act and with its implementing regulations, as well as with other generally binding legal regulations applicable in the field of safety and occupational health protection, safety of technical equipment, fire protection at mining workplaces and activities performed by mining methods.

According to § 138 of Act No. 73/1998 Coll., state professional supervision of safety and fire protection is carried out by the supervising authority of the service office pursuant to Act No. 330/1996 Coll. Labour safety supervision is executed in all objects and facilities of the Ministry of Interior handling classified information, according to Ministry of Interior Regulation No. 22/1998 on the departmental professional supervision of labour safety, occupational health and fire protection within that Ministry’s jurisdiction. According to § 41(a), indent 6 of the Ministry of Interior Regulation No. 27/2004 on the rules of organisation of the SR Ministry of Interior, the economic section of that Ministry is responsible for labour inspectorate tasks, the tasks of fire supervision, of the Slovak Building Inspection and of the state energy inspection; in addition, it executes labour inspection, fire supervision and state energy inspection for the National Security Office and evaluates the security of technical equipment.

According to § 137 (4) of Act No. 370/1997 Coll. on the military service as amended by later regulations, the Ministry of Defence is responsible for supervising safety and health

protection of the soldier on service. Labour inspection at establishments and facilities of the Ministry of Defence is carried out by the chief military occupational safety and health inspector and by chief examiners of the SR Ministry of Defence, by military occupational safety and health instructors and by examiners of restricted technical equipment who are members of the Military Technical Supervision Office of the SR Ministry of Defence. Their activities are executed mainly according to Act No. 95/2000 Coll., Act No. 330/1996 Coll. and Act No. 370/1997 Coll. on the military service, as amended by later regulations, while the performance of inspection activities is separately regulated in each professional field by departmental methodological rules.

Control of the assurance of occupational safety and health protection of members of the Judiciary Guards and Prison Wardens Corps on service is executed in the sense of an internal regulation - Order No. 16/1998 of the General Director of the SR Judiciary Guards and Prison Wardens Corps on the execution of control within the Corps. Controlling is ensured by each supervisor at the corresponding level of management. The SR Judiciary Guards and Prison Wardens Corps have no supervising authority at a state administration level, but a relevant legal regulation is currently in legislative preparation.

Issues relating to the occupational safety and health protection of members of the Railway Police are resolved within the important systemic step of establishing, in the year 2004, of the State professional supervision unit, incorporated into the internal and organisational division of the General Directorate of the Railway Police. The unit performs the following essential activities:

1. Supervision of adherence to the working conditions of members and employees of the Railway Police, including the working conditions of women,
2. Supervision of compliance with legal and other regulations issued to ensure occupational safety and health and the safety of technical equipment, including regulations applying to factors of the working environment,
3. Provision of consultancy in the field of occupational safety and health and in the field of fire protection.

The average total number of sickness-insured employees in 2004 in the Slovak Republic had been 2 019 372 persons. Of these, 772 061 were private sector employees, 65 114 members and employees of agricultural and other cooperatives, 836 694 employees of state enterprises, and 307 630 self-employed persons. From the aspect of protection of occupational safety and health, these persons are subject to supervision by labour inspection bodies or by other supervisory authorities.

Labour inspection bodies have, in the years 2003 and 2004, called at nearly 20 000 employers. Characteristic information thereon is shown in the following tables and graphs.

NUMBER OF CONTROL VISITS

1. No. of visits at enterprises in the period from 1. 1. 2003 to 31. 12. 2004

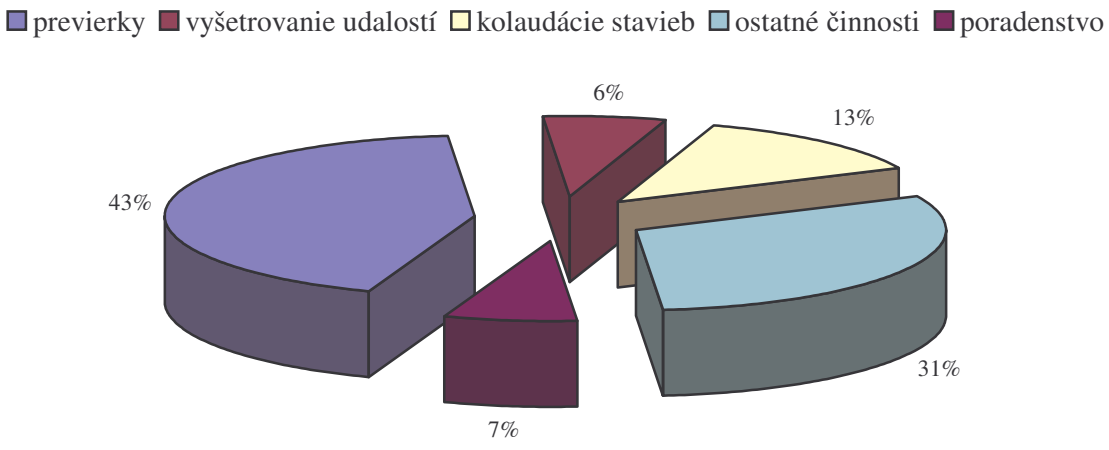
NACE (Branch of activities)	No. of employers

		No. of employees = 0	No. of employees = 1 - 9	No. of employees = 10 – 49	No. of employees = 50 - 249	No. of employees = 250 and more	Total
Agriculture, hunting and forestry	A	78	289	343	273	39	1 022
Fishing	B	1	1	1	0	0	3
Mining and quarrying	C	1	6	6	5	9	27
Manufacturing	D	436	1 456	1 503	832	328	4 555
Electricity, gas and water supply	E	28	42	39	70	53	232
Construction	F	340	743	589	221	50	1 943
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods	G	771	2 657	1 131	269	78	4 906
Hotels and restaurants	H	198	910	303	32	5	1 448
Transport, storage and communications	I	98	332	227	119	60	836
Financial intermediation	J	20	29	39	28	18	134
Real estate, renting and business activities	K	522	571	353	179	43	1 668
Public administration, and defence; compulsory social security	L	100	256	245	157	37	795
Education	M	99	114	318	269	20	820
Health and social work	N	27	82	98	107	65	379
Other community, social and personal service activities	O	158	335	208	92	17	810
Activities of households	P	0	0	0	0	0	0
Extra-territorial organisations	Q	2	3	3	1	0	9
Total		**2 879**	**7 826**	**5 406**	**2 654**	**822**	**19 587**

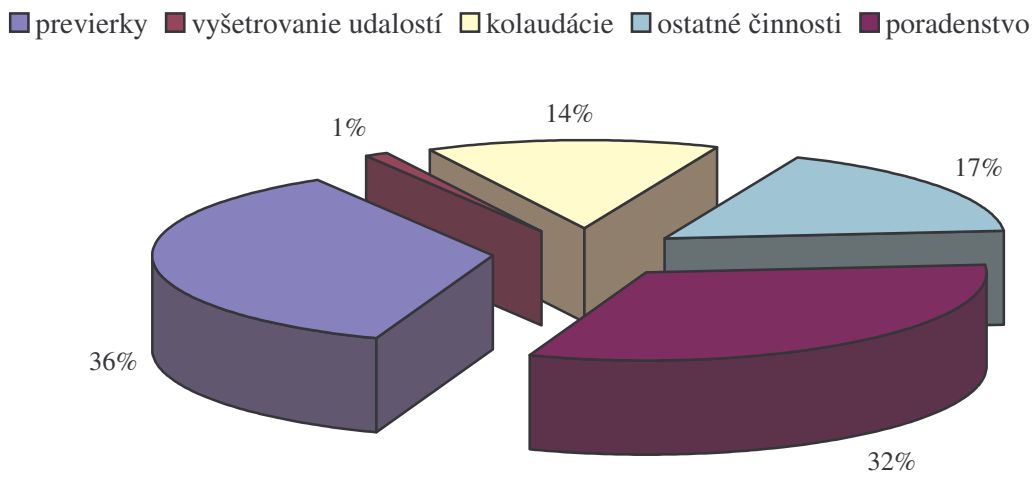
2. Categorization of labour inspection performances by time

(period from 1. 1. 2003 to 31. 12. 2004)

/previerky = inspections, vyšetrovanie udalostí = investigation of incidents, kolaudácie = granting occupancy permits, ostatné činnosti = other activities, poradenstvo = consultancy/



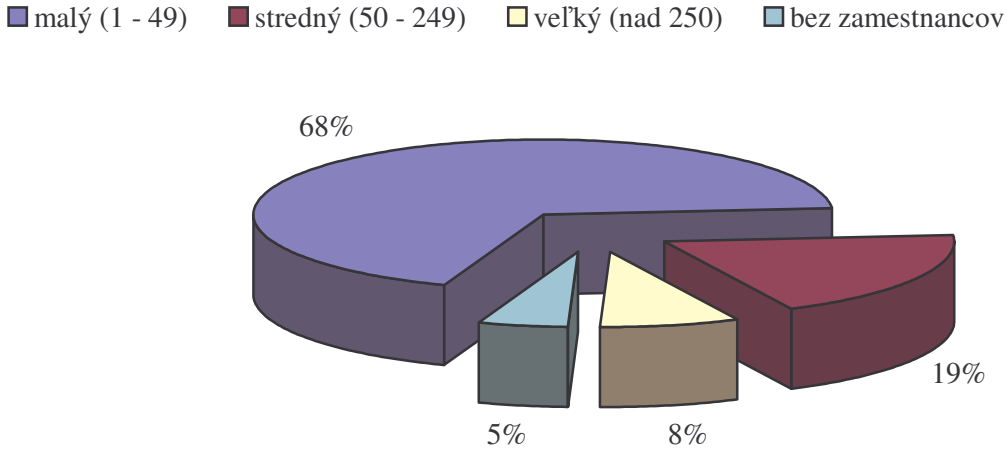
3. Categorization of labour inspection performances by type (orientation)
(period from 1. 1. 2003 to 31. 12. 2004)
/previerky = inspections, vyšetrovanie udalostí = investigation of incidents, kolaudácie = occupancy permit procedures, ostatné činnosti = other activities, poradenstvo = consultancy/



4. Identified flaws in the period from 1. 1. 2003 to 31. 12. 2004

NACE (branch activity) A - Q		Organisations by numbers of employees					
		0	1 - 9	10 – 49	50 - 249	250 and more	Total
Agriculture, hunting and forestry	A	182	1 651	3 571	2 945	288	8 637
Fishing	B	0	1	42	0	0	43
Mining and quarrying	C	0	26	35	23	15	99
Manufacturing	D	1 028	10 090	13 133	7 999	5 425	37 675
Electricity, gas and water supply	E	156	151	280	612	700	1 899
Construction	F	652	3 731	3 888	1 910	302	10 483
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods	G	1 472	11 086	6 944	2 074	608	22 184
Hotels and restaurants	H	329	3 892	1 695	159	4	6 079
Transport, storage and communications	I	169	1 718	1 450	952	336	4 625
Financial intermediation	J	44	144	202	81	29	500
Real estate, renting and business activities	K	797	2 261	1 877	1 152	240	6 327
Public administration, and defence; compulsory social security	L	373	1 322	1 594	934	121	4 344
Education	M	64	303	2 254	1 911	131	4 663
Health and social work	N	35	339	524	619	623	2 140
Other community, social and personal service activities	O	252	1 632	1 714	674	161	4 433
Activities of households	P	0	0	0	0	0	0
Extra-territorial organisations	Q	1	9	20	0	0	30
T o t a l		5 554	38 356	39 223	22 045	8 983	114 161

5. **Analysis of the number of flaws by the controlled subject size (number of employees)** (period from 1. 1. 2003 to 31. 12. 2004)
/malý = small, stredný = medium, veľký (nad 250) = large (above 250), bez zamestnancov = no employees/



6. Review of the most frequent violations of the Labour Code in link with the control of labour law relationships in the period from 1. 7. 2001 to 31. 12. 2001

Regulation title	*Provision*	*Contents of the obligation*	*No. of findings*
Labour Code 311/2001 Coll.	§ 43	Employment contract	77
Labour Code 311/2001 Coll.	§ 99	Records	227
Labour Code 311/2001 Coll.	§ 120	Minimum wage claims	324
Labour Code 311/2001 Coll.	§ 152	Boarding of employees	197
Labour Code 311/2001 Coll.	§ 226	Work performance agreements	150

RATIO OF EMPLOYEES COVERED BY THE VISITS

7. No. of employees in the controlled enterprises

NACE (branch activity) A - Q		No. of employees					
		No. of employees = 0	No. of employees = 1 - 9	No. of employees = 10 - 49	No. of employees = 50 - 249	No. of employees = 250 and more	Total
Agriculture, hunting and forestry	A	0	1 028	9 035	26 505	14 591	51 159
Fishing	B	0	2	23	0	0	25
Mining and quarrying	C	0	36	175	575	12 929	13 715
Manufacturing	D	0	6 358	33 015	92 349	269 557	401 279
Electricity, gas and water supply	E	0	148	926	9 523	72 234	82 831
Construction	F	0	2 946	12 242	23 778	27 092	66 058
Wholesale and retail trade, repair of	G	0	9 970	22 184	28 779	54 380	115 313

motor vehicles, motorcycles and personal and household goods							
Hotels and restaurants	H	0	3 505	5 514	3 048	2 143	14 210
Transport, storage and communications	I	0	1 321	4 937	13 770	113 511	133 539
Financial intermediation	J	0	125	959	3 353	21 500	25 937
Real estate, renting and business activities	K	0	1 989	7 936	18 744	23 671	52 340
Public administration, and defence; compulsory social security	L	0	1 319	5 387	17 536	33 768	58 010
Education	M	0	341	9 508	21 005	17 045	47 899
Health and social work	N	0	266	2 595	11 604	60 493	74 958
Other community, social and personal service activities	O	0	1 129	4 498	9 830	9 227	24 684
Activities of households	P	0	0	0	0	0	0
Extra-territorial organisations	Q	0	10	52	120	0	182
T o t a l		**0**	**30 493**	**118 986**	**280 519**	**732 141**	**1 162 139**

An inspection is carried out at least once in five years in all organisations of the Ministry of Defence and Ministry of Interior of the Slovak Republic. Regarding the latter, supervising activities are accomplished on the basis of annual plans, elaborated for the individual calendar years in accordance with the applicable Ministry of Interior regulation. Inspection orders are issued in each case of controlling of a budget authority or spending unit as identified in the respective order (there are 34 budget authorities and spending units in the Ministry department, founded by the Ministry according to Act No. 303/1995 Coll. on budgetary rules, as amended by later regulations). Assets of the Ministry's various budget authorities and spending units include 897 objects in the Slovak Republic where classified materials are handled. There were 15 inspections carried out in the years 2003-2004, and inspectors participated in 89 occupancy permit procedures, concerning SR Ministry of Interior structures in the whole SR territory. Labour inspectors requested the implementation of labour safety and health protection requirements and technical equipment safety requirements for 107 project designs, along with 123 essential requirements of Ministry of Interior construction sites. Furthermore, they verified and issued 103 professional qualification certificates to legal entities and natural persons, required for activities concerning the Ministry's technical equipment of its equipment and facilities.

Question B

Please describe the system of civil and penal sanctions guaranteeing the application of health and safety regulations and also provide information on violations committed:

a. the number of violations;
b. the sectors in which they have been identified;
c. the action, including judicial, taken in this respect.

Labour inspectorates are empowered to impose, in the sense of § 17 (1) of Act No. 95/2000 Coll., the following fines:

a) Up to 1 000 000 SKK upon employers for violation of obligations arising out of the aforesaid Act, of labour law provisions regulating mainly the commencement and termination of legal relations, of the working conditions of employees including those of women, adolescent workers and disabled persons, of legal and other regulations designed to ensure occupational safety and health and the safety of technical equipment, including regulations applying to factors of the working environment, of wage regulations or of

obligations derived from collective agreements; if an employee was fatally injured in consequence of such violation, then the fine is at least 100 000 SKK.
The fine may be increased up to its double amount for failure to meet the obligation to retain the workplace or parts thereof in their initial conditions until completion of the investigation or until their conditions at the time of execution of labour inspection could be documented or when measurements, checks, tests and/or other actions were ordered in order to carry out a labour inspection, for non-compliance with the obligation to eliminate flaws immediately upon identifying them or within determined deadlines, for violation of prohibited use of working and operational objects, structures, machines, equipment and other technical facilities, working procedures or materials and of the prohibition of executing activities and works directly threatening the safety and health of employees and of other persons present at the workplace or premises of the employer with knowledge of the latter, for violation of the instruction of persons present in premises posing a direct threat to their safety and health to immediately leave them, and for violation of the prohibition to use a motor vehicle in cases specified in separate legislation,

b) In the sum specified under (a) above upon the natural person who holds a business licence but is not an employer, for violation of the obligations arising out of the aforesaid Act and from legal and other regulations designed to ensure occupational safety and health and the safety of technical equipment, including regulations applying to factors of the working environment,

c) Up to three times the average monthly earnings upon managing employees when they culpably violated obligations arising out of labour law provisions, mainly those concerning the commencement, change and termination of legal relations, of the working conditions of employees including those of women, adolescent workers and disabled persons, of legal and other regulations designed to ensure occupational safety and health and the safety of technical equipment, including regulations applying to factors of the working environment, of wage regulations or of obligations derived from collective agreements, or when they issued instructions for such violation or concealed facts important for the execution of a labour inspection,

d) Up to 1 000 000 SKK upon the natural person or legal entity performing, without licence or certificate, an activity contingent upon issuance of a licence or certificate by the state administration body of competence in the field of labour inspection pursuant to this Act,

e) Upon natural persons for administrative infractions pursuant to special regulations.

The objective of sanctioning is to enforce fulfilment of the obligors´ duties derived from applicable regulations. It is therefore necessary to select the sanction (type, amount) which, all circumstances considering will ensure correction of the respective flaw as effectively as possible. While imposing the fine, the labour inspectorate shall take the gravity of identified flaws and of their consequences in account.

The imposition of fines upon managing employees does not relieve the employer of his responsibility for the same violation of obligations derived from this Act and from separate legislation.

The fine may be imposed within one year from the date of the inspection results protocol but not later than three years from the day when the employer, the natural person who holds a business licence but is not an employer, or the managing employee violated their respective obligations. No fine may be imposed when another fine or another proprietary sanction had already been validly imposed upon the employer, natural person who holds a

business licence but is not an employer, or managing employee for the same violation by a different authority pursuant to separate legislation; this does not apply to the imposition of a fixed penalty according separate legislation.

Procedural fines ranging from 500 SKK to 10 000 SKK may be imposed upon employees, employers, persons authorised to execute legal acts on behalf of an employer, or upon natural persons holding a business licence but who are not employers, for non-fulfilment, within a determined deadline, their statutory obligations, or for obstruction of the execution of a labour inspection; a fine may be imposed repeatedly, when the obligation concerned was not fulfilled even in a newly determined deadline. The labour inspectorate may impose the procedural fine within one year from the date of non-fulfilment of the obligation concerned. A procedural fine ranging from 500 SKK to 10 000 SKK may be imposed upon the natural person who is located at the employer's workplace and obstructs the execution of the labour inspection.

The implementation regime of sanctioning measures is derived from Act No. 95/2000 Coll. and other related acts: Act No. 71/1967 Coll. on administrative procedure, as amended by later regulations (Code of Administrative Procedure) and Act No. 372/1990 Coll. on infractions, as amended by later regulations. Based on the inspection results, the labour inspector submits a sanctioning proposal, showing the reasons for implementing the sanction, specifying the concrete violation of regulations and the proposed type (amount) of the sanction. The proposal is then evaluated by the commission which is a body advisory to the chief labour inspector. Subsequently, by the Commission's proposal, the chief labour inspector decides on imposition of the sanction.

The SR legal system enables judicial reviewing of decisions issued by labour inspection bodies on sanctioning measures.

Labour inspections found a total of 62 341 flaws found in the framework of 28 560 supervising inspections in the year 2004. In all flaws, industrial production had the largest share (32.17 %), followed with wholesale and retail (19.84 %). Highest incidence of flaws was found in the field of restricted technical equipment (17 035) and management of occupational safety and health (10 815), of which most (33 095) cases related to Act No. 330/1996 Coll. Non-compliance with the essential conditions of ensuring occupational safety and health, including the safety of technical equipment was found in 4 489 cases.

Measures toward the assurance of corrective measures and removal of flaws identified by labour inspection bodies were executed by the latter directly in the controlled subjects, by proposing technical, organisational and other measures required to improve the adverse findings and by ordering corrections within determined deadlines. In serious and unavoidable cases the inspectors, in order to protect life and health, prohibited the use of machines and technical equipment, production and operating premises, and/or further performance of work performed without a licence or in contradiction to regulations. In the year 2004 labour inspectors decided to close down machinery and equipment in 301 cases and of restricted technical equipment in 46 cases, respectively. In addition, they prohibited further use of 14 production and operating premises due to serious and dangerous deficiencies found therein, or to their state of grave disrepair. They prohibited the use of certain technologies or execute specific activities in 12 cases, and the performance of work, including overtime work and work without fulfilment of qualification or fitness requirements, in 249 cases. Furthermore, they withdrew two licences.

In consequence of the aforesaid serious violations of legal regulations detected in the year 2004, labour inspectorates validly imposed 672 fines to organisations in the total sum 21 029 100 SKK, 14 fines to individuals totalling 97 000 SKK, and 573 fixed-sum penalties totalling 250 800 SKK. The total sums paid to penalisation accounts of regional labour inspectorates reached 21 376 900 SKK.

Summary information about labour inspection subjects and cases of violation detected thereby in the years 2004 and 2003 is shown in the next table.

Number of subjects controlled by labour inspection bodies in the year 2004

LEGAL FORM OF THE SUBJECT	No. of subjects controlled					
	Distribution by numbers of employees in the controlled subject					
	0	**1 - 9**	**10 - 49**	**50 - 249**	**250 and more**	**Total**
Entrepreneur (natural person) not entered in the Commercial Register	901	2 271	619	59	4	**3 854**
Entrepreneur (natural person) entered in the Commercial Register	16	56	24	6	0	**102**
Independent farmer	14	30	5	0	0	**49**
Natural person - freelance worker (not within a trade)	13	60	21	1	0	**95**
Entrepreneur (natural person) -farmer	8	42	25	6	0	**81**
Entrepreneur (natural person) – freelance worker	8	14	4	0	0	**26**
Total, natural persons	**960**	**2 473**	**698**	**72**	**4**	**4 207**
Unlimited liability company	11	12	25	8	0	**56**
Limited liability company	180	1 582	1 633	719	155	**4 269**
Limited partnership company	1	1	2	9	3	**16**
Foundation	0	0	0	1	0	**1**
Non-profit organisation	3	8	6	6	3	**26**
Joint stock company	41	160	217	343	290	**1 051**
Cooperative	9	27	118	153	31	**338**
Land, apartment etc. owners´ associations	31	50	4	0	0	**85**
State enterprise	0	3	5	25	43	**76**
National Bank of Slovakia	1	0	0	1	2	**4**
Budget categories	3	20	227	205	24	**479**
Spending units	0	36	105	128	44	**313**
Funds	0	1	0	1	0	**2**
Public institutions	1	2	3	8	12	**26**
Alien persons	2	19	4	6	2	**33**
Social and health insurance agencies	2	0	0	5	1	**8**
Association (union, society...)	7	31	8	1	1	**48**
Religious organisations (churches)	7	13	2	3	1	**26**

Chamber (except for professional chambers)	0	0	1	0	0	**1**
Association of interest of legal entities	1	3	1	0	0	**5**
Municipality (municipal office), city (metropolitan office)	20	164	147	49	9	**389**
Regional and district office	0	0	1	0	3	**4**
Self-governing region (office of the self-governing region)	0	0	0	2	0	**2**
Others	135	3	6	2	0	**146**
T o t a l	**1 415**	**4 608**	**3 213**	**1 747**	**628**	**11 611**

Review of violations of regulations (flaws) by objects, identified by labour inspections in the year 2004, compared to the year 2003

CODE	Group of supervision	NO. IN THE YEAR		% compared 2004/2003
		2004	**2003**	
0100	Established working conditions	1 201	359	334.54
0200	Personal protective equipment	2 670	2 716	98.31
0300	Safety and health protection management	10 815	10 323	104.77
0400	Organisation of work	1 333	1 306	102.07
0500	Working environment	928	674	137.69
0600	Operating buildings and structures	8 447	7 381	114.44
0700	Material supply	17 035	14 324	118.93
0800	Other machinery and equipment	1 859	1 670	111.32
0900	Special machines and equipment	1 329	1 192	111.49
1000	Activities	1 493	1 581	94.43
1100	Collective agreements	59	70	84.29
1200	Labour law and wage regulations	15 172	10 184	148.98
T o t a l		**62 341**	**51 780**	**120.40**

Review of violations of regulations (flaws) by NACE (activity branches), identified by labour inspections in the year 2004, compared to the year 2003

Code	Branch (NACE)	NO. IN THE YEAR		% compared 2004/2003
		2004	**2003**	
A	Agriculture, hunting and forestry	4 962	3 656	135.72
B	Fishing	0	43	0.00
C	Mining and quarrying	80	50	160.00
D	Manufacturing	20 053	17 576	114.09
E	Electricity, gas and water supply	1 007	887	113.53
F	Construction	5 647	4 781	118.11
G	Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods	12 370	9 989	123.84
H	Hotels and restaurants	3 300	2 719	121.37
I	Transport, storage and communications	2 755	1 839	149.81
J	Financial intermediation	236	264	89.39

K	Real estate, renting and business activities	3 757	2 566	146.41
L	Public administration, and defence; compulsory social security	1 992	2 316	86.01
M	Education	2 673	1 981	134.93
N	Health and social work	1 357	776	174.87
O	Other community, social and personal service activities	2 140	2 290	93.45
P	Activities of households	0	21	0.00
Q	Extra-territorial organisations	12	26	46.15
T o t a l		**62 341**	**51 780**	**120.40**

Under Act No. 51/1988 Coll., Chief Mining Supervision bodies may impose fines up to 500 000 SKK upon organisations for violation of Act No. 44/1988 Coll. (Mining Act), as amended by later regulations, Act No. 51/1988 Coll., the implementing regulations of both Acts that regulate protection and exploitation of mineral deposits, operational safety, assurance of protected structures and interests from the effects of mining activities, the production and use of explosives in blasting works, pyrotechnics (fireworks), as well as for violation of other generally binding regulations applying to the protection of safety and occupational health, safety of technical equipment and fire protection, underground works and working conditions in organisations executing mining activities or other activities performed by mining methods, to the use of explosives for blasting, and to fireworks.

Bodies of the chief supervising authority may impose, by decision, fines up to 10 000 SKK to the employee of an organisation who culpably violated important duties derived from the aforesaid regulations or withheld facts of importance for the execution of the chief supervision.

Mining inspectors are empowered to impose fixed-sum penalties up to 500 SKK on the employee of an organisation who culpably violated obligations derived from regulations ensuring occupational safety, health and operational safety, or on the employee who, by his/her conduct, aggravated the execution of chief supervision by state mining authority bodies; the fine may be imposed also on other persons dwelling at workplaces of the organisation with consent of the latter.

Chief supervising authority bodies execute transgression proceedings in the field of protection and exploitation of mineral resources and of the use of explosives according to Act No. 372/1990 Coll.

By decisions of chief supervising authority bodies made in the year 2003, organisations were fined in 11 cases, and individuals in 4 cases; fixed-sum penalties were imposed in 50 cases, thus the total number of penalised transgressions reached 65. The corresponding cases in 2004 were as follows: organisations - 24 fines, individuals – 6 fines, fixed-sum penalties - 29 cases. In all, 59 transgressions were resolved.

Infractions have been detected in the field of exploitation of mineral deposits, activities performed by mining methods (§ 3 (b) to (i) of Act No. 51/1988 Coll.), the production and use of explosives in blasting works, and fireworks.

While imposing fines, the bodies of the Chief Mining Supervision proceed in accordance with internal methodological regulations on sanctioning. Based on the results of an inspection executed in the organisation, the inspectors specify the violation in the protocol and commence verbal proceedings in the case, allowing the fineable subject to offer comments, explanations, arguments and proposals, and finally proposing the sum of the fine. The proceeding is concluded by the decision on the imposition, which is challengeable with a remedial measure.

When the obligor failed to voluntarily fulfil the obligation specified in the decision, the chief supervising authority bodies are empowered to propose judicial enforcement or execution of the decision. In the period concerned there were no such actions taken in the field of the right to safe and healthy working conditions.

Fixed-sum penalties are imposable without further discussions, when the violation was reliably established and the employee prepared to pay the fine. Remedial measures against the imposition of such penalties are inadmissible.

In the period concerned, the department of the SR Ministry of Defence reported 1 329 violations in the field of occupational safety and health protection, established within 7 720 supervisory acts.

Question C

Please provide statistical information on occupational accidents, including fatal accidents, and on occupational diseases by sectors of activity specifying what proportion of the labour force is covered by the statistics. Please describe also the preventive measures taken in each sector.

The following tables show statistical information, characterizing the rate of working injuries and rate of occupational diseases in the individual sectors (the "NACE" classification system of economic activities by branches) in the Slovak Republic. The data show that highest incidence of working injuries appeared in the sector of agriculture, hunting and forest management. The review indicates a decreasing trend in the comparison of work injuries in the years 2003 and 2004. Similarly decreasing trends were observed in the second-highest risk sector, i.e. industrial production. Most statistical information characterizes the rate of accidents and of the incidence of occupational diseases as showing long-term improving tendencies, both in absolute and relative numbers, with exception of the "average duration of incapacity per injury at work" indicator, which points upon the increasing gravity of injuries at work. The statistical review applies to all employees covered by sickness insurance.

Preventive measures are ensured by the following methods:

- Targeted labour inspections at employers showing adverse results in the field of occupational safety and health, including the acceptance of corrective measures and monitoring their realisation by follow-up inspections,
- Regulating measures laid down in Act No. 330/1996 Coll., Act No. 272/1994 Coll. and in other legal regulations,
- By publishing information in the printed and electronic media, at professional seminars, conferences, training courses, by issuing accepted practice manuals, etc.

Based on analyses of the state of occupational safety and health, labour inspection bodies orient their controlling activities primarily in the branches (activity fields, enterprises) reporting higher incidences of work injuries and violations of legal regulations.

Table: **Injuries at work, 2003 – 2004**

Indicator	2003	2004
Total	**17 349**	**13 317**
Agriculture, hunting and forestry	2 027	1 272
Fishing	0	2
Mining and quarrying	626	470
Manufacturing	6 552	5 316

Electricity, gas and water supply	257	214
Construction	1 115	887
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods	966	773
Hotels and restaurants	145	72
Transport, storage and communications	1 003	803
Financial intermediation	60	83
Real estate, renting and business activities	382	339
Public administration, and defence; compulsory social security	3 068	2 210
Education	393	340
Health and social work	549	308
Other community, social and personal service activities	206	228
Activities of households	0	0
Extra-territorial organisations	0	0

Selected safety and health protection indicators by branches in the years 2003 – 2004

Branch of economic activities (NACE)	Average No. of sickness-insured employees, total (in thousands)		New reported work incapacity cases, caused by work injuries		Fatal work injuries in absolute numbers	
	2003	2004	2003	2004	2003	2004
A+B Agriculture, hunting and forestry; fishing	74.569	61.786	2 027	1 274	9	9
C+D+E Total industry (mining and quarrying; manufacturing; electricity, gas and water supply	462.737	423.691	7 435	6 000	16	22
F Construction	54.412	50.517	1 115	887	9	3
G Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods	101.285	98.098	966	773	8	3
H Hotels and restaurants	14.850	13.159	145	72	0	0
I Transport, storage and communications	113.739	104.201	1 003	803	12	7
J Financial intermediation	30.809	30.483	60	83	0	2
K Real estate, renting and business activities	66.737	69.260	382	339	3	2
L Public administration and defence; compulsory social security	815.838	897.714	3 068	2 210	36	28
M Education	141.791	141.492	393	340	1	2
N Health and social work	97.915	92.046	549	308	0	0
O Other community, social and personal service activities	37.062	36.901	206	228	0	1
Extra-territorial organisations and bodies	0.026	0.024	0	0	0	0
Total	2 011.770	2 019.372	17 349	13 317	94	79

Source: SR Statistical Office

Hazardous works were performed in 2003 in the Slovak Republic by 126 351 employees and in 2004 by 122 697 employees in total. The next table shows a review of the number of employees performing hazardous works, depending on the individual factors of work and working environment in the SR for the years 2003 and 2004 (source: Institute of Health Information and Statistics).

No. of employees performing hazardous works in the Slovak Republic in the years 2003 and 2004, by risk factor types and categories

Factor		Total number of exposed employees					
		2003			2004		
Code	*Designation*	*Cat. 3*	*Cat. 4*	***Total***	*Cat. 3*	*Cat. 4*	***Total***
P	Dust	24 872	5 600	**30 472**	24 218	5 194	**29 412**
H	Noise	73 413	15 443	**88 856**	72 967	14 679	**87 646**
V	Vibration	5 514	2 302	**7 816**	5 108	1 451	**6 559**
C	Chemical substances	13 234	1 558	**14 792**	12 486	1 485	**13 971**
K	Chem. Carcinogens	3 489	1 128	**4 617**	3 416	983	**4 399**
D	Dermatotrophic matl.	1 645	53	**1 698**	1 512	37	**1 549**
R	Ionizing radiation	9 525	106	**9 631**	9 262	79	**9 341**
J	One-sided overload	3 589	106	**3 695**	2 840	106	**2 946**
E	Electromag. radiation	0	7	**7**	93	7	**100**
L	Lasers	454	36	**490**	788	40	**828**
Z	Infrared radiation	201	0	**201**	197	0	**197**
I	Infections	5 610	2	**5 612**	5 319	0	**5 319**
A	Allergens	1 851	280	**2 131**	2 110	367	**2 477**
T	Increased air pressure	4	7	**11**	4	7	**11**
U	Elbow nerve pressure	363	0	**363**	275	0	**275**
N	Unspecified factors	3 971	807	**4 778**	4 443	818	**5 261**
Total		147 735	27 435	**175 170**	**145 038**	**25 253**	**170 291**

A new review of occupational diseases, professional intoxications and other health impairments in work, categorized by the branch-dependent classification of economic activities in the SR for the years 2003 and 2004 is available in the Institute of Health Information and Statistics, Bratislava).

Measures to be taken by instructions of health protection authorities to prevent and limit of the incidence of work-based diseases include, among others:

- Restriction of the effects of noxious factors and working environments upon employees,
- Prohibition of using health-threatening materials, products, tools, machines, equipment and technological processes,
- Prohibition of smoking at workplaces where smoking could increase health risks caused by factors of the working environment,
- Provision of protective beverages to employees where required in the interests of life and health protection.

Statistical data on injuries at work during mining works or activities performed by mining methods and on the number of occupational diseases recorded in the years 2003 (102) and 2004 (143) apply to the following total numbers of employees:

- In 2003: 10 465 employees.
- In 2004: 9 651 employees.

Instructions for implementing preventive measures are always issued in the course of investigations of serious work injuries, extraordinary events and/or routine workplace checks. The measures, locally specified in the form of binding orders of the mining inspector or by decision of the mining authority, are obligatory and enforceable.

The department of defence has been maintaining no complex statistical records, categorized by sector activities, of injuries at work and/or occupational diseases.

The Railway Police reported 17 service accidents with injury (including one woman) in the year 2004, resulting in 675 days of working incapacity. Compared to 2003, this was a reduction by 6 accidents. Indemnification in the total sum 109 447.50 SKK was provided to members of the Railway Police in connection with 20 service accidents in 2004.

In reply to request of ECSR for supplementary information:

1. Ad: Specific preventive measures in respect of the higher incidence of injuries at work in the sector of agriculture, hunting and forestry

Based on analyses of the state of occupational safety and health, measures taken toward improved prevention in the sectors reporting high incidence of work injuries and increased risks include the following:

- Labour inspection bodies and other state supervising authorities orient their controlling and advisory activities in a targeted manner to the branches (enterprises) reporting higher incidences of work injuries and violations of legal regulations,
- Compliance of employers with earlier corrective measures is monitored by follow-up inspections and supplementary supervising activities,
- Information is disseminated in printed and electronic forms, at professional seminars, conferences and educating courses,
- Issuance of accepted practice manuals in the field of protection of occupational safety and health.

Improved prevention in the field of occupational safety and health is supported also by the following new Acts:

- Act No. 124/2006 Coll. on occupational safety and health protection and on amending of certain Acts, adopted on 2 February 2006, with effective date 1 July 2006,
- Act No. 125/2006 Coll. on labour inspection and on amending and supplementing Act No. 82/2005 Coll. on illegal work and illegal employment, and on amending of certain Acts, adopted on 2 February 2006, with effective date 1 July 2006,
- Act No. 126/2006 Coll. on public health care and on amending of certain Acts, adopted on 2 February 2006, with effective date 1 June 2006.

The new Acts specified the detailed conditions of occupational safety and health and created certain new institutes, e.g. the concept of preventive and protective services which, on the strength of the Act on occupational safety and health protection, must be provided for by all employers; the quoted Act also specified the lowest acceptable number of safety engineers with professional responsibilities in the field of occupational safety and health in high-risk sectors (including, according to the Annex to the Act, agriculture and forestry); it established stricter conditions for the issuance of safety engineers´ certificates, etc.

2. Ad: Measures accepted to reduce the incidence of occupational diseases in the mining industry

Underground work in mines and activities performed underground by mining methods are inherently linked to adverse factors derived from difficult natural conditions, limited space, and the concentration of technical equipment. Inspecting bodies of the chief supervising authority controlling occupational safety and health order, in the form of binding instructions or decisions, the acceptance of measures specifically applicable to the workplaces concerned, as each of these exist in various natural and technical conditions, requiring different courses of action. The locally applicable measures, issued on the spot, are mandatory and enforceable. Binding instructions and decisions are issued for events as rock fall, ventilation, drainage, use of technical equipment, use of explosives, transport, drive of workings, exploitation, water inrush and mud burst prevention, etc.

Instructions to adopt measures of preventive nature are issued in any investigation of serious injuries at work, extraordinary events and routine workplace checks.

By operation of the amended Act No. 124/2006 Coll. on occupational safety and health protection and on amending of certain Acts (adopted on 2 February 2006, effective date 1 July 2006), mining of mineral raw materials was included in the category of increased-risk sectors, in consequence of which increased demands are established e.g. upon safety engineers and investigations of health damage cases, including occupational diseases. In addition, the Act newly regulates the concept of the occupational health service, comprising specialists – occupational physicians and paramedical staff members – providing professional assistance to employers toward reduction of the incidence of occupational diseases.

3. Ad: Entry of inhabited working areas by labour inspectors

According to § 2 (3) Act No. 95/2000 Coll. on labour inspection and on amending of certain Acts, as amended by later regulations, „Labour inspection is executed at all workplaces of employers and at all workplaces of natural persons who are entrepreneurs and are not employers“. Under § 13(2)(a) of the quoted Act the labour inspector performing the inspection is empowered „to freely and at any time enter workplaces subject to labour inspection and, to the extent inevitable, enter private land and roads as well“.

According to Act No. 455/1991 Coll. on trades, the entrepreneur (which includes self-employed persons) is obliged to specify in the trade certification application the address of operational premises of his/her trade. From this it follows that, when workplaces (i.e. areas used for purposes of work = operational premises) are situated on private premises, the labour inspector performing an inspection is empowered to enter such workplaces, including private land and roads, but only to the inevitable extent, while strictly observing the criteria specified in the Act.

Article 3, paragraph 3:

„With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Contracting Parties undertake:

3. to consult, as appropriate, employers´ and workers´ organisations on measures intended to improve industrial safety and health.“

Question:

Please indicate if consultations with workers´ and employers´ organisations are provided for in this connection by law, if they take place in practice and at what level (national, regional, at the sectoral or enterprise level).

The comprehensive evaluation of the institute - consultations with the social partners, applicable also to consultations in the field of occupational safety and health – is part of the reply to the question in Article 2 – Right to information and consultations – of the Additional protocol to the European Social Charter.

Consultations between the social partners are carried out at a national level within the tripartite Council of economic and social partnership, to which essential, conceptual and legislative materials from the social and other related spheres are submitted. The Council holds approximately 6 meetings each half-year, and its agreed working schedule is extendable as required. Consultations in the field of occupational safety and health are held on the prepared new legal regulations and on fundamental national documents in the occupational safety and health field.

Procedure applicable to the conclusion of corporate and higher-level collective agreements is specified in Act No. 2/1991 Coll. on collective bargaining, as amended by later regulations; the framework of collective bargaining includes occupational safety and health issues.

By the Government Resolution No. 838/2002 had been established in 2003 the Council for coordination of occupational safety and health as a body advisory to the SR Minister of Labour, Social Affairs and Family. The Council was established to coordinate activities of state authorities in the fields of occupational safety and health, preparation of relevant essential documents and evaluation of the national occupational safety and health policy. The Council is headed by the General Labour Inspector, and its membership comprises representatives of the SR Ministry of Labour, Social Affairs and Family, SR Ministry of Interior, SR Ministry of Defence, the National Labour Inspectorate, the SR Office of Public Health, of the academic community and of employers´ associations. Occupational safety and health issues are jointly discussed at meetings of the coordination council, the main activities of which include the following:

a) Identification of the essential occupational safety and health issues, initiation of their resolution and coordination of the activities of state authorities in the field of occupational safety and health while preparing essential documents, including legislative activities,

b) Evaluation of the national occupational safety and health policy, initiation of its creation and updating,

c) Issuance of proposals for orientation and coordination of the activities of state authorities in the field of occupational safety and health,

d) Proposition of measures to ensure compatibility with bodies and institutions in the field of occupational safety and health in the EU member states,

e) Proposition of important tasks for research workplaces,

f) Evaluation of education and training in the field of occupational safety and health, and proposition of improving measures.

The possibility of consultations and cooperation between employers and employees at enterprise level is generally regulated in the Labour Code. Specifically, consultations in the field of occupational safety and health management, control and improvement are regulated in Act No. 330/1996 Coll., while certain individual areas, e.g. safety and health aspects of using work aids, etc., are additionally governed by other legal regulations.

According to § 149 Labour Code, trade unions control the state of occupational safety and health affairs:

(1) At the employer with an established trade union organisation the latter body has the right to control the state of occupational safety and health. This right involves, in particular:

a) Checking, how the employer meets his obligations regarding care for safety and occupational health protection, and whether conditions are systematically generated for safe and healthy work,

b) Regular inspection of the employer's workplaces and equipment, checking the employer's management of personal work protection means,

c) Checking, whether the employer duly investigates the cause of work injuries, participating in the investigation of causes of work injuries and occupational diseases, and/or conducting own investigations,

d) Requiring employers to eliminate flaws in the operation of machinery and equipment,

e) Warning the employer about overtime and night-time work potentially threatening the safety and health protection of employees,

f) Participating in the discussion of occupational safety and health issues.

According to § 231 (1) of the Labour Code, trade union bodies conclude collective agreements with employers which, among others, regulate working conditions including wage conditions and conditions of employment, interrelationships between employers and employees, relations between employers or employers´ organisations on one hand, and one or more employees´ organisations more favourably in comparison with this Act or by another labour law regulation, unless expressly prohibited by this Act or by another labour law regulation or unless their provisions render deviations from them impracticable. Claims arising to individual employees from the collective agreement are implemented and satisfied similarly as other employee claims arising from employment. Contracts of service are deemed invalid in parts regulating employee claims to a lesser extent, compared to the collective agreement.

According to § 233 of the Labour Code:
„(1) Works council shall be a body, which represents all the employees of an employer.

(2) Works council may act at an employer, which employs at least 50 employees.

(3) At an employer, which employs less than 50 employees but more than five employees may operate a works trustee. The rights and duties of a works trustee shall be equal to the rights and duties of a works council.

A works council or a works trustee shall have the right to negotiate in the form of an agreement or in the form of granting previous consent pursuant to this Act only if the working conditions or conditions of employment by which negotiations with the works council or a works trustee are not arranged by a collective agreement.“.

Cooperation between the employer and employees at enterprise level is regulated in several provisions of Act No. 330/1996 Coll., according to which consultations in the enterprise are implemented either directly between employers and employees, or through employees´ representatives for safety a occupational health protection issues. Pursuant to § 10 (1) and (2) of the Act the employer, by proposal of the trade union organisation or of a selection made by employees appoints, from among the latter, one employees´ representative for safety and occupational health protection issues for more than 20 employees but not for more than 100 employees, in cases when the employer runs a minimum threat operation. According to § 11 of the Act the employer employing more than 100 employees establishes a Commission of occupational safety and health, as the employer's advisory body, for discussing all questions related to occupational safety and health and for seeking out and proposing suitable measures. According to § 8b (2) of the Act the employer provides information in the field of occupational safety and health to employees, to the competent trade union body and to the employees´ representatives for safety and occupational health protection issues.

Pursuant to § 8e of the Act No. 330/1996 Coll. the employer supports the participation of employees, of the competent trade union body and of the employees´ representative in the resolution of occupational safety and health problems and discusses with them occupational safety and health questions in advance, mainly by enabling them to make statements on the following:

a) Occupational safety and health policy and the implementation program;

b) Proposed selection of work equipment, technologies, labour organisation, working environment and workplace;

c) Proposed appointment of employees to resolve occupational safety and health tasks, including the specification of these tasks;

d) Assessment of risks and determination / execution of protective measures, including the provision of personal protective equipment and means of collective protection;

e) Past injuries at work, occupational diseases and health damages occurring within employers´ premises, including the investigation results and proposed measures;

f) Method and extent of providing information to employees, employees´ representatives and to employees assigned to technical safety service tasks;

g) Assurance of technical safety service tasks;

h) Planning and execution of the information of employees in the sense of § 8b, including training of the employees´ representatives.

Pursuant to § 14 (3)(a) of the Act No. 330/1996 Coll., employees have the right to discuss all occupational safety and health issues relating to their work with the employer. When necessary, they may, by mutual agreement, invite experts in the given field to participate in the discussion.

Labour inspectorates, according to § 2 of Act No. 95/2000 Coll., provide to employers, employees and to natural persons who are licensed to undertake business activities but are not employers, free consultancy to the extent of essential professional information and advices about the most effective methods of attaining compliance with the regulations within their material responsibilities (labour law regulations, mainly regulating the inception, change and termination of legal relationships, the working conditions of employees, including those of women, adolescents and disabled persons, legal regulations and other regulations designed to ensure occupational safety and health and the safety of technical equipment, including those regulating factors of the working environment, wage regulations and commitments derived from collective agreements). Labour inspectorates at regional levels provide consultancy to employers, either at the inspectorates or through labour inspectors directly at the workplaces of the individual employers.

Employees´ representatives for safety and occupational health protection issues are entitled to submit commentaries and proposals to labour inspection bodies (§ 10 (3)(f) of Act No. 330/1996 Coll.).

Labour inspectors executing their duties, mainly when discussing the protocol or record of the labour inspection at an employer, request the presence of his employees´ representative for safety and occupational health protection issues and of the trade union representative (when established) at the discussion (§ 14 (2)(e) of Act No. 95/2000 Coll.).

Specific duties of the employer relating to protection of occupational health, which include instructions and information of employees and of the employees´ representatives on dangerous agent, related to work, specific measures executed in the interests of protection of health from these factors (chemical, carcinogenic, mutagenic, biological factors, noise, vibration, asbestos) are laid down in Act No. 272/1994 Coll. The contents and forms of providing information applicable to the individual factors to employees and to the employees´ representatives are elaborated in the implementing regulations to the Act.

In practice, such cooperation between the employer and employees´ representatives proceeds mainly at enterprise level, and at departmental level where representatives of employees´ organisations (trade union associations) exchange information and cooperate with representatives of employers´ associations in the improvement of safety and health protection conditions at workplaces.

Based on mutual agreement with the Slovak Chamber of Mines and with the SR Trade Union Association of workers in the mining, geological and oil industries, the Chief Mining Office and regional mining offices provide consultancy in the field of chief supervision, mainly on the preparation and/or amendment of mining regulations. On the strength of SR Government Resolution No. 270, dated 14. 12. 1987, projected into the organisational rules of the Chief Mining Office, chief supervision bodies offer free advice to natural persons and legal entities on safety at work in the interests of increased safety of mining operations, technical-operational prevention, and efficiency of measures accepted to prevent emergencies and injuries at work.

Advisory activities in the Ministry of Defence sector have been executed in compliance with Act No. 95/2000 Coll. on labour inspection and on amending of certain Acts. Consultancy on occupational safety and health, established working conditions and the operation of restricted technical equipment is provided without limitations by the Chief

Military Inspector, occupational safety and health inspectors, chief testing commissioners and testing commissioners.

Occupational safety and health consultancy in the sector of the Ministry of Interior has been provided by labour inspectors to employers, police officers, soldiers and other MI employees within 1 814 consultations, and 4 statements were prepared to the rules of occupational safety and health.

Information on the situation and level of collective bargaining in the department of transport, including the Railway Police, and on the fulfilment of collective agreements is discussed within departmental tripartite negotiations. Meetings have been held in regular intervals, at least three times in the year according to the Agreement on cooperation in the realisation of economic and social partnership. Social partners within the department agreed controlling mechanisms in the collective agreements.

Legislation regulating the field of occupational safety and health consultations and controlling compliance therewith fully applies to civil servants. According to § 118 of Act No. 312/2001 Coll., all service offices are obliged, among others, to hold advance discussions with the competent trade union body on measures proposed for creating conditions for proper execution of civil service. The service office provides the necessary information, consultancy and documentation to the competent trade union body for the purpose, and takes its position in account.

Statistical tables under Article 3

Share of individual groups of causes in total number of fatal work-related accidents from organisations falling under the main supervision of state mines administration from 1996 to 2004

Code	Group of causes (classification based on Decree of the Slovak Occupational Safety Office and the Slovak Mining Office no. 483/1990 Coll.)	1996	1997	1998	1999	2000	2001	2002	2003	2004
I.	Transport equipment	2	1	1	1	0	0	3	0	0
II.	Lifting and moving equipment and lifting and moving aids	0	0	1	0	0	0	0	0	1
III.	Machinery - driving, support, cutting and working	0	0	0	1	0	0	0	0	0
IV.	Work or road transport areas where persons fall	0	0	0	0	1	0	1	0	0
V.	Materials, loads, subjects	2	3	2	0	2	4	0	0	3
VI.	Equipment tools, manually controlled machinery and instruments	1	0	2	0	0	0	0	0	0
VII.	Harmful industrial materials, hot substances and items, fire and explosives	1	0	1	0	0	0	0	0	0
VIII.	Boilers, containers and pipelines under pressure	2	0	1	0	0	0	0	0	0
IX.	Electricity	0	0	0	0	0	0	0	1	0
X.	People, animals and natural forces	0	0	0	0	0	0	0	0	0
XI.	Other causes	0	0	0	0	0	0	0	0	0
	Total	**8**	**4**	**8**	**2**	**3**	**4**	**4**	**1**	**4**

Data source: Local mining offices

Share of individual groups of causes in total number of serious work-related accidents

from organisations falling under the main supervision of state mines administration from 1996 to 2004

Code	Group of causes (classification based on Decree of the Slovak Occupational Safety Office and the Slovak Mining Office no. 483/1990 Coll.)	1996	1997	1998	1999	2000	2001	2002	2003	2004
I.	Transport equipment	1	2	0	1	1	0	1	0	0
II.	Lifting and moving equipment and lifting and moving aids	0	2	0	0	0	2	2	0	2
III.	Machinery - driving, support, cutting and working	0	0	0	1	0	1	0	0	1
IV.	Work or road transport areas where persons fall	1	0	1	1	1	0	0	0	0
V.	Materials, loads, subjects	1	2	5	2	3	2	2	1	0
VI.	Equipment tools, manually controlled machinery and instruments	0	2	0	2	1	0	0	0	0
VII.	Harmful industrial materials, hot substances and items, fire and explosives	1	0	0	0	0	1	0	1	0
VIII.	Boilers, containers and pipelines under pressure	2	0	0	0	0	0	0	0	0
IX.	Electricity	0	3	0	0	1	0	0	0	0
X.	People, animals and natural forces	0	0	0	0	0	0	0	0	0
XI.	Other causes	0	0	0	0	0	0	0	1	0
	Total	**6**	**11**	**6**	**7**	**7**	**6**	**6**	**3**	**3**

Data source: Local mining offices

Share of individual groups of causes in total number of fatal work-related accidents from organisations falling under the main supervision of state mines administration from 1996 to 2004

Code	Group of causes (classification based on Decree of the Slovak Occupational Safety Office and the Slovak Mining Office no. 483/1990 Coll.)	1996	1997	1998	1999	2000	2001	2002	2003	2004
1.	Defective or poor condition of the cause of the accident	1	0	1	0	0	0	1	0	0
2.	Defective or inadequate condition of equipment and protection	1	1	0	0	0	0	1	0	0
3.	Missing (or not provided) inadequate or inappropriate personal protective work equipment	0	0	0	0	0	0	0	0	0
4.	Poor condition or defective arrangement of workplace or communication	0	0	0	0	0	0	0	0	0
5.	Inadequate lighting, visibility, negative effects of sound, vibration and harmful air conditions	0	0	0	0	0	0	0	0	0
6.	Incorrect organisation of work	1	0	1	0	0	1	0	0	1
7.	Unfamiliarity with safe working conditions and lack of the necessary qualifications	0	0	0	0	0	0	0	0	0
	Total causes for which employer bears responsibility (codes 1 to 7)	**3**	**1**	**2**	**0**	**0**	**1**	**2**	**0**	**1**
8.	Use of dangerous procedures or working practices including unauthorised practices	4	2	1	2	2	1	1	1	2
9.	Removal or non use of required safety equipment and protective measures	0	0	0	0	0	0	0	0	0
10.	Non-use (incorrect use) of required and assigned personal protective equipment (instruments)	0	0	0	0	0	0	0	0	0
	Total causes for which the injured party bears responsibility (codes 8 to 10)	**4**	**2**	**1**	**2**	**2**	**1**	**1**	**1**	**2**
11.	Threats by other persons (distractions, jokes, arguments and other dangerous behaviour)	0	0	0	1	0	0	0	0	1
12.	Inadequate personal ability to carry out work correctly	0	1	2	0	1	1	0	0	0
13.	Threats by animals or natural forces	0	0	0	0	0	0	0	0	0
14.	Unidentified causes	1	0	3	0	0	1	1	0	0
	Total other causes (11 to 14)	**1**	**1**	**5**	**1**	**1**	**2**	**1**	**0**	**1**
	Total	**8**	**4**	**8**	**3**	**3**	**4**	**4**	**1**	**4**

Data source: Local mining offices

Share of individual groups of causes in total number of serious work-related accidents from organisations falling under the main supervision of state mines administration from 1996 to 2004

Code	Group of causes (classification based on Decree of the Slovak Occupational Safety Office and the Slovak Mining Office no. 483/1990 Coll.)	1996	1997	1998	1999	2000	2001	2002	2003	2004
1.	Defective or poor condition of the cause of the accident	1	3	1	1	1	0	2	0	0
2.	Defective or inadequate condition of equipment and protection	0	1	1	0	0	0	0	1	0
3.	Missing (or not provided) inadequate or inappropriate personal protective work equipment	0	0	0	0	0	0	0	0	0
4.	Poor condition or defective arrangement of workplace or communication	0	0	0	1	1	0	0	0	0
5.	Inadequate lighting, visibility, negative effects of sound, vibration and harmful air conditions	0	0	0	0	0	0	0	0	0
6.	Incorrect organisation of work	0	0	0	0	1	1	0	0	0
7.	Unfamiliarity with safe working conditions and lack of the necessary qualifications	0	0	0	0	1	0	0	0	0
	Total causes for which employer bears responsibility (codes 1 to 7)	**1**	**4**	**2**	**2**	**4**	**1**	**2**	**1**	**0**
8.	Use of dangerous procedures or working practices including unauthorised practices	3	6	2	1	2	3	1	2	3
9.	Removal or non use of required safety equipment and protective measures	0	0	0	0	0	0	0	0	0
10.	Non-use (incorrect use) of required and assigned personal protective equipment (instruments)	0	0	0	0	0	0	0	0	0
	Total causes for which the injured party bears responsibility (codes 8 to 10)	**3**	**6**	**2**	**1**	**2**	**3**	**1**	**2**	**3**
11.	Threats by other persons (distractions, jokes, arguments and other dangerous behaviour)	0	0	0	1	0	0	2	0	0
12.	Inadequate personal ability to carry out work correctly	2	0	2	3	1	1	1	0	0
13.	Threats by animals or natural forces	0	0	0	0	0	0	0	0	0
14.	Unidentified causes	0	1	0	0	0	1	0	0	0
	Total other causes (11 to 14)	**2**	**1**	**2**	**4**	**1**	**2**	**3**	**0**	**0**
	Total	**6**	**11**	**6**	**7**	**7**	**6**	**6**	**3**	**3**

Data source: Local mining offices

Share of individual groups of causes in total number of other work-related accidents from organisations falling under the main supervision of state mines administration from 1996 to 2004

Code	Group of causes (classification based on Decree of the Slovak Occupational Safety Office and the Slovak Mining Office no. 483/1990 Coll.)	Počet								
		1996	1997	1998	1999	2000	2001	2002	2003	2004
I.	Transport equipment	46	54	41	44	42	29	19	20	22
II.	Lifting and moving equipment and tools for lifting and moving	29	28	22	17	19	14	10	8	11
III.	Machinery - driving, support, cutting and working	41	64	31	19	20	25	19	13	9
IV.	Work or road transport areas where people fall	293	315	245	226	185	182	163	184	115
V.	Materials, loads, subjects	689	645	655	574	496	452	445	384	289
VI.	Equipment tools, manually controlled machinery and instruments	146	86	84	77	81	63	45	41	66
VII.	Harmful industrial materials, hot materials and items, fire and explosives	20	27	26	19	12	22	10	15	14
VIII.	Boilers, containers and pipelines under pressure	15	2	5	3	9	3	5	5	5
IX.	Electricity	6	2	2	2	1	7	1	1	1
X.	People, animals and natural forces	9	0	7	5	1	3	5	3	2
XI.	Other causes	17	40	26	9	21	26	19	20	12
	Total	1 311	1 263	1 144	995	887	826	741	694	546

Data source: Local mining offices

Share of individual groups of causes in total number of other work-related accidents from organisations falling under the main supervision of state mines administration from 1996 to 2004

Code	Group of causes (classification based on Decree of the Slovak Occupational Safety Office and the Slovak Mining Office no. 483/1990 Coll.)	Number								
		1996	1997	1998	1999	2000	2001	2002	2003	2004
1.	Defective or poor condition of the cause of the accident	72	69	74	37	45	28	33	20	13
2.	Defective or inadequate condition of equipment and protection	4	8	1	1	0	0	0	0	3
3.	Missing (or not provided) inadequate or inappropriate personal protective work equipment	0	0	0	0	0	0	0	0	3
4.	Poor condition or defective arrangement of workplace or communication	11	7	10	11	17	2	1	4	6
5.	Inadequate lighting, visibility, negative effects of sound, vibration and harmful air conditions	0	1	1	0	0	0	0	0	0
6.	Incorrect organisation of work	6	5	0	3	3	1	1	0	3
7.	Unfamiliarity with safe working conditions and lack of the necessary qualifications	1	1	1	1	0	0	1	0	0
	Total causes for which employer bears responsibility (codes 1 to 7)	**94**	**90**	**87**	**53**	**65**	**31**	**36**	**24**	**28**
8.	Use of dangerous procedures or working practices including unauthorised practices	334	245	279	279	209	196	191	182	116
9.	Removal or non use of required safety equipment and protective measures	7	11	1	2	2	1	0	0	0
10.	Non-use (incorrect use) of required and assigned personal protective equipment (instruments)	5	6	8	5	3	4	4	2	4
	Total causes for which the injured party bears responsibility (codes 8 to 10)	**346**	**262**	**288**	**286**	**214**	**201**	**195**	**184**	**120**
11.	Threats by other persons (distractions, jokes, arguments and other dangerous behaviour)	5	6	4	0	3	3	8	3	15
12.	Inadequate personal ability to carry out work correctly	824	838	682	624	570	560	474	449	359
13.	Threats by animals or natural forces	22	47	45	22	11	12	4	5	3
14.	Unidentified causes	20	19	38	10	24	19	24	31	21
	Total other causes (11 to 14)	**871**	**910**	**769**	**656**	**608**	**594**	**510**	**488**	**398**
	Total	**1 311**	**1 263**	**1 144**	**995**	**887**	**826**	**741**	**694**	**546**

Data source: Local mining offices

ARTICLE 4: THE RIGHT TO A FAIR REMUNERATION

Article 4 (1)

"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,

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

Question A

Please state what methods are provided and what measures are taken to provide workers with a fair wage, having regard to national living standards and particularly to the changes in the cost of living index and in national income.[12]

The Minimum Wage Act and the implementing regulation of the Government guarantee employees in employment relationship the wage at least in the amount of the minimum wage. The level of the minimum wage for each hour that an employee works and the level of the minimum monthly wage for an employee paid a monthly wage is increased annually from 1 October according to the results of negotiations between representatives of the state, employers and employees. The trilateral negotiations at a national level concern the coefficient used to determine the level of the monthly minimum wage in SKK as a product of the coefficient and the level of the average nominal monthly wage for employees in the economy of the Slovak Republic as determined by the Statistical Office of the Slovak Republic. The negotiations to propose and agree the coefficient are based mainly on the development of the average, nominal, net and real wage in the national economy for the preceding calendar year (or for a number of preceding calendar years), the development of GDP, the development of labour productivity from GDP, the development of consumer prices, the development of employment and the development of the level of the subsistence minimum for adult natural persons. The coefficient is agreed every year with accuracy to two decimal places to allow for growth in the cost of living and the corresponding increase in the subsistence minimum for adult natural persons i.e. so that the level of the minimum monthly wage calculated using this coefficient is greater than the amount set as the subsistence minimum for an adult natural person plus the corresponding amount of income tax and contributions for compulsory health insurance, social insurance and old age pension insurance.

If the social partners do not agree on a coefficient by 31 July of the relevant calendar year, the government shall decide on the level of the minimum wage.

The level of the minimum wage for each hour of work by an employee is proportionally adjusted to the level of the minimum monthly wage calculated on the basis of the coefficient.

Act No. 90/1996 Coll. on the minimum wage as amended by later regulations governs the provision of the minimum wage to employees in employment relationship or a similar labour relation.

§ 2 sets the level of the minimum wage
a) for each hour worked by an employee in SKK,

[12] If your country has accepted Article 16, there it is no need to give information here concerning family allowances, etc.

b) per month in SKK for employees paid a monthly salary,
c) 75% of the amounts stated in sub-paragraphs (a) and (b) for an employee who is a recipient of partial invalidity pension and adolescent employees over 16 years of age,
d) 50% of the amounts stated in sub-paragraphs (a) and (b) for an employee who is a recipient of invalidity pension, an employee with an invalidity under 18 years of age and an employee under 16 years of age.

The minimum wage for each hour worked is set for employees whose set weekly working time is 40 hours. If an employee's set weekly working time according to § 85 of the Labour Code is fewer than 40 hours, the amount of the minimum wage for each hour worked shall increase proportionately.

Where employees are paid a monthly wage and have agreed reduced weekly working time pursuant to § 49 of the Labour Code or has not worked all working days in the month, they are entitled to the minimum wage corresponding to the time worked.

Pursuant to § 3 of Act No. 90/1996 on the minimum wage as amended by later regulations, if an employee's wage for the calendar month is below the level of the minimum wage, the employer provides the employee with a supplement amounting to the difference between the wage earned and the level of the minimum wage.

An employee whose wage is paid over a longer period than a month receives the supplement as an advance and the supplement is then deducted on payment the stated wage or part thereof for the period preceding this payment. If necessary, the employer will agree additional conditions for the payment of the advance in the collective agreement. For members of cooperatives in which labour relations are a condition of membership according to its statutes, such an adjustment may be arranged by resolution of a members' meeting.

The specific amount of employees' wages in the business sphere is the subject matter of collective bargaining at sectoral and company levels, or the amount of the employee's wages is agreed with the employer in the employment contract in accordance with § 43 (1) (d) of the Labour Code. When negotiating on an increase in individual wage components and annual increases in the average wage for an employer organisation the rise in living costs in the previous period are also taken into consideration.

In the public sector expenditure on employee salaries depends on the resources available in the state budget. The government of the Slovak Republic sets the level of employee salary for the performance of work in the public interest annually based on Act No. 553/2003 Coll. on the remuneration of certain employees at performing work in public interest as amended by later regulations by means of a Government Regulation taking effect from the date and at a level determined by the percentage increase in pay rates agreed in the higher level collective agreement. The same procedure applies to civil service employees.

The remuneration of professional soldiers is governed by Act No. 380/1997 Coll. on the financial affairs of members of the armed forces as amended by later regulations. With effect from 1 September 2005, the remuneration of professional soldiers is governed by the provisions of Title 8 of Act 346/2005 Coll. on the civil service of professional soldiers in the armed forces of the Slovak Republic and change and addition to certain acts as amended by Act No. 570/2005 Coll.

Act No. 73/1998 Coll. on civil service of members of the Police Force, the Slovak Information Service, Judiciary Guard and the Prison Wardens Corps and the Railway Police as amended by later regulations (hereinafter only "the act on civil service of policemen ") governs the remuneration of members of Police Force, the Slovak Information Service, the Judiciary Guard and Prison service of the Slovak Republic and the Railway Police (hereinafter only "policemen ")

The remuneration of customs officers is governed by Act No. 200/1998 Coll. on civil service of customs officers and on amendment of certain Acts as amended by later regulations.

The remuneration of judges and probationers is governed by Act No. 385/2000 Coll. on judges and assessors and on amendment of certain acts as amended by later regulations.

The remuneration of prosecutors and probationary prosecutors is governed by Act No. 154/2001 Coll. on Prosecutors and Probationary Prosecutors as amended by later regulations.

Question B
Please specify if these include methods for fixing minimum wage standards by law or collective agreements.

The minimum wage is set by the single Act No. 90/1996 Coll. on the minimum wage and a new level of the minimum wage is set every year as of 1 October through government implementing regulations. Under this act in sectoral and company level collective agreements may be agreed a higher minimum wage than that which is given in the relevant government regulation.

Because sectoral collective agreements do not cover all groups of employees in the so-called business sphere, in particular employees of employers where union organisations do not operate, the state implements a special procedure for protecting the wage level of these employees. § 120 of the Labour Code lays down minimum wage rates in 6 levels for this group of employees depending on criteria of complexity, responsibility and the demands that the work imposes on the worker.

§ 1 of Government Regulation No. 428/2005 Coll. effective from 1 October 2005 stipulates:
"The level of the minimum wage shall be:
a) SKK 39.70 for each hour worked by an employee;
b) SKK 6 900 per month in for employees paid a monthly salary."

Relevant legal regulations:

1. § 119 of Act No. 311/2001 Coll., the Labour Code, as amended:

(1) Wages must not be lower than the minimum wage determined by special regulation. (The Minimum Wage Act).

(2) Wage conditions shall be agreed by the employer and the competent trade union body in a collective agreement, or with the employee in the employment contract. For members of cooperatives in which employment relations are a condition of membership

according to its statutes, wage conditions may be arranged by resolution of a members' meeting.

2. § 2 Act No. 90/1996 Coll. on the minimum wage as amended by later regulations

(1) The level of the minimum wage is

a) SKK 39.70 for each hour worked by an employee,

b) SKK 6 900 per month in for employees paid a monthly salary,

c) 75% of the amounts stated in paragraphs (a) and (b) for an employee who is a recipient of partial invalidity pension and adolescent employees over 16 years of age,

d) 50% of the amounts stated in paragraphs (a) and (b) for an employee who is a recipient of invalidity benefit, an employee with an invalidity under 18 years of age and an employee under 16 years of age.

(2) The minimum wage for each hour worked is set for employees with set weekly working time of 40 hours. If the set weekly working time according to § 85 of the Labour Code are less than 40 hours, the amount of the minimum wage for each hour worked increases proportionately.

(3) If an employee is paid a monthly salary and has agreed shorter weekly working hours or has not worked all working days in the month, they are entitled to the minimum wage corresponding to the time worked.

3. § 120 of the Labour Code – Minimum wage claims:

(1) Where remuneration of employees is not concluded in the collective agreement, an employer shall be obliged to provide employees with a wage, at least in the amount of the minimum wage claim determined for the degree of work difficulty (hereinafter referred to as "degree") pursuant to the pertinent work post. Where the wage of an employee does not in a calendar month with calculation of worked hours, reach the amount of the minimum wage claim, the employer shall provide the employee with a supplementary pay in the amount of the difference between the actual wage earned and the minimum wage claim determined for the degree pursuant to the pertinent work post.

(2) Wages for overtime work (§ 121), wage surcharge for work on a public holiday (§ 122), wage surcharge for night work (§ 123), and wage surcharge for work in a constrained and health detrimental working environment (§ 124) shall not be included in wages under paragraph (1). The hours of overtime work shall not be include in the calculation of worked hours according to paragraph (1).

(3) A work post pursuant to paragraph (1) shall be the total of working activities that an employee performs pursuant to the employment contract. An employer in accordance with paragraph (1) shall be obliged to designate a degree to each work post, in compliance with the characteristics of difficulty degree of work posts as stipulated in the annex.

(4) The rates of minimum wage claims for the relevant degree shall be a multiple of the minimum wage set by the special regulation for a fixed weekly working time of 40 hours and the index of the minimum wage:

Degree	Multiple of minimum wage
1	1.0
2	1.2
3	1.4
4	1.6
5	1.8
6	2.0

(5) Upon determining a weekly working time pursuant to § 85 for less than 40 hours, the hour-rates of minimum wage claims shall increase commensurately.

4. Governmental Regulation No. 428/2005 Coll. on minimum wage.

Question C

Please indicate what proportion of wage-earners are without protection in respect of wages, either by law or collective agreement.

Every one who is employed in a employment relationship, service relation state employee relationship in the territory of the Slovak Republic has legal protection through the provisions of the relevant acts guaranteeing the level of wages or salaries through provisions of a collective agreement, in which it is possible to agree more favourable wage claims. Only citizens carrying out activities under work performance agreement or an agreement on temporary job of students are exempt from legal or contractual protection.

Question D

Please provide information on:

- *national net average wage[13] (i.e. after deduction of social security contributions and taxes[14]);*
- *national net minimum wage if applicable or the net lowest wages actually paid (i.e. after deduction of social security contributions and taxes).[15]*

Please provide information, where possible, on:

- *the proportion of workers receiving the minimum wage or the lowest wage actually paid (after deduction of social security contributions and taxes);*
- *the trend in the level of the minimum net wage and/or lowest wage actually paid compared to national net average wage and all available studies on this subject.*

The average gross monthly nominal wage according to statistical survey was SKK 14

[13] In principle the net average wage should be the overall average for all sectors of economic activity. The average wage may be calculated on an annual, monthly, weekly, daily or hourly basis. Wages cover remuneration in cash paid directly and regularly by the employer at the time of each wage payment. This includes normal working hours, overtime and hours not worked but paid, when the pay for these latter are included in the returned earnings. Payments for leave, public holidays and other paid individual absences may be included insofar as the corresponding days or hours are also taken into account to calculate wages per unit of time.

[14] The net wage (average and minimum) should be calculated for the standard case of a single worker. Family allowances and social welfare benefits should not be taken into account. Social security contributions should be calculated on the basis of the employee contribution rates laid down by law or collective agreements etc. and withheld by the employer. Taxes are all taxes on earned income. They should be calculated on the assumption that gross earnings represent the only source of income and that there are no special grounds for tax relief other than those associated with the situation of a single worker receiving either the average wage or the minimum wage. Indirect taxes are thus not taken into account.

[15] The net minimum wage should be given in units of time comparable to those used for the average wage.

365 in 2003 and SKK 15 825 in 2004. A total of 4.85% of employees received SKK 6 000 or less in 2003 and in 2004 the proportion was 3.81% of employees. The largest proportion of employees with such a wage worked in the other societal services sector. The proportions, especially in the lower bands, are influenced by the inclusion of part time workers, who receive a monthly wage commensurately lower due to their reduced weekly working time. In total, around 63.4% of employees worked in the band to SKK 16 000 in 2004.

The average net monthly wage (after the deduction of insurance contributions and income tax payments) for a single employee in 2003 was SKK 11 355 (around 79% of gross wage) and SKK 12 380 in 2004 (around 78.2 % of gross wage). More detailed breakdowns of employees in the bands for gross and net average wages for 2003 and 2004 by sector are given in the annex to this article (data source: Trexima, s.r.o. and the Statistical Office of the Slovak Republic).

Data from the statistical sample survey "Wage structure for employees in SR" (prepared from a sample of around 1/3 of all employees):

2003

Gross monthly wage (full time employees)

According to the statistical survey "Wage structure for employees in SR in 2003" carried out by the Statistical Office of the Slovak Republic, the gross average wage was SKK 15 359 in 2003. 4.85% earned a gross monthly wage of SKK 6 000 or less (the proportion of full time employees was 2.82%). 65.82% earned less than SKK 15 000 and 70.73% of employees earned less than SKK 16 000.

The median average monthly wage was SKK 12 469. 13.17% of employees had low wages (under 60% of the median – the Eurostat method). 67.67% of the total number of employees earned less than the average for the survey of SKK 15 359.

	to 30.9.2003	from 1.10.2003	Average
Minimum wage in 2003:	SKK 5 570	SKK 6 080	SKK 5 698
% employees below minimum wage:			
Full and part time total	3,37 %	3,76 %	5,19 %
Full time employees	1,56 %	1,88 %	3,11 %

Net monthly wage (full and part time employees)

In 2003, the average net monthly wage (after deduction of income tax and contributions to insurance funds) was SKK 12 011, which represents 78.20% of the gross average monthly wage. 11.34% of employees earned a net monthly wage of SKK 6 000 or less. 65.82% had net wages less than SKK 12 000 and 70.73% of employees had net wages below SKK 13 000.

2004

Gross monthly wage (full and part time employees)

According to the statistical survey "Wage structure for employees in SR in 2004" carried out by the Statistical Office of the Slovak Republic, the gross average wage was SKK 17 042 in 2004. 3.81% of employees earned a gross monthly wage of SKK 6 000 or less (the proportion of full time employees was 1.35%). 67.92% earned less than SKK 17 000 and 71.80% of employees earned less than SKK 18 000.

The median average gross monthly wage was SKK 13 544. 14.07% of employees had low wages (under 60% of the median - the Eurostat method). 68.09% of the total number of employees earned less than the average for the survey of SKK 17 042.

	to 30.9.2004	from 1.10.2004	Average
Minimum wage in 2004:	SKK 6 080	SKK 6 500	SKK 6 185
% employees below min. wage:			
Full and part time total	4,03 %	4,34 %	5,43 %
Full time employees	1,52 %	1,76 %	2,67 %

Net monthly wage (full and part time employees)
In 2004, the average net monthly wage (after deduction of income tax and contributions to insurance funds) was SKK 13 361, which is 78.40% of the gross average monthly wage. 6.76% of employees earned a net monthly wage of SKK 6 000 or less. 66.52% had net earnings less than SKK 13 000 and 72.18% of employees had net earnings below SKK 14 000.

Selected results from the survey of employee wage structure in SR:
2003
Average gross monthly wage in SR - SKK 15 359

Classification	minimum (SKK / emp.)		maximum (SKK / emp.)	
employment (main cat.)	support and unqualified emp.	8 840	legislators, managers	34 443
Education	completed elementary	10 406	scientific qualification	24 810
Age	under 19	8 606	over 60	18 561
Region	Prešov	12 696	Bratislava	20 256
Sector	hotels and restaurants	10 895	financial mediation	27 194
Type of ownership	cooperative	12 001	int. with maj. priv. sector	22 183
Legal form	Church organisation	8 720	foreign entity	26 808

Average net monthly wage in SR – SKK 12 011

Classification	minimum (SKK / emp.)		maximum (SKK / emp.)	
employment (main cat.)	support and unqualified emp.	7 272	legislators, managers	24 784
Education	completed elementary	8 461	scientific qualification	18 421
Age	under 19	7 036	over 60	13 705
Region	Prešov	10 163	Bratislava	15 339
Sector	hotels and restaurants	8 788	financial mediation	20 028
Type of ownership	cooperative	9 627	int. with maj. priv. sector	16 743
Legal form	church organisation	7 106	foreign entity	19 593

Structure of the average gross monthly wage in SR

	total		Men		Women	
	SKK	%	SKK	%	SKK	%
gross wage breakdown:	15 359	100	17 706	100	12 899	100
basic wage	9 804	63,8	10 893	61,5	8 662	67,2
supplements	1 235	8,0	1 514	8,6	943	7,3

bonuses	1 654	10,8	2 224	12, 6	1 058	8,2
refund of wages	1 934	12,6	2 198	12,4	1 658	12,8
other wage components	731	4,8	877	4,9	578	4,5

Selected results from the survey of employee wage structure in SR: 2004

Average gross monthly wage in SR - SKK 17 042

Classification	minimum (SKK / emp.)		maximum (SKK / emp.)	
employment (main cat.)	support and unqualified emp.	9 446	legislators, managers	39 452
Education	Elementary	11 622	Higher – level 2	27 378
Age	under 19	8 951	55 - 59	18 522
Region	Prešov	13 497	Bratislava	22 589
Sector	hotels and restaurants	12 355	financial mediation	32 589
Type of ownership	cooperative	11 974	int. with maj. priv. sector	25 473
Legal form	church organisation	9 665	joint stock company	19 346

Average net monthly wage in SR – SKK 13 361

Classification	minimum (SKK / emp.)		maximum (SKK / emp.)	
employment (main cat.)	support and unqualified emp.	7 894	legislators, managers	30 386
Education	Elementary	9 446	Higher – level 2	21 061
Age	under 19	7 469	55 - 59	14 425
Region	Prešov	10 778	Bratislava	17 444
Sector	hotels and restaurants	9 910	financial mediation	24 993
Type of ownership	cooperative	9 683	int. with maj. priv. sector	19 610
Legal form	church organisation	8 059	joint stock company	15 046

Structure of the average gross monthly wage in SR

	total		Men		Women	
	SKK	%	SKK	%	SKK	%
gross wage breakdown:	17 042	100	19 700	100	14 256	100
basic wage	10 858	63,7	12 153	61,7	9 500	66,6
supplements	1 379	8,1	1 666	8,4	1 078	7,6
Bonuses	1 905	11,2	2 518	12, 8	1 262	8,9
refund of wages	2 063	12,1	2 338	11,9	1 775	12,4
other wage components	837	4,9	1 024	5,2	641	4,5

According to information from the Statistical Office of the Slovak Republic, the development of the gross and net average wage since 1998 has been as follows:

Year	Average monthly **gross wage** for employees in SKK	Index **gross wage**		Average monthly **net wage**[x)]	**index**
		Nominal	Real		
1998	10 003	109,6	102,7	7 662	**.**
1999	10 728	107,2	96,9	8 207	107,1
2000	11 430	106,5	95,1	8 881	108,2

2001	12 365	108,2	101,0	9 694	109,2
2002	13 511	109,3	105,8	10 620	109,6
2003	14 365	106,3	98,0	11 233	105,8
2004	15 825	110,2	102,5	12 407	110,5
2005	17 274	109,2	106,3	13 526	109,0

x) The net wage of an employee in the economy of the Slovak Republic was calculated based on the net wage's percentage share of the gross wage according to annual results of a statistical sample survey on the wage structure of employees and quarterly data according to the quarterly results of a sample study of labour prices (information system on labour prices)

The average net wage in national economy and the net minimum wage calculated for one employee and the proportion to average net wage in the national economy in the years 2002 to 2005:

Indicator	2002	2003		2004		2005
	actual	actual	index	actual	index	actual
Average net wage for an employee in the economy of SR for the year (SKK)	10 829	11 355	105,05	12 380	109,03	13 526
Net minimum monthly wage for an employee from 1.10 in the year (SKK)	4 694	5 095	108,54	5 629	110,48	5 975
Ratio of the net minimal wage and the net average wage (in %)	43,3	44,9	103,46	45,47	101,27	44,17

The Ministry of Labour, Social Affairs and Family of the Slovak Republic is of the opinion that in the Slovak Republic needs to be maintained a slower tempo in increasing the ratio of the gross monthly minimum wage for employees to the average nominal wage for employees in the economy of the Slovak Republic. A sharp increase in the payroll burden of employers, especially small and medium enterprises, would cause an increase in unemployment, especially in regions with a high level of unemployment. It would also reduce the competitiveness of small businesses in particular. The level of the minimum wage also affects the state budget and an increase in the minimum wage would not lead to an increase in the productivity of work at the level of the national economy.

Indicator	2003	2004	2005	index	
	actual	actual	actual	04/03	05/04
1. GDP – constant prices (in SKK billion) [1)]	783,4	826,5	867,0	105,5	104,9
2. GDP – current prices (in SKK billion) [1)]	1201,2	1325,5	1429,8	110,3	107,9
2.a GDP (constant prices) for one worker in the economy of SR in (ths. SKK) [1)]	386864,2	407082,7	424064,6	105,2	104,2
2.b GDP (current prices) for one worker in the economy of SR in (ths. SKK) [1)]	593 185,2	652859,2	699339,7	110,1	107,1
3. Average gross nominal wage for an employee in the economy of SR (SKK)	14 365,0	15 825,0	17 274,0	110,2	109,2
4. Average net wage for an employee in the economy of SR (SKK)	11 355,0	12 380,0	13 526,0	109,0	109,2
Average real monthly wage in the economy of SR (SKK) [1)]	14 049,0	14 400,0	15 307	102,5	106,3
6. Gross minimum monthly wage (SKK)	6 080,0	6 500,0	6 900,0	106,9	106,1

7. Net minimum monthly wage (SKK)	5 095,0	5 629,0	5 975,0	110,5	106,1
8. Consumer price index (%)[1)]	108,5	107,5	103,3	-	-
9. Subsistence minimum for adult natural persons (SKK)	4 210,0	4 580,0	4 730,0	108,8	103,3
10. Average number of persons employed in the economy of SR (thousand persons)	2 025,0	2 030,3	2 044,5	100,3	100,7
11. Average rate of unemployment LFS (%)	17,4	18,1	16,2	-	-
12. Average rate of registered unemployment (%)	15,2	14,3	11,6	-	-

Source: Statistical report of SR SO on the basic development trends in the SR economy for 2004
Statistical data on the rate of unemployment, Centre of Labour, Social Affairs and Family
Internal calculations of SR MLSAF.

[1)] situation expected for 2005: SR MF Prognosis for the years 2006 to 2010.

Article 4 (2)

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

2. to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;

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

Question A

Please mention what provisions apply according to legislation and collective agreements as regards overtime pay, the method used to calculate the increased rates of remuneration and the categories of work and workers to which they apply.
Please specify what provisions apply in respect of overtime pay on Saturdays, Sundays and other special days or hours (including night work).

Relevant legal regulations:

1. § 121 of the Labour Code - Wage for overtime work:

(1) Upon performance of overtime work, an employee shall be entitled to wages attained together with a wage surcharge of at least 25% of his or her average earnings. If an employer agrees with an employee on the taking time-off for a period of overtime work, the employee shall be entitled to an hour of time-off for each hour of overtime work; in such a case, he or she shall not be entitled to a wage surcharge. If the employer does not provide the employee with substitute time-off over a period of three months or other agreed period after performance of overtime work, the employee shall be entitled to the wage surcharge pursuant to the first sentence.

(2) An employer may agree with the employee that in the amount of wages shall be taken into account the possibility of overtime work, at most however to a total of 150 hours annually. With an executive employee who is in the direct managing competence of a statutory body and an executive employee who is in a direct managing competence of this executive employee, an employer may agree that in the amount of wages shall be taken into account the possibility of agreed overtime work. In these cases, the employee shall not be entitled to a wage for overtime work, including wage surcharges for overtime work pursuant to paragraph (1), and may not have substitute time-off for this period.

2. § 19 Remuneration for overtime work Act No. 553/2003 Coll. on the remuneration of certain employees at performing of work in public interest, as amended by later regulations:

(1) For each hour of overtime work, employees are entitled to the hourly rate of their functional pay plus 30%, and, if they work overtime on a day of continuous rest, plus 60% of the hourly rate of functional pay. If an employer has agreed with an employee on the taking of substitute time-off for a period of overtime work, the employee shall be entitled to an hour of substitute time-off for each hour of overtime work; in such a case, the employee shall not be entitled to a wage supplement pursuant to the first sentence. If the employer does not provide the employee with substitute time-off over a period of three months or another agreed period after performance of overtime work, the employee shall be entitled to the wage supplement pursuant to the first sentence.
(2) If an employee carries out overtime work during the night, on Saturday, Sunday or a public holiday, they are entitled to supplements pursuant to §s 16 to 18. They are entitled to these supplements even if they receive substitute time-off in return for their overtime work.
(3) The functional pay of a managing employee who acts as a statutory body takes overtime work into consideration.

3. § 93 Pay for Overtime Civil Service, Act No. 312/2001 Coll. on civil service

(1) If pursuant to § 1 a state employee is not given alternative time off as remuneration for overtime in civil service, he or she is entitled, for each our of such service, to the relevant part of his or her functional pay at the time of doing overtime in civil service plus 30% and, if overtime takes place on a day of continuous rest, plus 60%.

(2) If overtime work in civil service is carried out at night, on Saturday, on Sunday or on a public holiday, state employees are entitled to supplementary payments pursuant to §§ 86 to 88. They are entitled to these supplements even if substitute time-off is provided in return for the overtime civil service.

(3) The functional pay of an executive in a political function or the chairperson of a service office takes possible overtime work in civil service into consideration.

4. Act No. 73/1998 Coll. on civil service of members of the Police Force, the Slovak Information Service, the Judiciary Guards and Prison Wardens Corps **the Railway Police** (regulating the right to increased remuneration for the performance of civil service in excess of the basic weekly duty as follows):

§ 98 – Supplement for the performance of civil service in excess of the basic weekly service
(1) If a police officer performs civil service in excess of the basic weekly service, he or she is entitled to a payment supplement for each hour of such work consisting of a proportional part of the service pay in force at the time of the performance of service increased by 20%, or by 50% if the work is performed on a day when off service.
(2) Police officers are not entitled to receive payment for the performance of civil service in excess of the basic weekly service if they have agreed with their senior officer that they will receive substitute time-off. The senior officer must provide substitute time-off within 60 days of the end of this service.
(3) If civil service in excess of the basic weekly service is carried out at night, on Saturday, on Sunday or on a public holiday, police officers are also entitled to supplementary payments pursuant to § 99 to 101. They are entitled to these supplements even if substitute time-off is provided in return for civil service in excess of the basic weekly service.

§ 99 – Supplement for civil service at night
Police officers are entitled to a supplement of 25% of the corresponding part of pay for each hour of civil service at night

§ 100 – Supplement for civil service on Saturday and Sunday
Police officers are entitled to a supplement of 30% of the corresponding part of service pay for each hour worked on Saturday and Sunday.

§ 101 - Supplement for civil service on public holidays
Police officers are entitled to a supplement amounting to the corresponding part of service pay for each hour worked on a public holiday.

5. Act No. 200/1998 Coll. on the civil service of customs officers and changes and additions to certain acts as amended – remuneration for work performed in excess of basic weekly duty is governed by § 91 to 94:

§ 91
(1) If customs officers perform civil service in excess of the basic weekly service, they are entitled to a payment amounting to the relevant part of their service pay plus 20% and, if overtime takes place on a day of continuous rest, plus 50%.
(2) Customs officers are not entitled to receive payment pursuant to para. 1 for the performance of civil service in excess of basic weekly service if they have agreed to accept substitute time-off. Their senior officer must provide substitute time-off within 60 days of the end of this service.
(3) If civil service in excess of the basic weekly service is carried out at night, on Saturday, on Sunday or on a public holiday, customs officers are also entitled to supplementary payments pursuant to §§ 92 to 94. They are entitled to these supplements even if substitute time-off is provided in return for civil service in excess of basic weekly service.

§ 92
Customs officers are entitled to a supplement of 25% of the corresponding part of service pay for each hour of civil service at night

§ 93
Customs officers are entitled to a supplement of 30% of the corresponding part of service pay for each hour worked on Saturday and Sunday.

§ 94
Customs officers are entitled to a supplement of 25% of the corresponding part of pay for each hour of civil service at night

6. Act No. 385/2000 Coll. on judges and assessors and on amendmet of certain acts as amended by later regulations

§ 40 (1) – Standby duty and overtime performance of function

(1) In order to ensure that the tasks of the court under relevant regulations are carried out, judges must be on call as required and also perform overtime service during the time that they are on call in accordance with the work schedule. Judges who work overtime in the performance of their function are entitled to substitute time-off.

§ 76 Payment for overtime work in performing the function of a judge

If judges do not receive substitute time-off for overtime work in the performance of their function, they are entitled to 1/165 of his or her function pay increased by 20% or by 50% if the overtime work is performed on a Saturday, Sunday or public holiday for each hour of the performance of his or her function.

7. Act No. 154/2001 Coll. on prosecutors and probationary prosecutors as amended by later regulations

§ 101
Payment for overtime work in the performance of function

(1) Prosecutors are entitled to substitute time-off by agreement with the chief prosecutor for each hour of overtime work in the performance of function. For each hour of substitute time-off taken, prosecutors are entitled to refund of wages amounting to 1/165 of their functional pay.

(2) Prosecutors who do not receive substitute time-off for overtime work in the performance of their function within the following calendar month are entitled to the following for each hour of overtime work in the performance of their function
a) 1/165 of their functional pay plus 20%,
b) 1/165 of their functional pay 50% if the overtime work in performance of function takes place on a day of continuous rest.
(3) In addition to the substitute time-off or pay stated in pursuant 2, prosecutors are entitled to the supplements listed in §§ 110 to 112 for overtime work in the performance of function carried out on public holidays, on Saturday, Sunday or at night.
(4) The provisions of paras 1 to 3 shall not apply to the chairpersons of service offices; the level of their functional pay already allows for possible performance of overtime work.

§ 110 – Supplement for performing service duties on a public holiday

Prosecutors are entitled to a supplement amounting to 1/165 of their functional pay for each hour of performance of service duties on a public holiday.

§ 111 - Supplement for performing service duties on Saturdays and Sundays

Prosecutors are entitled to a supplement amounting to 30% of the amount of 1/165 of their functional pay for each hour of the performance of service duties on a Saturday or Sunday.

§ 112 - Supplement for performing service duties at night

Prosecutors are entitled to a supplement amounting to 25% of the amount of 1/165 of their functional pay for each hour of the performance of service duties on a Saturday or Sunday.

Question B

Please mention any special cases for which exceptions are made.
Please indicate, where appropriate, whether measures permitting derogation from legislation in your country regarding daily and weekly working hours (see Article 2 (1)) have an impact on remuneration or compensation of overtime.

Employees are not entitled to wage and wage surcharge or substitute time-off if their wages already take into account the possible overtime work (§ 121 of the Labour Code). Under this provision it is possible to take into account the possible overtime work of at most 150 hours per year; all agreed overtime work in excess of 150 hours entitles the employee to wage and wage surcharge for overtime work. An employer may agree with an executive employee who is in the direct managing competence of a statutory body and an executive employee who is in a direct managing competence of this executive employee that in the amount of wages shall be taken into account the possibility of agreed overtime work in the maximum possible amount, i.e. 400 hours per year.

Since 1 July 2003 (when the amendment of the Labour Code came into force) such an agreement on wage conditions can be made only in employment contracts. The possibility that the inclusion of overtime work in to the wage could be agreed in a collective agreement

was removed in order to strengthen the priority of individual negotiations on wage conditions. At the same time the above mentioned limits on the maximum number of hours of overtime work that can be taken into account within one year was introduced in order to limit the abuse of this option.

Employees are not entitled to wage and wage surcharge for overtime work if they do not work on the employer's premises but carry out work for the employer at home or in another agreed location during working time that they themselves arrange but subject to conditions agreed in an employment contract (Home employee – § 52 of the Labour Code).

In the case of police officers and customers officers no exceptions are given. Every police officer or customs officer that performs service in the stated conditions is entitled to increased remuneration or supplements.

In reply to the supplementary questions of the ECSR on Article 4 paragraph 2 the previous information shall be updated as follows:

The objective of the provisions of § 121 (2) of the Labour Code is to simplify the procedure for remunerating employees in the event of potential overtime i.e. if there is need for overtime work that could not be predicted in advance. If an employer wanted to use this provision to take into account regularly occurring overtime arising in the work organisation (e.g. if an employee regularly has to perform extraordinary work on a rest day once a month), such employers action would contravene the Labour Code.

It would also contravene the Labour Code if an employer made a formal agreement that wage amount allowed for a certain number of hours of overtime but the actual wage did not include any component allowing for this and the employees were paid at the minimum rate guaranteed by the Labour Code. This has been included in the directions given to the labour inspectorate carrying out inspections of compliance with labour-law regulations.

In response to the ECSR request for an explanation based on specific examples we state:

- An employer with foreign participation in the mechanical engineering industry makes use of the possibility to allow for overtime work in the wage (i.e. contractual wage) of managers only. When setting an appropriate supplement to the agreed wage, the employer took as a starting point the number of hours overtime worked in the previous year, which amounted to 15 hours per month. The original wage was increased in proportion to this amount and new wage conditions were agreed with the managers in their employment contracts; the wage levels of employees of this employer are above the average in the Slovak Republic;
- Employment contracts of an employer in the insurance industry include wage allowing for possible overtime work for employees from wage grade 4. For example, an employee in the position of an assessor in the wage grade 6 has contractually agreed wage amounting to SKK 15 000. The contractual wage allows for possible overtime work during the employee's regular working day. Overtime work at night or on rest days entitled the employee to wage plus wage surcharge; the work of an assessor corresponds to the characteristics of the third level of work difficulty, for which the law guarantees a wage amounting to SKK 55.60 per hour (around SKK 9 670 per month);

- An employer in the textile industry allows for overtime work only in the employment contracts of managers to the third level of management (Level 1 – general director, Level 2 – directors of specialised divisions, Level 3 – heads of sections within the business) and only 24 out of 140 employees have such wage agreements (17%); The basic wage of employees with this form of contractually agreed wage is on average 40% higher than the wage of the highest paid employee whose wage conditions do not allow for overtime work;
- An employee in the mining industry has a collective agreement allowing the employment contracts of managers to have possible overtime work allowed for in their wage conditions. The agreed wage conditions may not be worse than the employee would be entitled to under the collective agreement. Example: The wage range within which the basic wage is agreed is 14 150 to 18 450; if an employee agrees to wage conditions allowing for overtime work, the wage level is agreed within the range 18 450 to 24 750;
- a public institution agrees contractual wage with directors of sections; the wage of these managers is incomparably higher than the wage of other employees who receive wage plus wage surcharge for overtime work;
- An employer in the chemical industry agreed in its collective agreement that the contractual wage of employees in wage grades 11 and 12 would allow for overtime wage and wage surcharge for potential overtime up to 150 hours per year. Contractual wage ranged from 21 000 to around 23 000; the highest paid employee without contractual wage earned SKK 19 560;
- An emergency services operator made employment contracts with its employees giving a basic wage of SKK 53 per hour allowing for overtime work up to 150 hours. The legal entitlement for this sort of work is SKK 42.40 per hour; The agreed hourly rate is 25 % higher than what the Labour Code guarantees as a minimum.

The specific example solutions given above were acquired in a quick survey of selected organisations. Our experience shows that the institution of contractual wage is used mostly for managers where greater freedom is supposed in scheduling work without fixed working time. As a rule, the agreed contractual wage of managing employees is much higher than the wage of the highest classified subordinate employee.

Article 4 (3)

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

3. to recognise the right of men and women workers to equal pay for work of equal value;

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

Question A

Please indicate how the principle of equal pay for work of equal value is applied; state whether the principle applies to all workers.[16]

The right to fair remuneration for work performed to secure a dignified standard of living (i.e. for both women and men) is guaranteed by § 36 (a) of the Constitution of the Slovak Republic, The right enshrined in the Constitution is implemented through laws regulating the remuneration of individual groups of employees in employment relationship and certain other persons with similar labour relations.

[16] The term "equal pay for work of equal value" in this Form is to be understood in terms of ILO Convention No. 100 (Equal Remuneration), Article 1.

Pursuant to 13 (1) of the Labour Code, an employer must ensure that relations with employees under labour law are in accordance with the rules for equal treatment set for the area of labour law relations by a special Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and on amendment of certain acts (the Anti-discrimination Act).

Pursuant to 6 (1) of this act, in conformity with the principle of equal treatment, all discrimination is prohibited in labour-law relations, similar labour relations and related legal relations on grounds of sex, religion or belief, race, national or ethnic origin, disability, age and sexual orientation.

In accordance with § 119 (3) of the Labour Code, wage conditions must be equal for men and women without any discrimination on grounds of sex. Women and men are entitled to equal wages for work of an equal level of complexity, responsibility, and difficulty, performed under the same working conditions and upon achievement of the same efficiency and work results.

§ 3 (2) and (3) of the Civil Service Act state that the rights set by the act apply equally for all citizens on entry into civil service and during the performance of civil service, without regard to sex, race, skin colour, language, religion or belief, political or other conviction, national or social origins, national or ethnic origin, property or other status.

State employees who assume that they have suffered damage as a result of a breach of the rights stated above may recourse their rights through a competent body or before the courts. In proceedings before a competent body or court, the service office shall show that these rights were not breached.

The relations under labour law of employees performing work in the public interest are governed by the provisions of the Labour Code and the Anti-discrimination Act mentioned above (including the right of women and men to equal pay for work of an equal level of complexity, responsibility, and difficulty, performed under the same working conditions and upon achievement of the same productivity and work results. Labour-law relations of employees performing work in the public interest are labour-law relations of employees performing public service pursuant to § 3 (1) of the Labour Code.

According to a statistical survey of the structure of employees wages in the Slovak Republic in 2003 and 2004, there continues to be an imbalance in the remuneration of men and women to the disadvantage of women of around 25%. In 2003, the average monthly wage of women was 72.9% of average monthly wage; in 2004 in the same comparison it was 72.4% (source: Structure of wages in the Slovak Republic 2003 and Structure of wages the Slovak Republic 2004, SR SO).

Differences in remuneration are greater in the private sector and tend to increase with the level of education achieved. One of the causes is continuing gender segregation in the labour market. In the Slovak Republic, lower wage is characteristic precisely of those sectors and professions in which women predominate. In the feminised sectors, wage is at or below average for the Slovak economy. The greatest differences between men's and women's wage are as a rule in the financial and insurance sectors. This applies even though they are sectors in which a large majority of employees are women (over 70%).

These differences are due to a number of reasons. Apart from the influence of various employment structures for women and men, the difference is also the result of greater representation of men in management positions, where wage is higher, motherhood and care for children, which affects the career progress of women, and therefore also their wage level, the greater amount of overtime work amongst men than women, the shorter weekly working time that is typical for women and so on. For example, in 2004, the ratio of women's to men's wage calculated for one hour of work was 76.34%, but while for full time work it was 76.29%, but for employees with shorter working time it was 90.07%.

The gradual reduction and elimination of inequality in remuneration is one of the objectives of cooperation between the Family and Gender Politics department of the SR Ministry of Labour Social Affairs and the Family and the Commission for Equal Opportunities for Women and Men of the SR Confederation of Trade Unions. Its output is an annual seminar for representatives of union organisations, employers and experts in gender equality, whose objective is to remove discrimination against women in the working process, including inequalities in remuneration.

The seminars have also proposed directions for future activities in cooperation with employers. The seminars track overall improvements in the situation with regard to the removal of sex discrimination in remuneration and advocate the inclusion of these issues in collective agreements. Representatives of the National Labour Inspectorate (NLI) whose duties include carrying out inspections in this area also take part in the seminars, but he results of their inspections demonstrate the complexity of revealing unequal remuneration and latent discrimination.

The National Labour Inspectorate ensures that the rules are followed by monitoring compliance with them through planned activities that cover the whole territory of Slovakia. NLI carries out these activities under resolution of the SR government 232/2001 on the proposed Concept for Equal Opportunities of Women and Men. Within the framework of measures and recommendations for applying equal opportunities in the labour market NLI cooperates with the Federation of Employers' Associations of the Slovak Republic and the SR Confederation of Trade Unions to achieve the implementation of equal remuneration of women and men for the same work and work of equal value, and to inspect compliance with this principle. Every year on 30 April, NLI submits its calculation of the fulfilment of the government resolution The labour inspectorate first carried out inspections pursuant to the provisions of § 2 (1) (a) of Act No. 95/2000 Coll. on labour inspection and on amendments of certain acts in 2002.

For example, NLI's work plan for 2004 included the following tasks in this area at the national level:

- No. 04 105 Inspection of labour law relations in private security services;
- No. 04 106 Inspection of labour law relations for employees in the area of road transport;
- No. 04 107 Inspection of labour law relations in the area of trade and services,

Another type of activity that the National Labour Inspectorate carries out in cooperation with the regional labour inspectorates is dealing with citizens' (employees') complaints of breaches of the Anti-discrimination Act, which took effect on 1 July 2004.

The assessment of the situation with regard to the detection of incidents of discrimination in the remuneration of men and women and adherence to equal pay conditions is problematic, even though assessment tried to focus on equivalent occupations performed by both male and female employees. The reason is that the question of the value of work makes it difficult to prove a breach. Inspections in this area have many special requirements and there is a need for a strong legislative background. In this case such a background does not exist because the issue of discrimination is not the most important life-or-death issue in the labour market. The lack of jobs makes people desperate for work of any kind.

In informal conversations employees did not refer to the existence of discrimination. Differences were found in written payroll records. Other differences can be found in variable and unquantifiable wage components whose level is set subjectively by a manager making an evaluation. This can only be judged when employees themselves speak out about it.

To sum up, the current situation among employers does not give the labour inspectorate sufficient room to detection namely to prove the discrimination in the given area. Non-claimed wage components based on the assessment of employee performance and work results provide employers with sufficient justification for their decisions in the area of remuneration. The assessment of such issues is the sole competence of the employer.

The available evidence indicates that inequality in the remuneration of women compared to the remuneration of men for equal work or work of equal value has not yet been before a court in Slovakia.

All members of the Police Force are subject to one act, Act No. 73/1998 Coll. on civil service of members of the Police Force, the Slovak Information Service, the Judiciary Guards and Prison Wardens Corps and the Railway Police:

§ 84 – Service income, service salary and monetary compensation for standby service
(1) Police officers in permanent civil service are entitled to a service income made up of the following components:
a) functional salary ,
b) supplement for years of service,
c) rank supplement,
d) individual supplement
e) management supplement,
f) supplement for deputisation or the performance of a temporarily vacant function,
g) personal supplement,
h) supplement for the performance of civil service in difficult conditions and those which are harmful for health,
i) supplement for training probationary police officers,
j) supplement for taking care of an assigned police dog or police horse,
k) supplement for taking care of and managing a police vehicle or motor boat,
l) diving supplement,
e) shift work supplement,
n) supplement for performing civil service in excess of basic weekly service,
o) supplement for civil service at night,
p) supplement for civil service on Saturdays and Sundays,
r) supplement for civil service on public holidays and
s) other service salary
t) bonus.

(2) Service salary consists of the service income components stated in para (1) (a) to (m) and (o) to (r); this shall not apply in the case of a supplement pursuant to §§ 98 to 101 and monetary compensation for standby service under § 103, where service salary consists of the service income components stated in para (1) (a) to (m).

(3) In addition to service income police officers are entitled to monetary compensation for standby service in civil service subject to the conditions and within the scope given in this Act.

The remuneration of customs officers is governed by Act No. 200/1998 Coll. on civil service of customs officers and changes and additions to certain other acts as amended:

§ 79
Service income, service salary and monetary compensation for standby service

(1) Customs officers in permanent civil service are entitled to a service income made up of the following components subject to the conditions stipulated in this act:
a) functional salary,
b) supplement for years of service,
c) rank supplement,
d) individual supplement
e) management supplement,
f) supplement for deputisation,
g) personal supplement,
i) supplement for training probationary customs officers,
i) supplement for taking care of an assigned customs dog,
j) supplement for taking care of and managing a customs vehicle or motor boat,
k) shift work supplement,
l) supplement for the performance of civil service in difficult conditions and those which are harmful for health,
m) supplement for performing civil service in excess of basic weekly service,
n) supplement for civil service at night,
o) supplement for civil service on Saturdays and Sundays,
p) supplement for civil service on public holidays,
r) bonus.
(2) Service salary consists of the components of service income listed in para (1) (a) to (l).
(3) Customs officers are entitled to monetary compensation for standby service in civil service subject to the conditions and within the scope given in this Act.

Question B

Please indicate the progress which has been made in applying this principle.

The difference in remuneration of women and men remains basically the same. Removing the causes of this difference requires a longer time frame and the introduction of legislative and institutional measures that will act over the long term.

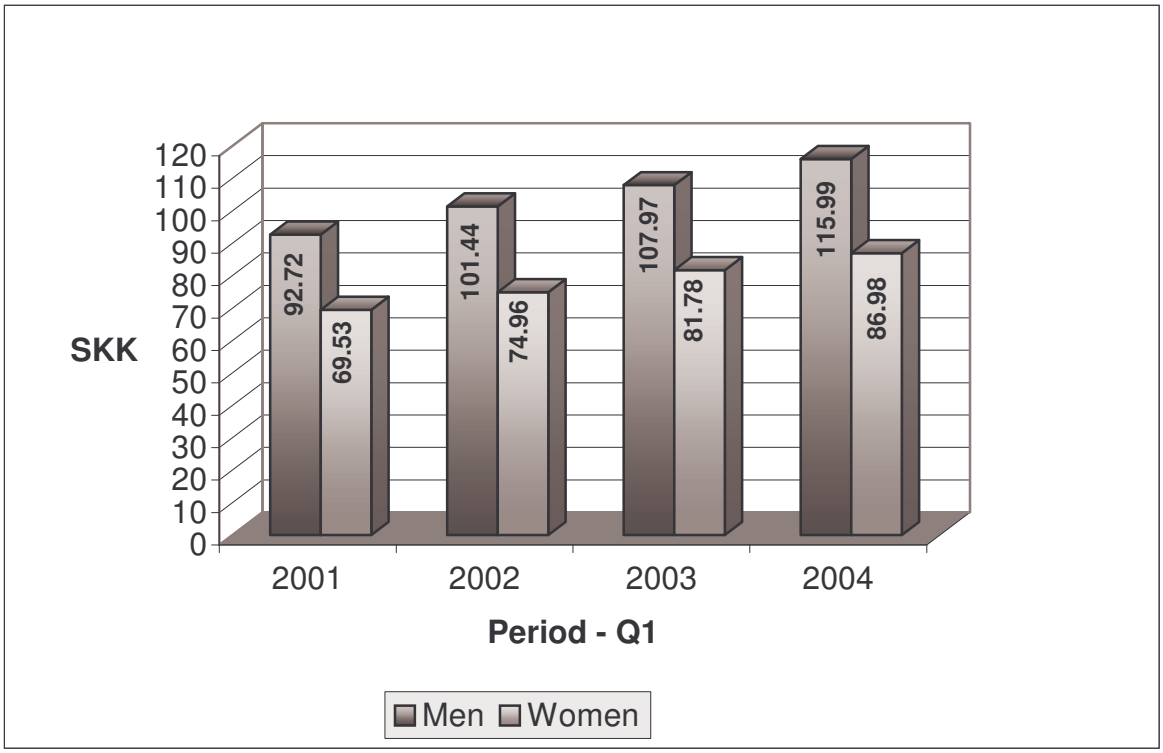
Despite the adopted legislation that applies equally to all employees, no progress has been made in Slovakia with regard to the equal remuneration of women and men. The average hourly earnings of women and men in the first quarter 2001-2004 are shown in the following table.

Average hourly earnings for women and men in the first quarter 2001-2004

	Men	Women
2001	92,72	69,53
2002	101,44	74,96
2003	107,97	81,78
2004	115,99	86,98

Source: Trexima: Analysis of differences in the average earnings of women and men, 2004

Graph showing average hourly earnings of women and men in the first quarter 2001-2004



Source: Trexima: Analysis of differences in the average earnings of women and men, 2004

The average hourly earnings of women in the first quarter of 2004 amounted to 74.98% of the level of the average wage of men while the male part of the population earned on average SKK 29.01 per hour more than women. The graph clearly shows that the difference in the average hourly wage of women and men did not change in favour of women in 2003 and 2004.

Table 1

Development of the average hourly wage for men and women in SR, 1999 – 2004					
YEAR	**Average hourly wage in SR and its development** *(previous year = 100)*				**Ratio (W/M) x 100**
	Men		**Women**		
	Wage	*index*	**Wage**	*index*	
1999	82,20	-	63,58	-	77,34

2000	90,16	109,70	69,96	110,00	77,60
2001	97,13	107,70	74,36	106,30	76,55
2002	110,74	114,00	81,33	109,40	73,44
2003	119,07	107,50	91,62	112,70	76,95
2004	129,71	108,90	99,02	108,10	76,34

Source: SO SR (according to EUROSTAT methodology) + calculations of the Centre for Work and Family Studies

The table and graph show that the trend is for both men's and women's wages to grow while the difference between them has increased in absolute terms in recent years. The resulting difference is around SKK 29.01 per hour, which in an estimated working time of 160 hours per month amounts to a difference of SKK 4 641 between the pay slips of men and women in favour of the men. In 2004 the differences between men's and women's earnings grew, although minimally, not only in absolute terms but also in relative terms.

Question C

Please describe the protection afforded to workers against retaliatory measures, including dismissal. Please indicate the procedures applied to implement this protection.

Article 9 of the Labour Code states "Employees and employers who sustain damage due to breach of obligations arising from labour-law relations may exercise their rights in court. Employers may neither disadvantage nor damage employees for reason of employees exercising their rights in resulting from labour-law relations".

In accordance with the principle of equal treatment, § 13 (2) of the Labour Code prohibits discrimination on grounds of marital status and family status, colour of skin, language, political or other conviction, trade union activity, national or social origin, property, lineage or other status. Employees are entitled to make complaints to their employer about breaches of the principle of equal treatment, and employers are obliged to respond to employee's complaints, perform retrieval, abstain from such conduct and remove the consequences thereof without undue delay.

If employee who assumes that his/her interests protected by law have been affected by a breach of the principle of equal treatment, may have recourse to a court and claim of legal protection stipulated by the Anti-discrimination Act. The exercise of rights and responsibilities arising from labour-law relations must always be in accordance with good morals. Nobody may abuse such rights and obligations to the damage of another participant in a labour law relation or of co-employees. Nobody may be persecuted or otherwise sanctioned in a workplace at performance of labour law relations for making a complaint charge or proposal for the beginning of criminal proceedings against another employee or the employer.

Relevant legal regulations:

1. § 13 Labour Code

(1) Employer shall be obliged to treat with employees in labour-law relations in accordance with principle of equal treatment stipulated for the area of labour-law relations by separate Act on Equal Treatment in Certain Areas and on the Protection against Discrimination and on Amending and Supplementing Certain Acts (Antidiscrimination Act).

(2) In accordance with principle of equal treatment, the discrimination shall be prohibited also from reasons of marital status, family status, colour of skin, language, political or other conviction, trade union activity, national or social origin, property, lineage or other status.

(3) The enforcement of rights and obligations arising from labour-law relations must be in compliance with good morals. Nobody may abuse such rights and obligations to the damage of another participant to a labour-law relation, or of co-employees. In the workplace, nobody may be persecuted or otherwise sanctioned in the performance of labour-law relations for submitting a complaint, charge or proposal for the beginning of criminal prosecution against another employee or the employer.

(4) An employee shall have the right to submit a complaint to the employer in connection with the infringement of rights and obligations stated in paragraphs (1) and (2); the employer shall be obliged to respond to such a complaint without undue delay, perform retrieval, abstain from such conduct and eliminate the consequences thereof.

(5) An employee, who assumes that his/her rights or interests protected by law were aggrieved by failure to comply with the principle of equal treatment or by failure to comply with the conditions according to paragraph 3, may have recourse to a court and claim of legal protection stipulated by separate Act on Equal Treatment in Certain Areas and on the Protection against Discrimination and on Amending and Supplementing Certain Acts (Antidiscrimination Act).

2. § 2 of Act of the National Council of the Slovak Republic No. 365/2004 Coll., of 20 May 2004, on equal treatment in certain areas and protection against discrimination and on amendment of certain acts (the Anti-discrimination Act),

§ 2

(1) Compliance with the principle of equal treatment shall consist in the prohibition of discrimination on any grounds, in the exercise of rights and responsibilities in compliance with good morals, and in the adoption of antidiscrimination measures insofar as the adoption of such measures is necessary in view of the specific circumstances and possibilities of the person who has an obligation to comply with the aforesaid principle.

(2) Discrimination shall mean direct discrimination, indirect discrimination, harassment; and victimisation; discrimination shall also mean an instruction to discriminate and incitement to discrimination.

(3) Direct discrimination shall mean any action or omission where one person is treated less favourably than another person is, has been or would be treated in a comparable situation.

(4) Indirect discrimination shall mean an apparently neutral instruction, provision, decision or practice that would put a person at a disadvantage compared with other persons, unless such instruction, provision, decision or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

(5) Harassment shall mean such treatment of a person which that person can justifiably perceive as unpleasant, inappropriate or offensive and

a) the purpose or effect of which is or could be violating the dignity of a person and of creating a hostile, degrading or offensive environment, or
b) the suffering of which a person may consider to constitute a precondition for a decision or for the exercise of rights and obligations resulting from legal relationships.

3. § 6 of the Anti-discrimination Act

§ 6

(1) In conformity with the principle of equal treatment, any discrimination shall be prohibited in employment relations, similar legal relations and related legal relations on grounds of sex, religion or belief, racial, national or ethnic origin, disability, age and sexual orientation.

(2) The principle of equal treatment under paragraph 1 shall apply only in combination with the rights of natural persons provided for under separate legal provisions regulating

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

(3) Discrimination on grounds of

a) pregnancy or maternity, and discrimination based on sexual or gender identification, shall be also deemed to constitute discrimination based on sex,
b) one's relationship with a person of certain racial, national or ethnic origin shall be also deemed to constitute discrimination based on racial, national or ethnic origin,
c) one's relationship with a person of certain religion or belief, or discrimination against a natural person without religion, shall be also deemed to constitute discrimination based on religion or belief,
d) previous disability or discrimination against a person who, because of external symptoms, may appear to have a disability shall be also deemed to constitute discrimination based on disability.

4. § 240 (5) to (9) of the Labour Code – Conditions for the activity of employee representatives and their protection

(5) Employees' representatives may not be, in the fulfilment of tasks resulting from their position, disadvantaged or otherwise sanctioned by the employer.

(6) Employees' representatives, during their term in office and for six months after its termination, shall be protected against measures which could damage them, including the termination of the employment relationship and which could be motivated by their position or activity.

(7) An employer may only give notice or immediately terminate the employment relationship with employees' representative with the previous agreement of the employees' representatives. As previous agreement shall be considered as also failure by the employees' representatives to grant consent in writing to the employer within 15 days of receiving the employer's request. The employer may only make use of this previous consent within a period of two months from its being granted.

(8) If the employees' representatives refuse to grant consent pursuant to paragraph (7), the notice or immediate termination of the employment relationship from the side of the

employer shall be, for this reason, invalid; if the other conditions for the notice or immediate termination of the employment relationship fulfilled, and the court in the conflict finds pursuant to § 77 that it cannot be justly requested of the employer that it continue to employ the employee, the notice or immediate termination of the employment relationship shall be valid.

(9) Equal conditions of activity and protection pursuant to paragraphs (1) to (8) shall apply to the employees' representatives for safety and health protection at work pursuant to special regulation.

In reply to the supplementary questions of the ECSR on Article 4 paragraph 3 the previous information should be updated as follows:

The principle of non-discrimination by sex applies as a principle of negotiating the equal pay for equal work for the employees of the same sex. In this no distinction is made between employees working full-time and employees with reduced working time. Employees with reduced working time are entitled to the same hourly rate as full-time employees.

§ 49 (5) of the Labour Code clearly states that employees in employment relationship with reduced working time may not be advantaged or restricted in comparison with employees employed for determined weekly working time. This rule allows no exceptions and the provision applies to all categories of employees in employment relationship in the whole territory of the Slovak Republic.

In accordance with § 49 (4) of the Labour Code, employees are entitled to a wage corresponding to the agreed reduced work time. This provision of the Labour Code also applies to employees carrying out work in the public interest who are remunerated according to Act No. 553/2003 Coll. on the remuneration of certain employees at performing of work in public interest, as amended by later regulations. The same applies to state employees according to § 100 (2) of the civil service act, which states that the functional salary of a civil servants is reduced if he or she is permitted shorter weekly service time.

§ 49 (7) of the Labour Code lists which provisions of the Labour Code regulating the labour law claims of employees do not apply to employees in employment relationship for determined of working time less than 20 hours per week. These include the length of the notice period, which is 15 days from a delivery of notice to these employees, the inapplicability of prohibition of notice during a protected period apart from cases where an employee is pregnant, on maternity leave or on parental leave, provisions on collective redundancies and the like.

The provisions of Part 4 of the Labour Code on wage also apply in full to this group of employees. The selection of wage components and the conditions for their provision are the subject matter of an agreement on wage conditions. Wage conditions can be agreed in a collective agreement or an employment contract, which means that the conditions for possible provision of premiums or bonuses and the amount thereof are included in the agreement on wage conditions. All wage components are linked to the performance of work and their amount depends on the length of time worked. If the wage conditions of employees with reduced working time were agreed differently than the wage conditions of employees carrying out the same work full time, this would be contrary to § 49 (5) of the Labour Code, § 13 of

the Labour Code, which regulates the prohibition of discrimination, and the Anti-discrimination Act.

Pursuant to § 7 (1) of Act No. 123/1996 Coll. on supplementary pension insurance for employees and on amendment of certain acts as amended by later regulations (hereinafter only "the act") the participants in the legal relations of supplementary pension insurance are the employer, the insuree, the recipient of benefit and the supplementary pension insurer.

§ 7 (4) of the act defines an insuree for the purposes of the act as an employee who concluded an employee contract with a supplementary pension insurer pursuant to § 8 (4) of the act. The definition of an employer is given in § 7 (3) of the act. Based on what is stated above it can be seen that the act applies to employees in general and does not distinguish between full time and employees with reduced working time .

Benefits from supplementary pension insurance are not paid according to employment but according to the employee agreement. § 8 (4) of the act states that a supplementary pension insurer must undertake to provide benefits to an employee who concluded an employee agreement with the supplementary pension insurer according to the conditions, amount and method stipulated in this agreement.

The above shows that that benefits of supplementary pension insurance paid on the basis of employment are not reserved only for full time employees.

Act No. 123/1996 Coll. was repealed as at 31.12.2004 by Act No. 650/2004 Coll. on supplementary pension saving and on amendment of certain acts, which came into effect on 1. 1.2005.

Article 4 (4)

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

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

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

[The Appendix to the Charter stipulates that this provision shall be so understood as not to prohibit immediate dismissal for any serious offence.]

Question A

Please indicate if periods of notice are provided for by legislation, by collective agreements or by practice and if so, indicate the length of such periods, notably in relation to seniority in the enterprise.
Please indicate whether the periods of notice established by legislation can be derogated by collective agreements.
Please indicate the periods of notice applicable to part-time workers and to home workers.
Please indicate in which cases a worker may not be given a notice period.
Please indicate whether provision is made for notice periods in the case of fixed-term contracts which are not renewed.

Pursuant to § 62 of the Labour Code, the notice period is the same for employers and employees and is at least two months. If a notice is given to an employee who has worked for the employer for at least five years, the notice period is at least three months. In accordance with the ECSR request, the extended three month notice period applies to employees whose employment relationships with the employer lasted for 5 or more years.

Since Article 4 (4) of the Charter provides for the right of all employees to receive an sufficient notice period in case of their employment termination but does not set a minimum or maximum length for notice periods, Slovakia is of the opinion that at this stage in the development of the market economy, such stipulated notice period is sufficient to enable employees to seek for new job and conforms with the social and economic conditions in the Slovak Republic. Providing that ECSR has concluded that 12 weeks is an appropriate notice period for employees who have been employed for more than 12 years, the three-month notice period allowed by the Labour Code could also be appropriate. The length of the notice period is stipulated mandatory/*ins cogens*. Neither employment contracts nor the a collective agreement can extend it.

For employees with reduced working time, § 49 (5) of the Labour Code rules that an employee in an employment relationship with reduced working time except of employee with reduced working time in which the extent of weekly working time is less than 20 hours may not be advantaged nor constrained in comparison to an employee employed for the determined weekly working time. These employees, as well as employees who carry out agreed work at home subject to conditions agreed in their employment contracts, are entitled to the same notice period.

In the case of employees in an employment relationship with reduced working time except of employee with reduced working time in which the extent of weekly working time is less than 20 hours, the employee or employer may terminate employment relationship by notice for any reason or without statement of reason. The notice period is 15 days and begins from the day on which notice was delivered.

In reply to the conclusion of the ECSR that the situation in the Slovak Republic is not in accordance with Article 4 (4) of the Charter because a two-month notice period is inadequate for workers whose service length is 15 years or more:

With effect from 1 July 2003, the provisions of § 62 of the Labour Code were amended by Act No. 210/2003 Coll. the current text of § 62 governing notice periods:

"§ 62
Period of notice

(1) Where notice has been given, the employment relationship shall terminate upon expiration of the period of notice. The period of notice shall be identical for both employer and employee, this being at least two months. If notice is given to an employee who has worked for the employer for at least five years, the period of notice shall be at least three months.

(2) A period of notice shall commence on the first day of the calendar month following the delivery of notice, and shall terminate upon expiry of the final day of the respective calendar month, unless stipulated otherwise.“

Question B
Please indicate whether wage-earners may challenge the legality of such notice of termination of employment before a judicial authority.

There is no change to the information provided in SR second report.

Article 4 (5)

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

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

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

[The Appendix to the Charter stipulates that it is understood that a Contracting Party may give the undertaking required in this paragraph if the great majority of workers are not permitted to suffer deductions from wages either by law or through collective agreements or arbitration awards, the exception being those persons not so covered.]

Question A

Please describe how and to what extent observance of this paragraph is ensured in your country, specifying the ways in which this right is exercised, both as regards deductions made by the employer for his own benefit or for the benefit and for the benefit of third parties.

Please indicate whether legislation, regulations or collective agreements provide for the non-seizability of a part of the wage.

The Labour Code stipulates the cases in which deductions may be made from wages. The same rules apply to deductions from the wages of employees remunerated under the Civil Service Act and the Act on remuneration of certain employees performing work in the public interest.

The employer shall execute deductions from wages, with priority given to execution of deductions for contributions to sickness insurance and pension security, health insurance, unemployment insurance and supplementary pension insurance which the employee is obliged to pay, tax advances and arrears from tax advances, tax arrears and tax arrears advances due to his negligence, including accessories and arrears from annual accounting of income tax advances from dependent activities and functional emoluments.

In addition to the priority wage deductions, an employer may also execute other deductions pursuant to § 131 (2) of the Labour Code as follows:

a) wage advance, which the employee is obliged to return because the conditions for admission of such wages were not fulfilled,

b) amounts seized by execution of a decision imposed by a court or state administration body,

c) financial punishments (fines) and also settlements levied on an employee by executable decision of competent bodies,

d) wrongly received amounts of pension security benefits, sickness insurance benefits, state social allowances, and levies and allowances of social assistance, and financial allowances for social consequences compensation of severe physical impairment, where the employee is obliged to return such on the basis of an executable decision,

e) unaccounted advances on travel reimbursement,

f) relocation compensation and other expenses which were paid to the employee and which he/she is obliged to return according to labour regulations,

g) wage compensation for the paid holiday to which the employee lost entitlement, or to which he/she was not entitled,

h) wrongly received unemployment benefit or advances on unemployment benefit, if the employee is obliged to return such on the basis of executable decision pursuant to special regulation.

An employer may make wage deductions of other types than those stipulated in paras (1) and (2) only on the basis of a written agreement on wage deductions concluded with an employee (§ 131 (3) of the Labour Code).

Wage deductions (apart from wage deductions carried out on the basis of an agreement with the employee) may be carried out only within the scope set by relevant regulations. In the case of claims whose settlement has been ordered by a court or administration authority, the manner in which deduction is made and the order are governed by the provisions for the execution of decision on wage deductions.

Question B

Please state whether the measures described are applicable to all categories of wage-earners. If this is not the case, please give an estimate of the proportion of workers not covered and, if appropriate, give details of the categories concerned.

There is no change to the information provided in SR second report.

In reply to the request of the ECSR to the Article 4 paragraph 5 to specify what deductions are permitted under the agreements between the employer and employee:

In accordance with contractual freedom, the range and scope of these deductions depend entirely on the agreement of employee and employer. In practice this provision is used for purposes such as:

- to compensate the employer for damage caused through negligence or to compensate for damage including lost profit if the damage was caused through deliberate action;
- deductions for losses incurred or items lost if an employee has made an agreement on individual or joint material responsibility for cash, vouchers, stocks of materials or other values that must be entered in accounts;
- deductions made to pay fees for union membership;
- deductions of monthly instalments for the purchase of goods or services for various non-bank entities based on an agreement made under the Civil Code between a natural person (an employee) and another commercial firm;
- deductions of monthly insurance premiums for life insurance, accident insurance or any other form of personal or property insurance for the benefit of various commercial insurance companies;
- deductions of insurance premiums for insurance against an employee's liability for damage caused in carrying out his or her occupation, for the relevant insurance company;
- deductions of monthly amounts for supplementary pension insurance in the event that the employee pays it individually without the involvement of the employer;
- deduction of instalments of a repayable loan provided to an employee and interest on the loan based on a loan agreement made between the employer and the employee;
- leasing instalments, e.g. for a leased vehicle for service and private use;
- voluntarily paid alimony for a dependent child;
- payment of part of the value of meals provided by the employer in a company’s canteen or another collective catering facility at a level defined by the relevant regulation;

- deductions for contractual transport to work for employees or for the operation of works transport;
- contributions for a company's magazine, deductions for private telephone calls, deduction of rental for company flats and the like.

With regard to convicts, § 44 of the new Act No. 475/2005 Coll. on execution of sentences, legal entities and natural persons pay the institution the agreed price for work and services carried out by convicts in the centre.

In accordance with § 45 (1) of the act on execution of sentences, convicts are entitled to remuneration for work depending on the type of work carried out, the amount of time worked or standards for work consumption; convicts are not entitled to refund of work remuneration for the time when they are not working. The level of the remuneration for work and the conditions for its provision are set in a regulation of the Government of the Slovak Republic.

§ 45 (2) to (5) give more detailed definitions of the terms gross and net remuneration for work, and also the types of deductions made from net remuneration for work.

A number of deductions are made, recorded and transferred from the gross remuneration for convicts' work according to the special regulations; the remainder is the net remuneration for work, from which deductions are made in the following order
a) to pay alimony for persons to whom a convict has an obligation including a contribution towards the cost of care for a child in institutional or protective care;
b) to pay costs relating to execution of sentence;
c) according to a decision of the prison governor.

If a court has ordered to deductions to be made or a court has entrusted the execution to an executor officer, the procedure follows the relevant regulations (e.g. the Code of Civil Procedure, the Execution Code). After deductions are made, the convicts net remuneration for work is divided into spending money and savings. Convicts are not entitled to a minimum wage under Act of the No. 90/1996 Coll. as amended by later regulations.

Under the plan of the legislative tasks of the Government of the Slovak Republic, in March 2006 the Ministry of Justice of the Slovak Republic in cooperation with the Judiciary Guards and Prison Wardens Corps will prepare a draft regulation of the government of the Slovak Republic setting the amount of remuneration for work and the conditions for its provision to prisoners on remand and convicts, which will be based on the provisions of § 45 (1) of Act No. 475/2005 Coll. on execution of sentence and on amendment of certain Acts and also § 31 (3) of the prepared draft Act on custody.

ARTICLE 9: THE RIGHT TO VOCATIONAL GUIDANCE

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

Question A

Please give a description of the service – its functions, organisation and operation – specifying in particular:

a. whether access to services is free of charge;
b. whether vocational guidance work is carried out in the public or private sectors;
c. the measures taken to supply all persons with adequate information on the choice of employment;
d. the measures taken to ensure a close link between vocational guidance and training on the one hand and employment on the other[17];
e. the measures in hand for improving the services;
f. the details of special measures to assist the disabled persons.

In public employment services provided under Act no. 453/2003 Coll. on state administration authorities in the field of social affairs, family and employment services (which came into force on 1 January 2004 apart from Article I Section 4 Sub-sections 1 to 5, which came into force on the publication in the Collection of Laws, i.e. 20.10.2003) vocational guidance is provided on two levels, with the legislative basis being the relevant provisions of the Act No. 5/2004 on employment services and on amendment of certain acts as amended by later regulations:

- information and advice services (§ 42 of Act No. 5/2004 Coll.),
- professional consultancy (§ 43 of Act No. 5/2004 Coll.).

Information and advice services are defined as services provided in the framework of occupation choice, employment choice including employment change and employee selection. They include, amongst other things, providing information and professional advice about employment opportunities in the territory of the Slovak Republic and abroad, the requirements for a given career and so on.

Information and advice services *for occupation choice* include providing information and professional advice about types of careers and the conditions and requirements for following such a career.

Information and advice services *for employment choice* and change of employment include evaluating the personality and abilities of job seekers and those interested in employment together with the professional skills that they have acquired, and providing information and professional advice in relation to the health and qualification requirements of jobs.

Information and advice services *for employee selection* include providing information and professional advice to employers seeking a suitable employee for a particular job.

The Office of Labour, Social Affairs and Family is able to provide job seekers with **professional consultancy** focussed on solving problems relating to finding appropriate work for job seekers, matching their skills and interests to the requirements for performing a given

[17] If your country has accepted Article 10 para 1 it is not necessary to describe these measures here.

sort of employment, influencing the choices and behaviour of job seekers, and also their social and working adaptation.

Professional consultancy can be provided in the form of individual or group consultation.

In its professional consultancy for job seekers who have been registered as unemployed for a certain period, the office must prepare an individual action plan to help the job seeker find appropriate work. This is a written document that identifies the type and scope of assistance necessary to facilitate his/her occupational assertion based on the evaluation of their personality, abilities and professional skills and defines specific procedural steps to be taken for this purpose. The job seeker develops the individual action plan in close cooperation with their professional counsellor. After it is completed and has been approved by both parties, the individual action plan becomes binding for the job seeker.

The Office of Labour, Social Affairs and Family may provide professional consultancy itself or through a natural person or legal entity that is licensed to perform such activities.

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

Guidance is also provided in parallel for the prevention of unemployment. This guidance service, which is targeted to assist and support occupation selection and create conditions for finding appropriate employment for school children and students completing the final year of elementary and secondary school including disabled school children and students, was and is implemented through cooperation between employees of the Office of Labour, Social Affairs and Family and educational counsellors in elementary and secondary schools.

In 2003, a major tool was implemented to develop and strengthen the principle of the programme and project-based approach to providing active labour market measures for disabled citizens, the ***Individualised Employment Services Programme (IESP)***. IESP implements a client-oriented approach aimed at activating groups of registered unemployed who need increased care in order to find a suitable place in the labour market. Individual projects of the District Labour Offices carried out within IESP responded to regional conditions and were intended for various groups of the registered unemployed who face disadvantages in the labour market. The main objective in implementing IESP was to activate the groups of registered unemployed persons who face disadvantages in the labour market, in particular:

- the long term unemployed registered at labour offices,
- school-leavers and young people,
- citizens with altered capacity for work and severe disability,
- citizens over 50 years of age (below retirement age),
- registered unemployed persons from the Roma community,
- registered unemployed persons with elementary education or no education,
- registered unemployed after maternity leave,
- groups of the registered unemployed according to regional requirements, educational and age limits.

At the end of 2004, ESF funding became available within the framework of the elaborated and approved National Project VII - Increasing the quality and the range of employment services through tools and services for information and advice and professional guidance. The main focus of the activities carried out by the offices of labour, social affairs and family during the project was to build up facilities that would allow the provision of high quality information and advice services (including those based on direct access to the internet) for a broad range of users and target groups, in particular however, for school children, students and graduates of elementary and secondary school mainly in the area of so-called preventative advice and preparation for entry into the labour market. Both external and internal projects were carried out as part of the national project. The external projects focussed in particular on individual action plans to support occupational assertion, various methods for training social and psychological skills, social communication, orientation in the labour market and methods of actively seeking work and ways to look for work in EU countries. The main focus of internal projects was the activation of long term unemployed job seekers and counselling to improve their chances in the labour market through individual action plans. This project was carried out in the period from 1.7.2004 to 30.6.2005. Projects VIIA and VIIB are linked to it:

VII A – Modernisation of employment services through support for the development of tools and forms of information and advice services. This project focuses on the modernisation, optimisation and expansion of provision of a comprehensive range of high quality professional consultancy for job seekers, those interested in employment, employers and other clients with an emphasis on an individual approach and with the objective of providing clients with professional, effective assistance and guidance in occupation and employment choice, including job changing, and also employee selection. The project runs from August 2005 to December 2006.

VII B – Optimisation, modernisation and expansion of professional consultancy. The objective of the project is to modernise, optimise and expand the provision of a comprehensive range of high quality professional consultancy for job seekers with an emphasis on an individual approach with the aim of increasing their activation and employability and making it easy for them to find a place in the labour market. The project will be carried out in the period from December 2005 to December 2007.

Special measures for disabled citizens in this area include cooperation between the labour offices and agencies for supported employing (2 in Bratislava, in Banská Bystrica and in Vranov n/Topľou), which were established during the Phare Consensus III project ***"Support for the employment of disabled citizens"***. These 4 agencies were established in 2003 using financial support from the then National Labour Office. In the stated year the activity of non-governmental entities providing employment services for disabled citizens and also employers who employed or wished to employ this group of citizens through the agencies for supported employing (non-profit organisations) were checked. The National Labour Office provided support for the projects they submitted in subsequent years. Pursuant to § 58 of Act no. 5/2004 Coll. on employment services and on amendment of certain acts, which came into force on 1.2.2004, Agencies for supported employing carry out the following main activities:

a) provision of professional consultancy to support and assist clients in acquisition and retaining a job, provision of advice on labour law and financial matters with regard to disabled citizens' claims arising from their disability and the provision of professional consultancy for long term unemployed citizens on getting and retaining a job.

b) identifying the abilities and vocational skills of disabled citizens and long term unemployed citizens in relation to the requirements of the labour market,
c) finding suitable employment for disabled citizens and long term unemployed citizens and arranging such employment,
d) providing professional consultancy to employers in acquiring disabled citizens or long term unemployed citizens as employees and solving problems during their employment.
e) selecting suitable disabled citizens or suitable long term unemployed citizens for jobs based the requests and requirements of employers,
f) providing professional consultancy to employers at adjustment of the work place and working conditions while employing a specific disabled citizen in accordance with § 9 (1) (a) of the cited act on employment services.

The agencies for supported employing also provide the following services:
- advice during crises in the workplace
- monitoring during the first three to six months of employment in order to maintain the job.
- finding other possibilities for the placement of clients who are unable to find employment in the labour market by their own efforts or make use of other systems of assistance,
- cooperation with the families of young people with disabilities,
- advice on selecting suitable support services and arrangement of these services,

Citizens may receive supported employment services both before and after starting work.

In 2003, three pilot advice and information centres for disabled citizens (citizens with altered capacity for work and citizens with altered capacity for work and with severe disability) were established to provide special services at the labour offices in Bratislava, Žilina and Košice as part of the Slovak-Austrian Phare Consensus III project ***"Support for the employment of disabled citizens"***.

The advice and information centres for disabled citizens offer high quality, comprehensive and specialised professional consultancy for:
- disabled citizens,
- citizens who have lost the ability to carry out their previous employment for health reasons and who are not disabled citizens,
- employers who are willing and able to employ a disabled citizen in a job adjusted to allow the maximum possible performance proportionate to the relevant abilities of a specific citizen,
- employers who employ disabled citizens.

The professional consultancy provided in the advice and information centres help disabled job seekers in the following main areas:
- solving problems related to occupational assertion,
- matching personal abilities with the requirements for doing a particular job,
- developing skills for seeking and getting jobs,
- finding appropriate solutions for success in the labour market,
- optimising decision making, social and working adaptation,
- managing the stress of unemployment and the threat of unemployment,
- resolving problematic situations relating to unemployment.

Professionals in the advice and information centres for disabled citizens also provide the following services as part of their specialised guidance services:

- socio-psychological and medical support in the event of loss of employment, threats to employment and when seeking employment after long term invalidity (intervention in the event of a crisis),
- assessment of the current ability of a potential client to carry out work by a team of experts – objective tests of functional performance, analysis of abilities and conditions for the purpose of selecting a suitable job,
- information on opportunities for suitable employment based on assessment and use of current potential for work,
- survey of the labour market for specific disabled citizens,
- ergonomics guidance – client assessment for solutions that can compensate for a work handicap as necessary to enable work to be performed – recommendation of special aids to work,
- guidance for the adaptation and technical adjustment of the workplace,
- support and guidance during the training of disabled citizens and their work experience.

Employers who are interested in employing disabled citizens in an open or a created workplace can obtain information and professional guidance from the advice and information centres for disabled citizens, including advice in the following areas:
- the creation or adjustment of a workplace – *working environment,*
- adjustment of working conditions – *work organisation, length of working time,*
- *technical assistance* – design of compensatory aids to work with the aim of achieving optimal performance of work by disabled employees.

Experience shows that their establishment and activities have improved the quality of services provided to disabled citizens who are willing and able to work and who are seeking employment. Thanks to good cooperation, not only disabled citizens, job seekers and those interested in employment made use of the advice and information centres, but also members of their families and employers who were interested in employing disabled citizens in jobs optimally adjusted for performance proportionate to the relevant skills of specific citizens.

The services provided in the advice and information centres for disabled citizens established in Bratislava, Žilina and Košice provide a comprehensive range of services and also cooperate closely with facilities for the disabled and disabled citizens' associations in the relevant regions.

Question B

Please indicate the measures taken in the field of vocational guidance to promote occupational and social advancement.

In the Slovak Republic, careers guidance services are developed mainly in two ministries – the Ministry of Education of the Slovak Republic and the Ministry of Labour, Social Affairs and the Family of the Slovak Republic, although there are also bodies providing services that are controlled by other ministries. These systems complement the advice services provided by employers, employers´ associations and non-governmental advisory bodies. The Slovak Republic has been one of the EU countries with a national centre for professional training and advice since 1998.

Professional services for educational guidance are provided by the ministry of education in accordance with Act No. 279/1993 Coll. on schooling facilities as amended by later regulations through educational counsellors and professional counsellors in educational-psychological advice centres. It is through them that the right to vocational guidance is implemented. They make up a system of services and assistance for pupils of elementary and secondary schools relating, amongst other things to the optimisation of their career development through advice on a suitable education choices and a subsequent professional career path. Consulting provided under the Ministry of Education focuses mainly on solving problems that children and young people encounter during their studies and when making decisions to choose or change continuing education. At present the guidance activities of the Ministry of Education are carried out mainly by the following subjects:

- *educational counsellors in schools* (mainly informational and administrative activities related to the choice of occupation or area of education and training for following a particular occupation),
- *educational-psychological advice centres* (selection of study and career paths for those leaving elementary and secondary schools, with an emphasis on identifying intellectual and personality characteristics),
- *guidance facilities* (child integration centres, advice centres for university students, information centres for young people).

For guidance purposes the following professions are established in the ministry of education:

- educational counsellor, who works in elementary and secondary schools, special schools and where circumstances require also in educational facilities,
- educational psychologist, who may be employed by a school.

Careers education (including vocational guidance) and careers counselling for school children and school students are an effective instrument for preventing potential unemployment in future, especially long term unemployment. At the centre of this counselling is the educational counsellor – an educational employee of the school (elementary and secondary). The main activity of an educational counsellor is to match the vocational wishes and abilities of school children and students (personality, health, physical condition, qualifications) with the needs of the labour market and their real opportunities, to form characteristics and skills that will help them to proceed on their optimal career path. With this in mind the job description for an education counsellor is:

- to inform and assist pupils, parents and legal guardians in choosing studies, occupations and jobs, to cooperate with class teachers to produce the necessary programme for this area and provide them with methodological assistance in implementing it;
- to systematically monitor, assess and evaluate the individual mental and physical characteristics of pupils with regard to their potential future career;
- to cooperate with other employees of the ministry of education who have a role in careers education and careers guidance – especially teachers, vocational teachers, managers, school psychologists, educational guidance facilities, health care institutions (taking into consideration the physical and health requirements of occupations, counselling for publish with special educational and behavioural needs).

The careers advice that the educational counsellors provide to school children and students follows the professional and methodological guidance of the educational-psychological advice centres, whose qualified experts provide:

- assistance in life planning, selection of study, occupation and job, activation of inner potential when adapting to a chosen school or career, forming personal characteristics and social-psychological characteristics necessary for success in the world of work;
- provision of information on opportunities, conditions and requirements for studying at secondary schools and universities, the labour market and so on;
- individual and group work with school children with problems in professional development.

The services provided by educational counsellors and the professional employees of educational-psychological advice centres are part of the education system in the Slovak Republic and are provided free of charge. The state is responsible for the activity of the educational–psychological advice centres.

An optional subject has been introduced in secondary schools called Introduction to the World of Work with two alternative course books.

The following bodies are also part of the advice system operated by the Ministry of Education:

The State Pedagogical Institute (SPI) – a centre for research and professional methodology whose main activities are the provision of professional and methodological management for elementary and secondary schools and educational facilities, the creation of plans and basic teaching documents, research and surveys, continuing education for teachers, management, coordination and professional and methodological guidance, consulting, editorial and publication activities and cooperation with universities and other subjects.

The State Vocational Education Institute (SVEI) – is a professional-methodological, pedagogical advisory, coordinative and educational institution of the Ministry of Education of the Slovak Republic. It is the professional and pedagogical guarantor for issues of vocational education and training in secondary schools. It also carries out research, methodological, educational and informational activities in the area of career consultancy and continuing education for careers counsellors. It processes analyses of the needs of the labour market, information on the situation in the labour market and the employment of school leavers. One of the institute's expert sections is the research and careers consultancy section:

- which, monitors the needs of the labour market, the development of the economy, technology and new qualification requirements for occupations,
- concentrates on the monitoring and evaluation of vocational education from the perspective of the needs of the labour market,
- studies the success of school leavers in the labour market including the level and trend of their unemployment and analyses the causes of these trends,
- tracks and evaluates development trends in employment structures and prognoses for future developments; the institute proposes measures to make the transition from school to the labour market a success,
- provides career consultancy in schools in cooperation with other partners in combination with the existing counselling system operated by the ministry of labour, cooperation in the creation of a plan for an integrated career advice system,

- implements forms of continuing education for counsellors providing career consultancy.

The institute provides methodological and educational support mainly for strengthening the role of professionals specialising in careers advice in schools and educational facilities.

The State Vocational Education Institute is responsible for the project "Implementation of the education programme Modular Distance Learning for the European Mobility of Career Counsellors (MODILE–EUROCARCO) modified according to target group" with the support of the European Community within the framework of the European Social Fund (project start date September 2005 project completion date August 2008). The education programme, which has been accredited by the Ministry of Education of the Slovak Republic under no. 1696/34705/2005/93/1, consists of 11 modules, a legislative guide, a terminological dictionary and the guide How to Work in the E-learning Environment of the MODILE-EUROCARCO Education Programme. The education programme supports the use of new information and communication technologies in the education of career counsellors. The main objective is innovation in the professional training and education of career consultancy professionals which takes the European dimension into consideration to increase qualifications and adaptability and extend mobility for persons entering the labour market in the area of career consultancy, to raise the quality of consultancy services for education, occupation and job selection in order to increase the prospects for employment in the labour market in response to changes in the qualification requirements of the labour market with the aim of assisting young people in particular. It is a response to the social requirement to improve the quality of training for career consultancy counsellors, as stated in the document "Sectoral Operational Programme Human Resources, Priority 3: Improved Qualifications and Adaptability of Employees and Persons Entering the Labour Market".

The basis for the creation of the education programme was a pilot project carried out by the State Vocational Education Institute with the support of the European Community through the Leonardo da Vinci programme in 2001 – 2004 as part of the international cooperation between the following partner countries – the Czech Republic, Holland, Ireland, Germany, the Slovak Republic and Spain. The preparation of the education programme was based on documents – the European Social Charter, the Memorandum on Lifelong Learning and the Resolution of the EU Council of May 2004. The project included two analyses carried out in all partner countries in 2001: "Analysis of Career Consultancy" and "Analysis of Vocational Education", which formed the basis for "International Comparison of the Status of Career Counsellors in the Partner Countries" and the proposed education programme for the continuing education of careers counsellors. The education programme was written in four languages (English, German, Spanish and Slovak).

The State Vocational Education Institute is cooperating with the Centre of Labour, Social Affairs and Family on the preparation of National Project XIII under SPD Objective 3 "Comprehensive Systems for Predicting and Linking the Needs of Education and the Labour Market (KOSYPP – VATP). The project is a response to one of the priorities of Sectoral Operational Programme Human Resources, Priority 3: Improved Qualifications and Adaptability of Employees and Persons Entering the Labour Market, measure 3.3.A Development of Vocational Guidance and measure 3.3.B Systems for Connecting Vocational Education and Training with the Labour Market. The objective of the project is to design and implement in the Slovak Republic, a comprehensive system for predicting the needs of the labour market and qualification requirements, to improve the decision-making process for the decision making sector and human resource development policy, ensuring mutual connections

between vocational education and training and the needs of the labour market. The target groups of the KOSYPP – VATP project are job seekers, employees, students, secondary school and university graduates, small and medium entrepreneurs. The implementation of the KOSYPP – VATP project means that the working population and in particular the unemployed will benefit from participating in training programmes that correspond more closely to their requirements and the needs of Slovakia, also better prospects for finding suitable and more sustainable employment.

The Institute of Educational Information and Prognoses (IEIP) – is the central information centre of the Ministry of Education, a methodological and coordination centre for the ministry's information system, a planning and research centre for the development of education and education forecasting, care for young people, management of education and education economics, the ministry's centre for processing education statistics, a centre for the promotion and provision of information on education. The institute's activities focus in particular on processing analyses, preparing plans and prognoses for the development of education and its management and financing, and also study of the careers of university graduates.

Guidance for university students is provided in accordance with the Act No. 131/2002 (the Higher Education Act) as an independent service for students in the form of individual and group counselling by means of specialised courses, counselling programmes, open days, careers days and the like. A number of universities and higher education institutions have established career advice centres. The Technical University in Košice has established a "Careers Consultancy Centre" as part of the project "Careers Consultancy at the Technical University in Košice" supported by the ESF. Its aim is to provide professional information and assistance to students and applicants for study when deciding on educational and professional paths, to motivate them to be responsible and to assist in adapting human resources to the labour market. Another activity in the project in which the State Institute of Vocational Education also takes part is a course for university teachers "The Effective Careers Counsellor" whose objective is to ensure quality in the provision of information and advice services at the Technical University in Košice.

Question C
Please indicate the types of information available in the vocational guidance services and the means employed to disseminate this information

Since August 2004 an internet portal, ISTP (Integrated System of Typal Positions), has been available for the needs of employment services and more generally also for other users. ISTP is based on the principle of matching the needs of the world of work and the abilities of individuals to carry it out. It is built upon databases of descriptions of standard positions included in the "Index of Typal Positions" (ITP) and individual profiles acquired through the Analysis of Individual Potential" (AIP).

By means of a thoroughgoing analysis the project makes a detailed mapping of employment or standard work positions existing in the labour market in the Slovak Republic. The analysis studies the main features of occupations and jobs including:
- detailed characteristics of the work activities carried out,
- work equipment used,
- the subject matter (object) of work,
- working environment,
- the range of functions performed,

- the required qualifications (level and field of education),
- psychological requirements,
- characteristic burden on individual systems of the human organism,
- health requirements for carrying out the occupation or job,
- pay available (minimum and maximum pay, average pay).

On opening the project's page (**www.istp.sk**) the user can choose one of two parts of the program – the *analysis of individual potential* or the *index of typal positions*.

AIP allows users to enter their characteristics through several questionnaires, evaluation scales and short tests producing the personal structured profile that best describes them (education, experience, cross-sectional skills, interests and preferences, personality attributes, health limitations). Profiles can be saved with a password and without the need to enter a name and users can return to them, change them or use them to look for a suitable occupation, opportunity to improve qualifications or suitable requalification. The extent and type of information provided is up to the user. The more information the system receives, the more accurate offers it is able to provide. The results provided by the system can be used to help make decisions and although they serve only for information purposes, they make it possible to expand the options for professional application that users consider.

In the index of typal positions there are currently 1513 descriptions made according to a standard template in twelve different sectors or areas of industry and social practice (there are 16 of these in the system altogether). The most described occupations and typal positions are available for the areas of production and operations while, on the other hand, there are as yet no typal positions available in the areas of justice, law and legislation, science, research, information services and journalism, education, healthcare and social care. As stated above, ISTP is under development and completing its full contact will take several more years.

When the integrated system of typal positions is completed and connected to other information systems (job vacancies in the labour market in SR, regional statistics on labour prices, databases of schools and taught subjects, database of opportunities for continuing education and lifelong learning including labour market education) it will become a valuable aid for all participants in the labour market as stated above, including institutions active in the area of continuing education and lifelong learning in Slovakia.

Since November 2004 a multimedia information and advice program on the selection of a vocation and employment has been freely available on the internet under the title **GUIDE TO THE WORLD OF OCCUPATIONS** – http://www.povolania.sk, which is a higher quality version of the program of the same name made available on CD-ROM in 2001.

The program Guide to the World of Occupations has the following main objectives:

- to offer clients several procedures to support their occupational choices based on different selection criteria, including the possibility of selecting related occupations;
- to provide brief and apposite textual information about each occupation;
- to introduce the main work activities in colour photographs and, for selected occupations, to make the clients acquainted with some activities by recorded sample work dialogues;
- to give clients guidance on how to apply for a job, write a CV or succeed at an interview;
- to assist a client who wants to change his/her occupation to browse the possibilities of related occupations;

- to provide information and suggestions to those who want to start their own business or be self-employed;
- to help the unemployed to tackle the problems of their situation.

"Career Navigator" an extension of the program accesses the internet to make available additional relevant information sources or to set issues relating to the selection of occupation and employment in a wider context of career development. The module consists of three sections (*Tests and questionnaires in career guidance – Education opportunities – Employment opportunities*), it is also possible to see all nine language versions of this program including the original English version (**http://www.gwo.cz/**). In addition to twenty links to various information sources on opportunities to study in secondary schools or universities or in continuing education or lifelong learning, the section on educational opportunities includes links relating to vocational education and training in the wider context. The employment opportunities include links to functional internet portals offering employment in the Slovak Republic and there is also, of course, the option to access the EURES portal (**http://www.eures.sk**).

Question D

Please indicate:

a. the total amount of public expenditure devoted to vocational guidance services during the reference period (2003-2004);
b. the number of specialised staff of the vocational guidance services and their qualifications (teachers, psychologists, administrators, etc.);
c. the number of persons benefiting from vocational guidance broken down by age, sex and educational background;
d. the geographical and institutional distribution of vocational guidance services.

The total amount of public funding for vocational guidance services in the reference period 2003-2004 was SKK 177 960 000.

The number of specialised employees in guidance services in 2003 was 270 employees. In 2004 there were 488 employees of whom 357 had university degrees.

481 546 persons received guidance in 2003, of whom 239 466 were women. Statistics according to age and education were not kept. In 2004 the number was 309 487 persons.

Within the context of employment services, vocational guidance is provided in 121 centres namely in 46 Offices of Labour, Social Affairs and the Family and their 75 detached offices throughout the whole Slovak Republic.

Question E

Please indicate whether equality of access to vocational guidance is ensured for all those interested, including nationals of other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

Every one who is interested in guidance services is guaranteed equal access pursuant to the Act No. 5/2004 Coll. on employment services and on amendment of certain acts as amended by later regulations.

ARTICLE 10: RIGHT TO VOCATIONAL TRAINING

Article 10 (1)

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

1. to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude,"

Question A

Please give an account of the functions, organisation, operation and financing of the services designed to provide vocational training for all persons including disabled persons[18], specifying in particular:

a. the rules laid down by legislation, collective agreements or carried out otherwise;
b. the total amount of public expenditure devoted to vocational training;
c. the number of vocational and technical training institutions (at elementary and advanced levels);
d. the number of teachers in such schools in the last school year;
e. the number of pupils, full-time and part-time in such schools in the last school year.

The Ministry of Education of the Slovak Republic disposes of the highest competences in the field of vocational training, whilst being fully responsible by law for training and education, including vocational education. In particular, it concerns the Competence Act, School Act, Act on Higher Education and the Act on Lifelong Education. Apart from the educational system and its supervisory and inspection bodies, other subjects, such as central state administration bodies – departmental education through professional institutions, self-governing school authorities, labour market representatives, employers' unions, professional associations and tripartity also participate in vocational education. Educational institutions also exist, the scope of which is to educate whilst achieving that all persons interested in vocational education who dispose of the necessary individual aptitude to selected vocational fields.

The organisation of vocational education depends on the fact whether it concerns vocational education within the educational system at the level of secondary vocational/technical education and university vocational education, or whether it concerns other education or training organized by labour offices or by employers, professional associations, or tripartity. This fact also affects the operation of individual educational subjects and their relation to the national budget.

The legal obligation regarding the share of respective ministries in the establishment, dissolution and restriction of the activities of secondary vocational schools is newly established so that it does not affect the determining part of the preparation of young people for their occupations. This obligation ensures that a substantiation, given by a central state administration body and social partners, is necessary for the establishment, dissolution or restriction of the activities of a secondary vocational school pursuant to Act No. 596/2003 Coll. on school state administration and school self-government and on amendment of certain acts as amended by Act No. 365/2004 Coll., Act No. 564/2004 Coll. and Act No. 5/2005 Coll. This obligation was acceded to in reference to the fact that the respective ministries are obliged by law to prepare and submit departmental concepts, which are considered to form objective resources for the development and regulation of the system of secondary vocational schools. This principle is also applied in respect of secondary technical schools. The final objective is to achieve close cohesion between the development and determination of the

[18] If your country has accepted Article 15, it is not necessary to describe here the services for disabled persons.

system of secondary schools preparing for occupations and the anticipated basic directions of economic development in individual industries, anticipated development of labour and employment needs, etc. This amendment allows the social partners to also take part in the process regarding the establishment, dissolution or restriction of the activities of secondary vocational schools and secondary technical schools; meaning occupation-preparing schools. This refers to the significant position of social partners in the field of vocational education, whilst particularly creating a space for the acceptance of requirements from employers in order to enhance the preparation of young people for their occupations. Legal competence was given to central state administration bodies, in the scope of their operation, regarding the development and submission of concepts for the preparation of young people for their occupations, including entry into the process of vocational education and development of the pedagogical documentation of fields of education and study and including the submission of proposals for changes in the system of fields of education and study. Combined secondary schools were established, representing a step of reform for the Slovak Republic resulting from approximation to the vocational education conditions in EU countries, whilst ensuring effective exercise of the right to vocational training within the meaning of the European Social Charter and creating a new occupation preparation system. This opportunity is determined for schools that were established in accordance with present legal regulations and which train and educate students for the execution of occupations and activities in the national economy, administration, culture and art and in other areas of life, as well as for study in universities.

The financing of educational services in vocational education in state secondary schools and universities is provided free of charge. Offices of Labour, Social Affairs and Family also provide free vocational education in the form of retraining courses as well as the information and occupational consultancy. Employers also provide free vocational and professional education to their employees. Private schools and educational institutions that operate on a commercial basis provide fee-paid vocational education.

The vocational education of disabled persons in the Slovak Republic is carried out in schools and school facilities within the system of special schools or within the system of regular schools, in the form of individual or collective integration (special classes). This education is carried out in accordance with generally binding regulations.

The following legal regulations that ensure the free and in certain cases also the fee-paid (private school) access of all persons to vocational education at individual levels and institutions, at the level of secondary vocational/technical schools:

- Article 42 of the Constitution of the Slovak Republic,
- Act No. 29/1984 Coll. on the system of primary and secondary schools (School Act), as amended by later regulations, full wording in Act No. 350/1994 Coll. as amended by Act No. 6/1998 Coll., Act No. 5/1999 Coll., Act No. 229/2000 Coll. and Act No. 216/2001 Coll., Act No. 416/2001 Coll., Act No. 506/2001 Coll., Act No. 334/2002 Coll., Act No. 408/2002 Coll., Act No. 553/2003 Coll., Act No. 596/2003 Coll., Act No. 207/2004 Coll., Act No. 365/2004 Coll., Act No. 1/2005 Coll. and Act No. 5/2005 Coll.,
- Act No. 542/1990 Coll. on state administration in education and school self-government, as amended by Act No. 84/1995 Coll., Act No. 222/1996 Coll., Act No. 6/1998 Coll., Act No. 301/1999 Coll. and Act No. 416/2001 Coll. (effective until 31 December 2003);
- Act No. 596/2003 Coll. on state administration in education and school self-government and on amendment of certain acts, as amended by Act No. 365/2004 Coll., Act No. 564/2004 Coll. and Act No. 5/2005 Coll. (effective from 1 January 2004);

- Act No. 597/2003 Coll. on financing of primary, secondary schools and school facilities, amended by later regulations;
- Act No. 279/1993 Coll. on school facilities, as amended by later regulations;
- Decree No. 212/1991 Coll. of the Ministry of Education of the SR on special schools as amended by Decree No. 63/2000 Coll. as amended by later regulations;
- Decree No. 80/1991 Coll. of the Ministry of Education of the SR on secondary schools as amended by later regulations;
- Decree No. 145/1996 Coll. of the Ministry of Education of the SR on the admission to study at secondary schools, as amended by later regulations;
- Decree No.102/1991 Coll. of the Ministry of Education of the SR on the completion of study in secondary schools and the completion of preparation in vocational schools and apprentice schools, as amended by later regulations (effective until 31 August 2004);
- Decree No. 510/2004 Coll. of the Ministry of Education of the SR of 23 August 2004 on the completion of study in secondary schools and the completion of preparation in vocational schools, apprentice schools and practical schools as amended by Decree No. 379/2005 Coll. (effective from 1 September 2004);
- Decree No. 424/2005 Coll. amending Decree No. 80/1991 Coll. of the Ministry of Education, Youth and Sports of the SR on secondary schools, as amended by later regulations;
- Decree No. 119/1980 Coll. of the Ministry of Education of the SR on the execution of institutional and protective nurture in schools educative facilities, as amended by later regulations;
- Decree No. 43/1996 Coll. of the Ministry of Education of the SR on details concerning educative counselling and counselling facilities;
- Decree No. 245/1993 Coll. of the Ministry of Education of the SR on the financial and material support of students of secondary vocational schools, special secondary vocational schools, vocational schools and apprentice schools.

Pursuant to Act No. 29/1984 Coll. on the system of primary and secondary schools (School Act), as amended by later regulations, secondary schools provide students with secondary vocational education, complete secondary education, complete secondary vocational education and higher vocational education and prepare them for the execution of their occupations and activities in the national economy, administration, culture, art and in other areas of life and for their study in universities.

Secondary schools include the following types: secondary vocational schools, gymnasiums and secondary technical schools.

A secondary vocational school prepares its students for the execution of their occupations and specialized activities corresponding to the relevant field of study. This study is completed with a final examination.

A secondary vocational school prepares its students in various field of study for the execution of certain demanding occupations and certain technical and economic activities of an operational nature. This study is completed with a secondary school-leaving examination.

A gymnasium is a general-educational and internally differentiated school that prepares its students particularly for studies in higher educational institutions. This type of school also prepares its students for the execution of some activities in administration, culture and other fields.

Secondary technical school prepares its students particularly for the execution of specialized activities, including technical-economic, economic, pedagogical, health-care, socio-legal, administrative, artistic and cultural activities, as well as for study in higher education institutions.

By implementing Decree of Ministry of Education No. 424/2005 Coll. amending Decree No. 80/1991 Coll. of the Ministry of Education, Youth and Sports of the Slovak Republic on secondary schools, as amended by later regulations, new system conditions of vocational education were established in the above-mentioned schools:

- The definition and characteristic of a system of fields of education and study (hereinafter referred to as "system of fields") was determined for the first time in secondary schools, its reference to other types of secondary schools, relationship of fields of education and study within the groups of fields of education and groups of fields of study in secondary schools;
- A new system of fields was established for secondary schools in the new annex to the Decree on secondary schools;
- The harmonization of the system of fields with the International Standard Classification of Education was legally defined for the first time;
- The reference of the system of fields to the Classification of Educational Fields was legally instituted in a new form;
- The reference of the system of fields to the Classification of Occupations was legally instituted in a new form;
- The experimental verification of the management, organization, content and execution of educational process in new fields of education and study, began to form an integral part of the system of fields in secondary schools for the first time;
- Qualification study in secondary health-care schools carried out after the school-leaving exam was instituted in a new form.

The basic intentions of this legal regulation were consulted in working discussions with the representatives of social partners and employers, as well as in working meetings with relevant central state administration bodies. These subjects positively evaluated the intention regarding the issue of a new system of fields, for example at a working discussion of the Ministry of Education of the SR with representatives of the Ministry of Health of the SR, Ministry of Construction and Regional Development of the SR, and with representatives of the Slovak Chamber of Commerce and Industry, Slovak Chamber of Trade, Automobile Industry Association of the SR, Engineering Industry Union of the SR and Construction Trade Union of the SR, etc.

The main incentive for the development of Decree No. 424/2005 Coll. of the Ministry of Education of the SR was the need for a new definition of the system of fields in secondary schools in reference to the requirements of the open labour market and in reference to the International Standard Classification of Education, Classification of Fields of Education (Measure No. 16/1996 Coll. of the Statistical Office of the SR, laying down the Classification of Educational Fields) and the Classification of Occupations (Measure No. 16/2001 Coll. of the Statistical Office of the SR, laying down the Classification of Occupations).

The purpose of this legal regulation was to amend some provisions of Decree No. 80/1991 Coll. of the Ministry of Education, Youth and Sports of the Slovak Republic on secondary schools, as amended by later regulations, related to the system of fields, to suppress

some provisions of the quoted regulation that form the subject of other generally binding legal regulations (e.g. , the issue of the network of schools, which is dealt with in Act No. 596/2003 Coll. on state administration in the education and self-government and on the amendment of certain acts as amended by later regulations), and in particular to replace the annex of the Decree on secondary schools by a new annex, whereby the original annex to Decree No. 80/1991 Coll. of the Ministry of Education, Youth and Sports has been replaced by Decree No. 52/1993 Coll. and Decree No. 255/1995 Coll.

In the academic year 2003/04, **the numbers of professional and vocational education facilities in secondary vocational/technical schools at various levels were** as follows:
- 54 – apprentice schools (preparation of students with weaker study results – not a secondary school)
- 213 – secondary vocational schools (analogous to apprentice schools)
- 281 – secondary technical schools
- 33 – practical education centres (only practical preparation for students of secondary vocational schools)
- 89 – combined secondary schools for the disabled
- 42 – vocational schools (for students with mental disability)
- 11 – secondary vocational schools
- 5 – secondary technical schools.

The number of internal and external teachers preparing students for their occupations in these facilities – secondary vocational/technical schools – in the school year 2003/04:
- secondary vocational schools and apprentice schools - 4165/479
- secondary technical schools for the disabled – 9063/2201
- combined secondary schools – 3416/236
- vocational schools – 258/27
- secondary vocational schools– 91/15
- secondary technical schools – 51/2.

The number of students preparing for their occupations in these facilities – vocational secondary schools – in 2003/04:
- 2186 – apprentice schools
- 77967 – secondary vocational schools
- 94064 – secondary vocational schools for the disabled
- 52953 – combined secondary schools
- 3916 – vocational schools
- 676 – secondary vocational schools
- 258 – secondary technical schools.

The Slovak system of laws does not regulate the term “apprentice”, however a student of an apprentice school and a student of a field of education in a secondary vocational school correspond to this category.

The training and education of students in a secondary vocational school usually begins after the completion of a nine-year elementary school, for students of 15 years of age.

No special law has yet been adopted that would regulated the conditions of work with respect to apprentices. The Labour Code regulates the legal relations of these students as late as after the completion of their study.

Pursuant to § 53 of the Labour Code, an employer for whom a student was preparing for occupation, is obliged to enter into an employment contract with a student of an apprentice school as late as after he successfully passes a final exam or school-leaving exam or after the period of study (preparation) expires.

The agreed type of work must correspond to a qualification gained in a field of education or study. An employer may also conclude an employment contract with a student before the completion of study, however, at the earliest on the day of the student's 15th birthday.

The education of professional soldiers has a vocational character and was gained by study in two secondary military schools that were established in accordance with the provisions of Act No. 29/1984 Coll. on the system of elementary and secondary schools (School Act), as amended by later regulations. The education in secondary military schools was dissolved by the order of the Minister of Defence of the SR from 1 October 2003. Until 30 August 2004 two military higher educational institutions established in accordance with Act No. 172/1990 Coll. on higher education, as amended by later regulatios existed. From 1 September 2004 exists one military higher educational institution (Armed Forces´ Academy of the General Rastislav Štefánik in Liptovský Mikuláš) and national academy of defence as educational and training centre for career - and other courses in the field of security and defence (National Academy of Defence of the Marshal Andrej Hadik in Liptovský Mikuláš).These schools are funded from the national budget of the Slovak Republic through the budget category of the Ministry of Defence of the Slovak Republic. Study in military schools is free of charge.

Disabled persons may only prepare in military schools in fields of study that are designed for citizens who do not carry out military service during their study.

Question B

Please indicate how the arrangements for vocational training are provided with reference to the various types of vocational activity and, if data are available, to age and to sex.

There is no change to the information provided in SR second report.

Question C

Please state what measures are taken to ensure a close link between vocational guidance and training on the one hand and employment on the other.[19]

The Slovak Republic has adopted Article 9 of the European Social Charter (Right to vocational guidance).

Question D

Please indicate the methods adopted by your government with a view to providing access to higher technical education and university education on the basis of the sole criterion of individual aptitude,

[19] If your country has accepted Article 9, it is not necessary to describe these measures here.

The trends of the European education policy aim towards the integration of school functions in relation to social development, work assertion in the labour market and status of an individual in a society. Access to higher vocational education is enabled for any student in the SR and, who is also able to increase his professional competence in the forms of advanced study and postgraduate specialized study.

The conditions for higher vocational education were created after 1996, which were under the verification stage up to 2003. A trial verification of the "Experimental Specialized Postgraduate Study, Providing Higher Vocational Education in duration of 3 years" was completed through the "Evaluation of the Experimental Higher Vocational Study and Proposal of Transformation Proceeding" that was discussed at an operating meeting of the Ministry of Education on 28 April 2003 and approved by the Minister for education. In this way, the necessary conditions were created for introducing a new postgraduate study (higher vocational study) into legislation and the method specified for the transformation of experimental fields into fields of study or postgraduate specialized study in secondary schools, also allowing their transformation to bachelor study programmes of technical universities.

In accordance with Act No. 596/2003 Coll. on state administration in education and school self-government and on amendment of certain acts, as amended by later regulation, the Ministry of Education of the SR approves the network of schools, school facilities and practical education centres and practical education workplaces. The ministry of Education decides on the changes in this network on the basis of a request from a founder or at the suit of the head school inspector. To a request for the deletion of a school from the network, a founder submits the standpoint of the school self-government authority, statement of the regional school office and statement of the regional self-government if the proponent is the regional school office or head school inspector. In the case of vocational education, a statement of the relevant central state administration body, employers association or chamber is required.

Access to higher vocational/technical education and university education is only governed by a sole criterion, which includes the individual aptitude of students and the ability for study. Higher vocational/technical education and university education is guaranteed to citizens by the Constitution of the Slovak Republic, as well as by the specified school laws and regulations.

School leavers from study fields in secondary schools completed by a school-leaving exam may apply for specialized postgraduate study in order to achieve higher vocational/technical education, as well as for bachelor study and university master or engineering study

At the secondary-school level, higher vocational/technical education includes comprehensive education, special vocational/technical preparation and artistic and pedagogic-artistic preparation. It is intended for graduates from study fields of secondary technical schools and secondary vocational schools with complete secondary vocational education and in a 3-year higher vocational study also for gymnasium school-leavers, respectively of secondary technical schools and secondary vocational schools.

The secondary technical schools of the Police Force currently provide full secondary vocational education. On the basis of a new education concept which is implemented from 2003, these schools also provide higher technical education in the field of security services. The Police Force Academy is a university type higher educational institution. In the academic year 2003/04, 88% of its students prepared in magisterial study and the remaining 12% in bachelor study. Study at the secondary technical school of the Police Force and at the Police Force Academy is free of charge for all.

The secondary technical school for fire protection provides higher vocational education in postgraduate study to all students. This study is free of charge. No scholarship is granted to the students of departmental schools, who are in a service relation with the Police Force or Fire Protection Corps, as study is free of charge for them. Vice-versa, these students are entitled to a wage during their study.

Access to university education is solely based on the appraisal of the individual aptitude of the applicants and is not conditioned by the financial payment for study.

Question E

Please indicate whether equality of access to vocational training opportunities is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

There is no change to the information provided in SR second report.

Article 10 (2)

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

2. to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments,"

Question A

Please give an account of the legal framework and the functions, organisation, operation and financing of apprenticeships and/or other systems for training young boys and girls in various jobs in your country.

By adopting Act No. 597/2003 Coll. on the financing of primary, secondary schools and school facilities as of 6 November 2003 (effective from 1 January 2004), several reform elements were implemented to the funding of schools. The "normative funding limit per pupil" was introduced, meaning that the principle of "resources follow the students" was addressed. (The new funding system replaces the present system that was lately characteristic with the ad-hoc funding of uncovered operating costs according to the current development of the national budget).

The funding of the transferred competences was separated from the funding of the original competences of municipalities and higher territorial units in the field of education. The financial resources intended for the funding of transferred competences are provided to the founders on the basis of specific purposes. Financial resources from the budget category of the Ministry of Education of the SR are first of all provided to the school founders through newly established regional school offices. The volume of financial resources is based on normatively determined financial contributions for individual schools. Their volume depends on the number of pupils and on the level of normative funding per pupil for individual kinds

and types of schools, whilst in the transitional period, the schools receive a minimum of 95% of the current volume of resources, even if the number of their pupils were to drop.

The normative funding limit per pupil specified by the Ministry of Education of the SR on an annual basis, always by 31 January, represents the annual amount of financial contribution per pupil and consists from the salary limit and operating limit. These financial resources provided to municipalities and self-governing regions as the founders of state schools are understood to be resources intended for the execution of the transferred competences and are therefore determined for specific purposes. Another level represents the breakdown of financial resources for individual schools and school facilities from the founder's level. Based on specific local conditions and needs, the founders are able to adjust the volume of financial resources for individual schools and school facilities, within the scope defined. A regulation of the Government of the SR, however, defines the minimum salary and operating limit that a school must receive from a founder. The normatively allocated contribution forms the determining part of financial resources for schools and school facilities from the national budget and should be adequate to cover the standard operation of schools.

The normative funding limit per pupil for schools and school facilities for 2004 was established as follows:

overall funding limit per pupil (minimum – maximum):

- secondary technical schools: SKK 32,360 - SKK 33,224
- secondary vocational schools and apprentice schools: SKK 35,700 - SKK 36,564
- practical education centres: SKK 16,689 - SKK 17,553

The normative funding limit is uniform for the same types of school and school facilities, regardless of the fact whether it concerns state or non-governmental subjects. This is based on the principle of the equal position of all founding subjects in terms of their right to financial contributions from the state budget and, at the same time, on the principle of non-discrimination against those citizens who are ready to contribute to the education of their children. A different principle applies in the approach to capital expenditures (as these are not covered for non-governmental subjects).

Question B

Please give an account of the measures taken to implement this provision, stating approximately, if possible, the number of young persons benefiting from training systems.

The application of this rule is guaranteed by the Constitution of the SR, as well as by the School Act, Act on state administration in the educational system and procedural regulations. The number of pupils prepared in this way in year-classes (grades) 1 to 5 is 77,967 in secondary vocational schools, 94,064 in secondary technical schools and 52,953 in combined secondary schools.

Question C

Please indicate how the arrangements for vocational training are divided between the various types of vocational activity.

There is no change to the information provided in SR second report.

Question D

Please describe any measures under which private apprenticeship schemes are assisted out of public funds.

There is no change to the information provided in SR second report.

Question E

Please indicate whether the measures described are applicable to all categories of young boys and girls likely to benefit from and wishing to undertake apprenticeship or vocational training. If this is not the case, please give an estimate of the proportion of those not covered and, if possible, indicate the categories concerned.

There is no change to the information provided in SR second report.

Question F

Please indicate whether equality of access to apprenticeship training is ensured for all those interested, including nationals of other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

There is no change to the information provided in SR second report.

Article 10 (3)

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

3. to provide or promote, as necessary:

a) adequate and readily available training facilities for adult workers;

b) special facilities for the re-training of adult workers needed as a result of technological development or new trends in employment;"

Question A

Please give details of the facilities provided for the training and retraining of adult workers, in particular the arrangements for retraining redundant workers and workers affected by economic and technological change.

Re-training belongs to the significant instruments used for raising the employability potential of unemployed citizens and for the development of human resources in general. Pursuant to Act No. 386/1997 Coll. on further education, as amended by later regulations, re-training forms an integral part of vocational/technical education, which is integrated into the lifelong education system as part of the forms of further education. At the same time, re-training forms part of the National Training and Education Programme in the SR, in which it finds its place within the systematic interconnection of the labour market and education market, increase of the joint liability of employers, professional, territorial and other bodies in the change and development of the structure of education and expertise, increase in the potential of employability and lifelong professional success, and within the improvement of access to new technologies and the securing of professional mobility in the Slovak labour market. The conditions of re-training as a preparation of professional solder to civic occupation are regulated by the Act No. 370/1997 Coll. ss amended by later regulations.

In 2003, re-training followed the document "*Rules and Criteria for the Implementation of Re-training Programmes Within the Conditions of the National Labour Office",* which laid down and defined the basic rules for self-governing and executive bodies of the National Labour Office regarding the re-training of registered unemployed persons and regarding the selection of organisers of re-training courses so that it complies with the methods and selection procedure in accordance with Act No. 263/1999 Coll. on public procurement, as amended by later regulations. This material replaced the present "Re-training Application Procedure in Labour Offices" approved by Resolution No. 126/10/98 of 16 October 1998 by the management of the National Labour Office.

The document "*Rules and Criteria for the Implementation of Re-training Programmes Within the Conditions of the National Labour Office"* was approved by Resolution No. 41/05/2003 of 27 May 2003 by the management of the National Labour Office.

The purpose of this material included:

- Consolidation of the proceedings of self-governing and executive bodies of the National Labour Office in the preparation, selection and implementation of re-training programmes and re-training as such;
- Securing the transparency and equality of opportunities, equal treatment and non-discrimination of educational institutions applying for the implementation of re-training courses;
- Securing the maximum economic efficiency upon investing public financial resources and the highest quality of educational process.

Pursuant to § 3 (1) (c) and § 2 (c) of Act No. 263/1999 Coll. on public procurement and on the amendment of certain acts, as amended by later regulations (hereinafter referred to as "Public Procurement Act"), the National Labour Office, as a statutory institution, acted as the **contracting party**. The relevant district labour office acted as the contracting party in cases concerning the selection of a re-training organiser at the level of a district labour office, and the Directorate of the National Labour Office acted as the contracting party in cases concerning the selection of a national re-training programme organiser. In accordance with § 2(1) of the Public Procurement Act, the contracting party is obliged to use the methods and procedures of public procurement under this law upon concluding public contracts.

Only an educational institution, which met the below-mentioned requirements, could provide for the re-training of registered unemployed persons. Non-compliance with only one requirement resulted in the non-acceptance and disqualification of such institution from further selection. An educational institution had to comply with the following requirements:

1. An educational institution had to include the organization of re-training courses or educational activities in its line of business (proven, for example, by a valid business register statement or a certified copy of a trade licence, both issued no longer than 3 month before);
2. The re-training activities offered had to be accredited by the Further Education Accreditation Committee of the Ministry of Education (proven by a document pursuant to § 7 of Act No. 386/1997 Coll. on further education, as amended by later regulations), or certified in another prescribed way pursuant to special regulations;
3. At the time of organizing a re-training course, an education institution had to have settled all of its liabilities towards the National Labour Office in terms of the relevant legal standards (e.g., contributions to unemployment insurance and to security funds or other liabilities towards the NLO;
4. An educational institution using software products during a re-training course, had to guarantee to have a licence for their legal use (software licence certificate or certificate of lease proving the existence of a licence for the use of the software);
5. An educational institution was, at the same time, obliged to guarantee material, spatial, technical and organisational conditions for the execution of an offered course in compliance with the accreditation issued (declaration on word of honour).

On the basis of the approved re-training programme plan, an educational institution – organiser, who provides for an objective course, is selected for the purpose of the organization of a specific re-training course.

237 educational institutions cooperated with district labour offices in 2003.

In 2003, the National Labour Office provided for 2 331 re-training courses that commenced in the year monitored. At the same time, 2,619 course were completed in the same year. The imaginary illogical difference of 288 courses in favour of the re-training courses completed is due to the fact that the educational process is a continuous process and individual courses that commenced in 2002, were continued or completed in 2003. These 288 courses included a total of 2,735 registered unemployed persons.

In 2004, retraining (hereinafter referred to as "Education and Preparation for Labour Market - EPLM"), as an instrument of active labour market policy, underwent major changes commencing with 2004 compared to 2003 that were caused by substantial arrangements in legislation, seriously affecting the entire educational process. The major difference occurred in the method of financing or co-financing EPLM through the European Social Fund (ESF).

Another significant change compared to previous years occurred in methodology. EPLM is provided for through the implementation of National Project III: Education and Preparation of the Unemployed for the Labour Market.

In 2004, the total of 317 EPLM service suppliers, who provided for EPLM in eight basic groups (categories) to which all of the course are divided, cooperated with the Offices of Labour, Social Affairs and Family in the SR. Compared to 2003, this number shows an increase by 80 EPLM service suppliers. The total of 317 EPLM suppliers, however, also includes a high number of local suppliers with a relatively low number of provided courses.

The significant change compared to 2003 is the fact that no accreditation of educational activities by the Further Education Accreditation Committee of the Ministry of Education, or certification in other prescribed ways pursuant to special regulations, is required.

Other schools, school facilities and out-of-school educational institutions, represented by legal entities or physical persons, also provide for the education of adults and their re-training within their operation.

The further education field is regulated by Act No. 386/1997 Coll. on further education, as amended by later regulations. Pursuant to this law, anyone who shows an interest in further education has the right to education according to his capabilities and interests.

Several types of institution provide the education and re-training of workers in the field of further education, as follows:

Type of educational institution (EI)	No.	Participants	Of which women	Graduates
Secondary schools	61	6,515	2,052	5,949
Higher educational institutions/Universities	18	25,581	16,424	16,913
EI of state administration bodies	24	126,255	83,581	62,459
EI of towns and municipalities	9	5,963	3,837	2,016
EI of professional organizations	5	2,800	140	2,357
EI of cooperatives	2	1,789	1,490	1,787
EI of civil and interest associations	24	95,047	59,038	92,298
EI of trade unions	0	0	0	0
EI of churches and religious communities	2	1,304	838	52
EI of cultural institutions	8	10,335	6,537	2,650

EI of physical persons and legal persons	177	83,439	34,632	67,254
Other EI	57	43,762	24,540	24,569
Total	387	402,790	233,109	278,304

Number of adult workers participating in further education programmes (lecturers), divided according to the highest education achieved. The table is also extended with organizational workers participating in further education:

Achieved education	**2004**				
	Lecturers	**thereof: women**	**Organiz-ational workers**	**thereof: women**	**Total (lecturers + org. workers)**
Educated in the field	702	381	259	128	961
thereof: with pedagogical qualification	195	101	25	15	220
Secondary education with graduation	1,921	958	880	686	2801
thereof: with pedagogical qualification	516	223	42	27	558
University education	11,121	5,827	690	418	11,811
thereof: with pedagogical qualification	7,527	4,110	259	153	7,786
Total	13,744	7,166	1,829	1,232	15,573
thereof: with pedagogical qualification	8,238	13,094	326	195	8,564

Question B

Please indicate how the arrangements for vocational training are divided between the various types of vocational activity.

Pursuant to Act No. 29/1984 Coll. on the system of primary and secondary schools (School Act), as amended by later regulations, the system of elementary and secondary schools include elementary schools, elementary schools with kindergartens, apprentice schools, secondary vocational schools, gymnasiums, secondary technical schools and special schools. The occupational preparation is provided through secondary technical schools, secondary vocational schools and apprentice schools.

Secondary technical school prepares its students particularly for the execution of specialized activities, including technical-economic, economic, pedagogical, health-care, socio-legal, administrative, artistic and cultural activities, as well as for study in higher education institutions.

Secondary vocational school prepares its students for the execution of occupations and specialized activities corresponding to the relevant field of study. A secondary vocational school also prepares its students in various fields of study for the execution of some demanding occupations and certain technical and economic activities of an operational nature.

Apprentice school provides vocational preparation for occupation to students who completed their compulsory school attendance in an elementary school sooner than in the ninth grade or who did not successfully complete the ninth grade, as well as to students who did not successfully complete elementary school following nine years of school attendance.

After completing secondary study with a school-leaving exam, young people are further able to prepare for their occupations in higher education institutions (universities) in various fields, including the following: natural sciences, technical sciences and theory, agricultural, forestry and veterinary sciences and theory, medical and pharmaceutical sciences and theory, social sciences, theories and services, cultural and art sciences and military and security sciences and theories. Those interested are able to study in 29 higher education institutions (this number includes 2 military academies, 1 police academy, as well as 6 private universities).

Students are able to choose from the following types of study:
- bachelor (usually three years of study),
- masters and engineering study (four to six years of study),
- doctorate (PhD.) study.

In 2004, 106,194 students studied in daily forms of study in Slovak higher education institutions, and 50,367 on day-release study. The following number of students graduated from individual fields of study:

Number of higher education (university) graduates in the academic year 2004

Faculty	Daily study	Day-release study	Doctorate study
Technical faculties	5 783	638	179
University faculties	7 950	5 819	378
Economic faculties	3 652	2 965	91
Agriculture faculties	1 244	351	56
Art science faculties	505	0	16

With respect to the education of employees, particularly in large-size companies, it is organized on regular basis in connection with the additional training of employees and verification of knowledge regarding the protection of health and safety at work, as well as in connection with technological changes and the introduction of new production methods. The situation is also similar in small businesses, as the additional training of employees with respect to new technologies and materials contributes to employers in terms of the more efficient and quality performance of employees. We remark that special exams and certificates are required for the execution of many work activities, the funding of which is covered from employer's resources, respectively an enterpriser covers these for his own purposes on his own.

In 2004, the registered unemployed, respectively jobseekers, and similarly to 2003, were arranged into eight groups of re-training courses, respectively education and preparation for the labour market:

1. computer technology, 2. accounting, 3. administration technique, 4. management and enterprising, 5. business and services, 6. workmen's occupations, 7. counselling-type courses, and 8. others. Category 8 includes courses that cannot be classified in the previous categories.

A career consultant provides for professional consulting services directed towards education and preparation and declares his opinion regarding the classification of an unemployed person on the basis of an evaluation of his abilities, work experience, education and personal qualifications and recommends appropriate re-training (in cooperation with the development and cooperation department):

a) in terms of labour market needs, particularly in the case of
   aa) lack of professional qualifications or occupations,
   ab) need for the change in the offer of qualifications or occupations regarding demands in the labour market,
b) in terms of an unemployed person, particularly in the case
   ba) of lost ability to perform work activity in a present occupation,
   bb) that a registered unemployed person refuses to take part in re-training for the reason that his state of health is not taken into account and that collaboration with a medical examiner is necessary,
   bc) of need to evaluate an applicant's psychological qualifications,
   bd) of improving the employability of a registered unemployed person.

After an overall evaluation of the general and specific abilities of an applicant, a career consultant reviews his fitness for re-training and passes the application with recommendation or non-recommendation to the relevant officer for education and preparation. If the selection of the registered unemployed person or jobseeker is carried out by an educational institution, a career adviser from the relevant labour office takes part in such selection together with an officer for education and preparation.

The selection of a registered unemployed person is taken in the form of:

a) an individual or group interview carried out by an educational establishment and office; the purpose of such interview is the clarification of the demands of specific courses and the level of knowledge of skills achieved after its successful completion,
b) standardized selection carried out by the office on the basis of criteria agreed with an educational establishment, respectively on the basis of results from psycho-diagnostic tests prepared for the purposes of specific re-training orientation,
c) selection procedure (tender) carried out by an educational establishment on the basis of criteria agreed with the office,
d) combined procedure pursuant to the previous points, mutually agreed between the office and an educational establishment.

Question C

Please state whether the measures described are applicable to all categories of interested workers likely to benefit from and in need of training or retraining facilities. If this is not the case, please give an estimate of the proportion of those not covered and, if appropriate, give details of the categories concerned.

The aforementioned measures apply to all registered unemployed, respectively jobseekers, who are integrated into education and preparation programmes. There is no categorization used along this line. The criterion particularly includes the labour market requirements in reference to the individual needs of applicants for their integration into education and preparation programmes.

Question D

Please indicate the approximate number of adult workers who have participated in training or retraining measures.

In 2003

Type of course	No. of courses		Registered unempl. in retraining			of which (column 5)											
	Commenced	Completed	Commenced	Completed	Attending	women		adolescents		graduates		disabled		LTU		50+	
						pers.	%	pers.	%	pers.	%	pers.	%	pers.	%	pers.	%
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
PC	340	416	5361	6649	476	4416	66,4	14	0	708	10,6	403	6,1	2584	38,9	544	8,2
Accounting	131	160	2023	2490	409	2209	88,7	1	0	246	9,9	58	2,3	725	29,1	132	5,3
Administration technique	62	73	935	1223	176	982	80,3	7	1	154	12,6	59	4,8	449	36,7	67	5,5
Management and enterprising	328	364	3482	3653	532	2230	61,0	7	0	399	10,9	112	3,1	1145	31,3	241	6,6
Business and services	512	557	3704	3829	535	3045	79,5	43	1	348	9,1	194	5,1	1619	42,3	274	7,2
Workmen's occupations	621	672	3866	4147	395	483	11,6	43	1	300	7,2	81	2,0	1503	36,2	335	8,1
Others	222	245	2018	2121	101	582	27,4	8	0	280	13,2	92	4,3	791	37,3	282	13,3
Counselling	115	132	3322	3421	111	1751	51,2	37	1	325	9,5	594	17,4	1826	53,4	504	14,7
Total	**2331**	**2619**	**24711**	**27533**	**2735**	**15698**	**57,0**	**160**	**0,6**	**2760**	**10,0**	**1593**	**5,8**	**10642**	**38,7**	**2379**	**8,6**

The total of SKK 194,124, 690.60 was withdrawn for re-training in 2003.

In 2004

Type of course	No. of courses		Registered unempl. in retraining			of which (column 5)					
	Commenced	Completed	Commenced	Completed	Attending	women		graduates		disabled	
						pers.	%	pers.	%	pers.	%
1	2	3	4	5	6	7	8	9	10	11	12
PC	264	224	5725	4698	1327	3391	72,17	349	7,42	148	3,15
Accounting	144	128	3380	2697	944	2483	92,06	125	4,63	46	1,7
Administration technique	26	29	585	489	187	425	86,91	56	11,45	13	2,65
Management and enterprising	222	207	4275	3817	818	2248	58,89	307	8,04	75	1,96
Business and services	348	325	4803	3955	1270	3394	85,81	382	9,65	105	2,65
Workmen's occupations	340	338	4216	3811	652	437	11,46	288	7,55	69	1,81
Others	98	90	2414	2031	412	1028	50,61	200	9,84	93	4,57
Counselling	111	99	1931	1632	275	602	36,88	147	9	61	3,73
Total	**1553**	**1440**	**27329**	**23130**	**5885**	**14008**	**60,56**	**1854**	**8,01**	**610**	**2,63**

A total of SKK 128,067,371 was withdrawn for education and preparation for labour market purposes.

Question E

Please describe special measures to assist adult women whishing to take up or resume employment.

As resulting from the previous data, the number of women integrated into retraining, respectively into education and preparation for the labour market, exceed 50 % of all persons integrated into educational activities organized by labour offices.

Adult women who plan to accede or return to work and take care of a child are able to use the provisions of Act No. 5/2004 Coll. on employment services and on the amendment of certain acts as amended by later regulations. This law extends the possibility of granting an allowance for services for families with children to a job applicant who takes part in education and preparation for the labour market and who, at the same time, is a parent taking care of a child before compulsory school attendance.

Women and men are also able to use the provisions of Act No. 244/2005 Coll. amending Act No. 280/2002 Coll. on parental allowance, as amended by later regulations,

which allows the receipt of a parental allowance not only by a parent who personally takes care of a child, but also by a parent, who performs a gainful activity. This law increases the possibility of income from gainful activity during the care of a child under 3, respectively 6 years of age.

The existence of available social services is therefore relevant from the specified reasons. Act No. 141/2004 Coll., amending Act No. 195/1998 Coll. on social assistance, as amended by later regulations, also established legal conditions for extending and enhancing the quality of the provision of social services directed towards care for children, the elderly and severely disabled people as "relief services" for families. The founders of such services particularly includes self-governing regions or municipal or local self-governments.

Question F

Please indicate whether equality of access to adult training and retraining is ensured for all those interested, including nationals of other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

The equality of opportunities and access to study is declared by the Constitution of the SR, as well as by all of the other legal standards related to the school policy of the SR.

The measures securing the equality of access to vocational/technical education in the case of citizens of other contracting parties and their children, form an integral part of the School Act.

For the purposes of this act, the children of foreigners are considered to be children of persons who are citizens of another state or stateless persons, with a stay permit in the Slovak Republic, children of refugees or applicants for the admission of refugee status in the Slovak Republic pursuant to a special regulation, and children of foreign Slovaks.

Training and education in elementary schools and secondary schools is provided to children of foreigners with a stay permit in the Slovak Republic and to children of refugees and applicants for the admission of refugee status under same conditions as to the citizens of the Slovak Republic.

These measures were later elaborated into procedural regulations issued by the Ministry of Education of the Slovak Republic in Decree No. 80/1991 Coll. on secondary schools, as amended by later regulations.

The equality of access to opportunities for preparation for the profession of professional soldier is secured for all citizens of the Slovak Republic, who meet the criteria of the admission procedure, including health criteria.

In the SR, the equality of access to opportunities for vocational/technical education is ensured for all equally pursuant to § 41(8) of the Labour Code. At the same time, the Labour Code establishes that upon the admission of a physical person to employment, an employer cannot breach the principle of equal treatment, if it concerns access to employment (Article 13 (1) and (2) of the Labour Code). If an employer breaches this obligation upon the occurrence of an employment relationship, a physical person has the right to adequate financial compensation.

The equality of opportunities and access to education and preparation for the labour market is declared by Act No. 5/2004 Coll. on employment services and on amendment of certain acts, as amended by later regulations.

Article 10 (4)

With a view to ensuring the effective exercise of the right to vocational training, the Contracting Parties undertake:
4. to encourage the full utilisation of the facilities provided by appropriate measures such as:
a) reducing or abolishing any fees or charges;
b) granting financial assistance in appropriate cases;
c) including the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;
d) ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

Question A
Please give a brief account of any fees or charges imposed in respect of vocational training and indicate, where appropriate, the measures taken to reduce or abolish such fees or charges.

Pursuant to Article 42 of the Constitution of the Slovak Republic, Slovak citizens have a right to free education in elementary and secondary schools, as well as in higher education institutions according to aptitude and the options given by society.

Non-state schools may only be established and teaching in them may only be carried out under conditions stipulated by law, whilst such schools may charge the students for their education.

The School Act stipulates the conditions under which citizens have a right to state assistance upon their study.

From resources granted by organizations or state administration bodies in the educational field, secondary vocational schools provide students with financial and material supply the view of which is to follow educational objectives. For students who do not prepare for any specific organization, the financial and material supply is covered from resources of state administration bodies acting in the educational field. For students, who prepare in practical education centres, the financial and material supply is provided by the citizen who founded the particular practical education centre upon an agreement with the respective secondary vocational schools. Financial supply takes the form of remuneration. Material supply includes catering and accommodation, whilst additional financial and material supply may be provided to students. Financial and material supply may also be provided during school holidays. Catering and accommodation may also be provided free of charge to students of secondary vocational schools in cases when it is justified by the complexity of their education, as well as in cases when it is justified by their social circumstances or their state of health.

In consideration of social circumstances and achievement, scholarship and material supply may be granted to students of gymnasiums and secondary vocational schools. Material supply particularly includes catering and accommodation. Scholarship and material supply

may be provided to students from state budgetary resources or from the resources of organizations.

The Ministry of Education of the SR stipulated the details regarding the financial and material supply of secondary school students in Decree No. 245/1993 Coll. on the financial and material supply of students of secondary vocational schools, special secondary vocational schools, vocational schools and apprentice schools and in Decree No. 311/2004 Coll. on the provision of scholarships to students of secondary and special schools.

Question B

Please describe the system existing in your country for providing financial assistance (allowances, grants, loans, etc.) to participants in vocational training. Please indicate also the nature of the financial assistance provided (amounts, duration, eligibility criteria, etc.).
Please indicate whether equal treatment in respect of financial assistance is ensured for nationals of all the Contracting Parties to the Charter lawfully resident or working regularly in your territory.

The provision of scholarships to students of secondary and special schools is regulated by a generally binding legal regulation prepared on the basis of Resolution No. 165 of the Government of the SR of 24 February 2004, to draft measures intended for deepening the positive effects that occurred due to the change in the system of material need benefits for certain population groups.

The provision of scholarships to students of secondary and special schools is regulated by Decree No. 311/2004 Coll. of the Ministry of Education of the SR on the provision of scholarships to students of secondary and special schools.

Secondary school scholarships in the range from SKK 600 to 1,200 a month according to the student's achievement, are intended for students of secondary and special schools whose parents receive material need benefit. These are funded from ESF resources through the Ministry of Education of the SR. The scholarships are not counted into income for the purposes of material need benefits.

Social scholarships pursue the following objectives:
- increase of the share of students, whose parents are in material need, in education,
- increase of the involvement of students in education pursuant to § 2 of Decree No. 311/2004 of the Ministry of Education of the SR,
- increase of students' motivation to participate in education.

Students of daily study in gymnasiums, secondary technical schools, secondary vocational schools, including combined secondary schools, apprentice schools, special secondary schools and practical schools or vocational apprentice schools are entitled to this scholarship.

The level of scholarship is graded according to the achievement of individual students:
- SKK 1,200 for the average student's achievement up to the mark 2.0 inclusive,
- SKK 800 for the average student's achievement of the mark from 2.0 to 3.0 inclusive,
- SKK 600 for the average student's achievement worse than the mark 3.0.

In Slovakia, financial assistance to students of higher education institutions is provided in the form of scholarships and loans.

Scholarships

Pursuant to the Act on Higher Education, scholarships granted to students of higher education institutions are divided to scholarships granted from the state budget and scholarships granted from resources of particular higher education institutions (e.g., from positive economic result, from school fees upon the excess of the standard duration of study, etc.).

Scholarships granted from state budget resources are divided to social and incentive scholarships. Incentive scholarship was established in the legislation in 2005, whilst for the first time grated to students in the academic year 2005/2006. Incentive scholarship is granted as a merit scholarship for study results achieved in the previous academic year to students in the second and higher year of study, respectively for the previous part of an academic year to students in the first year of study. Extraordinary scholarship is granted by a higher education institution for representing a faculty, higher education institution or Slovak Republic in knowledge, scientific, cultural or sport activities, as well as for exceptional quality work of a student during the entire study, or for scientific or artistic activity of a student and for exceptional quality final work, etc.

The level of merit scholarship is related to the volume of regular subsidy granted to public higher education institution per student in daily form of study (so-called base). In the academic year 2005/2006, merit scholarship is granted in the amount of SKK 20,000 and SKK 10,000 for the academic year to students, who study in the second or higher year of study. Considering the students in the first year of study, merit scholarship is granted to them on a pro-rata basis. The merit scholarship is granted to 10% of the best students within individual higher education institutions, who study in daily form of study in first two levels of higher education study, whilst the lower amount is granted to a half of such students and the higher amount is granted to the second half of the best student.

With respect to extraordinary scholarship, the maximum level of such scholarship is only defined, whilst established to SKK 11,000 in the academic year 2005/2006. This type of scholarship may only be granted to students of daily form of study, who study in first two levels of higher education.

A new Decree No. 102/2006 Coll. of the Ministry of Education of the SR on granting of social scholarships to students of higher education institutions enters into force from 1 April 2006. This Decree readjusts the field of direct social support to students of higher education institutions.

Social scholarship is granted to students with permanent residence in the Slovak Republic, who do not exceed the standard duration of study and who study at the first level of higher education study for the first time. Social scholarship is only granted to students in first two levels of higher education study.

The maximum level of social scholarship is SKK 5,500 a month for a student, who studies it the place of his permanent residence and SKK 6,600 a month for a student, who studies outside of his permanent residence. The level of social scholarship is related to the amounts of subsistence minimum that are re-evaluated on annual basis, as per 1 July. The

above-mentioned amounts of social scholarship will be therefore different in the academic year 2006/2007.

Scholarships from resources of a higher education institution are granted according to the scholarship rules valid in the particular institution and are fully in its competence.

In addition, higher education institutions also grant scholarships to students, who study at the third level of daily form of study (doctorates).

Apart from the above-mentioned direct social support of students – scholarships, students are also supported in an indirect form. Within capacity resources, subsidized accommodation is granted to students in hostels of higher education institutions or in their contracted facilities. An allowance is also granted to higher education institution for dinners/main meal served to students of higher education institutions.

Loans

Loans are provided through the Student Loan Fund.

A student of daily forms of first study at a higher education institution (university) in the SR or a foreign higher education institution, who holds a permanent stay permit in the SR, or a student who studies at a higher education institution in the SR as a foreign Slovak, is able to apply for a loan from the resources of the Student Loan Fund. First study at a higher education institution in the SR is also considered to be the further study of a bachelor study graduate, who continues with a daily form of masters or engineer study.

If an applicant studies at several higher education institutions or faculties, he is only allowed to apply for a loan only at one of the faculties of the higher education institution or only at the higher education institution which has no faculty structure.

A loan may be granted to an applicant who meets one of the following conditions:
- gains excellent achievement during study at a higher education institution
- is a citizen with altered capacity for work,
- is a citizen with altered capacity for work and severe disability,
- receives a social scholarship
- the average monthly income of a household member as of the date of application for a loan is lower than the minimum wage.

The Fund Board is also able to grant a loan to other applicants provided that the requests of other applicants, who meet some of the conditions referred to in letter b) to e), were satisfied.

A student cannot apply for a loan under the following circumstances:
- repeating an academic year (except for repeating due to serious health reasons),
- changing to a lower year at the faculty or to other higher education institution, in a further academic year,
- interruption of study in the previous academic year (except for cases when a student took part in an international exchange stay with the approval of the faculty or in the pastorate activity of theologians before their being ordained).

Loans are granted for a period of one academic year. The highest loan provided for a period of one academic year may reach SKK 40,000. The loan is provided for maximum 6 years. The interest rate is 3%. The longest loan maturity is 10 years from the date of the particular loan contract conclusion (not including the time of study).

Question C

Please indicate the measures taken to include time spent on training taken by workers, at the request of their employer, in the normal working hours..

There is no change to the information provided in SR second report.

Question D

Please indicate the supervision and evaluation measures taken in consultation with the social partners to ensure the efficiency of apprenticeship and other training arrangements for young workers.

There is no change to the information provided in SR second report.

Question E

Please indicate if the provision of sub-paragraphs (a),(b) and (c) of Article 10 para. 4 are applicable to the great majority of the persons concerned.

There is no change to the information provided in SR second report.

ARTICLE 15: THE RIGHT OF PHYSICALLY OR MENTALLY DISABLED PERSONS TO VOCATIONAL TRAINING, REHABILITATION AND SOCIAL RESETTLEMENT

Article 15 paragraph 1

„With a view to ensuring the effective exercise of the right of the physically or mentally disabled to vocational training, rehabilitation and social resettlement, the Contracting Parties undertake:

1. to take adequate measures for the provision of training facilities, including, where necessary, specialised institutions, public or private;“

One measure in the area of state social support in providing state social benefits, namely the child contribution, is the provision of a benefit in respect of a child that is unable to continuously prepare for an occupation or engage in gainful activity owing to a long-term unfavourable health state, but not longer than until reaching the full age of 18 years.

Generally, the child contribution is provided until the completion of mandatory school attendance, until the child is 16 years old. Where the child is continuously preparing for an occupation by study, or where the child cannot be in continuous preparation for an occupation by study, or in gainful activity owing to sickness or injury, the child contribution is provided not longer than until the child reaches 25 years of age.

For the purposes of state social benefits, for the long-term unfavourable health state of the child is regarded, pursuant to § 5 the Act No. 600/2003 Coll. on the child contribution, a disease and a state, listed in the Annex to the Act No. 461/2003. on social insurance, as amended by later regulations, which, according to the knowledge of medical science, lasts for more than twelve consecutive calendar months, or where there is assumption of either of them lasting for more than twelve consecutive months, and where they require special care.

Long-term unfavourable health state of the child is also a disease or state, requiring special care, subject to paragraph 1, where the disease or state excludes the ability to continuously prepare for an occupation or engage in gainful activity.

Question A
Please, indicate the criteria applied to grant disabled status and give an estimation of the total number of disabled persons as well as the number of disabled persons of working age.

- § 10 (3) of the Act No.195/1998 Coll, on social assistance, as later amended (the definition of the unfavourable health state for the purposes of provision of social services, within which conditions are created for work assertion, pursuant to § 20 (3) (d), in the provision of care in social service homes).

For the purposes of this act, for the long-term unfavourable health state is regarded, the invalidity according to a valid decision, or an assessment of the Social Insurance Agency, the disease, the health impairment or disability, certified by the competent attending physician.

- § 50 – 57 of the Act No. 195/1998 Coll. on social assistance, as amended by later regulations (the definition of the term "the citizen with a severe disability" and the criteria assessing the citizen with a severe disability for the purposes of provision of cash benefits for compensation and social services).

For the purposes of this act, as a citizen with a severe disability is regarded a person, whose rate of functional impairment is at least 50 %. The rate of functional impairment is assessed according to the kind of disability, listed in Annex 4 of the Act on social assistance.

Although in assessing disabilities for the purposes of social assistance the international classification of diseases is used, which was adopted by the World Health Organisation, it does not involve solely the medical definition of disability, since in assessing disability disadvantages are taken into consideration which the person faces in everyday life, when compared with a person without the disability, of the same age, sex, and under the same conditions. We would like to note, that in the recommendations for appropriate forms of compensation, priority consideration is given to non-medical assessment criteria (personality dispositions, family, and the living environment which will affect the integration of the citizen in the society).

- § 68 (f), points 1 and 2 of the Act on social assistance (keeping the register of minors with severe disability and citizens with severe disabilities to whom social services or cash benefits for compensation are provided)

The system of compensations that are provided under the Act No. 195/1998 Coll. on social assistance, as amended by later regulations, registers 290,000 disabled citizens. Of this count, according to the register of the Offices of Labour, Social Affairs and Family, there were on average **207,727** beneficiaries (citizens with severe disability) of cash contributions for compensation in 2003, and **156,000,** in 2004, respectively.

In 2003, the care in social service homes was provided to 471 children with physical disability, 381 children with mental and behaviour disorders and 1,416 children with physical, mental, and behaviour disorders. In 2004, the care in social service homes was provided to

471 children with physical disability, 376 children with mental and behaviour disorders and 1,411 children with physical, mental and behaviour disorders.

With the effect from 1 January 2004, within the new Act No. 461/2003 Coll. on social insurance, as amended by later regulations, a new definition of the disabled citizen is introduced in connection with the percentage rate decline in the capacity to carry out gainful activity (§ 71 of the Act). Pursuant to this criterion a citizen is assessed not only for the purposes of receiving invalidity pension but also provision of other support measures under the Act No. 5/2004 Coll. on employment services. For the purpose of this act a disabled citizen is regarded disadvantaged in the labour market.

In accordance with the Act No. 461/2003 Coll. on social insurance, as amended by later regulations, the Social Insurance Agency makes assessment of the long-term unfavourable health state for the purposes of pension benefits and injury benefits.

In the period until 31 January 2004, basic conditions for the solution of unemployment of disabled citizens in the Slovak Republic were defined under the Act No. 387/1996 Coll. on employment, as amended by later regulations. From 1 February 2004 the cited conditions are defined under the Act No. 5/2004 Coll. on employment services and on amending of certain acts, as amended by later regulations (hereinafter referred to as the "Act on employment services").

For the purposes of the Act on employment services, a disabled citizen is
a) a citizen recognised as disabled (invalid), i.e., whose ability to perform gainful activity is reduced by more than 40%
b) a citizen who has reduced ability to perform gainful activity is reduced by 20% but not more than by 40%.

A disabled citizen proves evidence of disability and of the percentage rate of decrease in ability to perform gainful activity due to physical, mental or behaviour disorders with a decision of the Social Insurance Agency, or of an opinion issued by the social security unit, pursuant to the Act No. 328/2002 Coll. on social security of policemen and soldiers and on amendment of certain acts, as amended by later regulations.

A disabled citizen who is a jobseeker belongs to the group of disadvantaged jobseekers.

At 31 December 2003, the average number of unemployed with altered work capacity (AWC) was 22,574 (of which 567 were citizens with reduced work capacity with severe disability, AWC SD), which is 5.11 % of the total average monthly number of the registered unemployed. At 31 December 2004, the average number of unemployed with AWC was 17, 761 (of which 583 were persons AWC SD), which is 4.78 % of the total average monthly number of the registered unemployed.

Of the total average number of the employed in 2004, 15,620 were persons with altered work capacity, including persons with altered work capacity with severe disability, of which 1,689 were citizens with AWC SD. The number of employed persons with AWC, including persons with AWC SD, dropped compared with the year 2003 by 4,153 person and their proportion in the total employment in 2004 fell from 1.82 to 1.48 percent.

Question B

Please, describe measures taken to give effect to this Article, in favour respectively of physically and mentally disabled persons through vocational training within the framework of general schemes, wherever possible, or within specialised public or private institutions. Please provide information in particular regarding:

a. assessment of the vocational skills of the disabled persons (frequency, practical skills) and the criteria used to assess the prospects of rehabilitation of a disabled person;

b. adjustment of the methods of vocational rehabilitation in accordance with the needs of the labour market.

The Act No. 461/2003 Coll. on social insurance, in its title IV, "Injury Benefits" pursuant to § 95 regulates the possibility to provide vocational rehabilitation to a natural person (injured), whose ability to perform previous employment has been reduced as a result of an industrial injury or occupational disease, as assessed by the medical expert physician of the Social Insurance Agency and where according to his opinion there is assumption that the person will be reintegrated in the working process.

Vocational rehabilitation means training required to recover the work abilities for the performance of previous activities by the injured person, or of other appropriate activity with regard to his or her age, work abilities and qualification.

In these cases, vocational rehabilitation is provided through a contract concluded by the Social Insurance Agency either directly with the employer, in a healthcare facility, or a vocational training facility for provision of vocational rehabilitation (such as, the Institute for Vocational Rehabilitation of Citizens with Altered Work Capacity Bratislava). The contract shall specify the direction and the extent of vocational rehabilitation, including financial costs associated with the provision of rehabilitation (e.g. board, lodging, travel expenses). These expenditures are covered by the Social Insurance Agency in respect of every day of the duration of vocational rehabilitation, except for the days

- in which the injured failed to attend vocational rehabilitation without a serious reason, to be recognised by the Social Insurance Agency, or in which he spoiled its course,
- in respect of which the injured was entitled to income replacement in temporary incapacity for work of an employee under the Act No. 462/2003 Coll., or an entitlement to sickness benefits from the sickness insurance and the entitlement to injury supplement from the injury insurance,
- during which the vocational rehabilitation was suspended.

Where the beneficiary of the rehabilitation benefit is simultaneously payable an early old-age pension, or an invalidity pension, the daily amount of rehabilitation benefit shall be determined as the difference between the amount corresponding to 80 % of the daily assessment base of the injured and the amount of early old-age pension or invalidity pension, received per one day.

Vocational rehabilitation can be provided for the duration of maximum 6 months. Where recovery of the ability to perform previous activity or other activity by the injured can be assumed, the Social Insurance Agency can extend this period by additional 6 months. During rehabilitation Social Insurance Agency provides a cash "rehabilitation" benefit to the injured at 80 percent of the daily assessment base.

Vocational rehabilitation is a facultative benefit, which the Social Insurance Agency can provide to the injured on the basis of an application. An injured who is in receipt of the old-age pension is not entitled to vocational rehabilitation.

Provisions of § 97 of the Act No. 461/2003 Coll. provide for the possibility to provide to the injured, whose work ability was reduced as a result of industrial injury or occupational disease and in whom, subject to the opinion of the expert physician reintegration in the work process is anticipated, retraining as a benefit of the injury insurance.

From the effect of the cited Act, i.e. from 1 January 2004, the Social Insurance Agency has not received any request for the provision of vocational rehabilitation.

Retraining means a change of the current qualification of the injured which is to be arranged through acquisition of new knowledge and skills, theoretical or practical training allowing the person to be placed in other suitable activity than that carried out prior to the industrial injury or occupational disease. The injured in receipt of an old-age pension is not entitled to retraining.

During the provision of retraining, the injured is entitled to retraining benefit as a cash benefit from the injury insurance. Retraining benefit is provided in respect of the days of the duration of retraining, under equivalent conditions with those referred to under rehabilitation benefit. Equally to determine the daily amount of retraining benefit the same procedure applies than that referred to in respect of determination of the daily amount of rehabilitation benefit.

As in the case of vocational rehabilitation, in retraining to date, the Social Insurance Agency has not received any request from the injured for the provision of this injury insurance benefit.

With effect from 1 July 2004, the Act No 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and on amendment of certain acts (Anti-discrimination Act), which, inter alia, amended the Act No. 29/1984 Coll. on the system of primary and secondary schools (the School Act), as later amended:

- the rights provided for by the Anti-discrimination Act are guaranteed, in accordance with the principle of equal treatment for all pupils, regardless of their disability (§ 4b of the Act No. 29/1984 Coll. on the system of primary and secondary schools (the School Act), as amended by later regulations,
- the application of the school integration of pupils with special educational needs in primary and secondary schools is being addressed, i.e. of pupils with mental disability, physical disability, hearing or visual impairment, ailing and sick pupils, pupils with impaired communication skills, pupils with autism, pupils with developmental learning or behaviour disorders, pupils with severe mental disability placed in the social service home, pupils with psychic or social development disorders (§§ 32a, 32b, 32c of the Act No. 29/1984 Coll. on the system of primary and secondary schools (the School Act), as amended by later regulations).

Question C

Please, specify:

a. the number and the nature of the principal specialised institutions giving suitable training, and the total number of places available;
b. the number of persons undergoing such training;
c. the number of staff and their qualifications.

There is no change to the information provided in SR second report.

Article 15 paragraph 2

„With a view to ensuring the effective exercise of the right of the physically or mentally disabled to vocational training, rehabilitation and resettlement, the Contracting Parties undertake:

2. to take adequate measures for the placing of disabled persons in employment, such as specialised placing services, facilities for sheltered employment and measures to encourage employers to admit disabled persons to employment ."

Question A

Please describe measures taken to ensure the placement and, if appropriate, the employment of physically or mentally disabled persons (for instance quotas, financial subsidies, etc.).

Support of employment of disabled citizens in the Slovak Republic has been addressed on a long-term basis by the following measures in particular:

- setting mandatory proportion for employment of disabled citizens for employers that employ at least 20 employees, as well as setting sanctions for incompliance with the proportion,
- specific measures aimed to support employment of disabled citizens, particularly within sheltered workshops and sheltered workplaces,
- the possibility to support employment of this population group within all active labour market measures designed for jobseekers or disadvantaged jobseekers.

The employer is obliged:

a) to provide adequate working conditions for disabled citizens that he employs,
b) carry out instruction and training for work of disabled citizens and pay special attention to upgrading their qualification during their employment,
c) keep a register of disabled – invalid citizens,
d) to employ disabled citizens – invalid citizens; if he employs at least 20 employees and if the Office keeps disabled citizens on its register of jobseekers – disabled citizens, at a number comprising 3.2 % of the total number of his employees.

An employer employing a disabled citizen, whose work capacity to carry out gainful activity is reduced more than 70% owing to a long-term unfavourable health state, is, for the purposes of compliance with the mandatory proportion of employment of employees with disability, treated as if he employed three such citizens.

Within specific measures aimed to support employment of disabled citizens, the Act on employment services defines the following measures:

- a contribution to the employer for establishing a sheltered workshop or a sheltered workplace, and for maintaining them,
- a contribution to a disabled citizen for operating or engaging in self-employment in a sheltered workshop or a sheltered workplace,
- support for employment of disabled citizens through agencies for supported employing,
- a contribution for the activity of a work assistant,
- a contribution to cover the operating costs of a sheltered workshop or a sheltered workplace.

With the exception of the activities of the agencies for supported employing, the measures are designed to support employment of disabled citizens, whose work capacity to carry out gainful activity has been reduced by more than 40%, i.e. invalids.

- Contribution to the employer for establishing a sheltered workshop or a sheltered workplace, and for maintaining them

Offices of Labour, Social Affairs and Family provide to an employer who establishes a sheltered workshop or a sheltered workplace:

a) a contribution to create a job in a sheltered workshop or a sheltered workplace,
b) a contribution to create a job in a sheltered workshop or a sheltered workplace increased by additional documented expenses, which are associated with the adjustment and equipment for the job proportionate to the health state of the disabled citizen, pursuant to § 9 (1) (a) of the Act on employment services. This involves the cost that is higher relative to the cost that would have been incurred in the creation of a job for the jobseeker that is not a disabled citizen, for example, the construction of a barrier-free access. The contribution for reimbursement of additional documented expenses is not linked only to a job opportunity in a sheltered workshop or a sheltered workplace. The contribution is also provided to reimburse the cost associated with the adjustment to the health state of the disabled citizen of any workplace located outside a sheltered workshop or a sheltered workplace.
c) a separate contribution for additional documented expenses that are associated with the adjustment of the job for the disabled citizen pursuant to § 9 (1) (a). A contribution for additional documented expenses is provided separately for the adjustment of the existing job to the health condition of a disabled citizen.

Where statutory conditions have been met there is legal entitlement to the provision of the contribution. The duration of the job in a sheltered workshop or a sheltered workplace for which a contribution has been provided is minimum three years. The contribution for a single job created in a sheltered workshop or a sheltered workplace is provided at an amount not exceeding 100 % of the 24-times the minimum total labour price. The minimum total labour price is a sum of the minimum wage and the health insurance and social insurance contributions, and the old-age pension saving contribution payable by the employer.

The amount of the contribution depends on the type of the region and the average rate of registered unemployment in the region concerned.

- Contribution to a disabled citizen for operating or engaging in self-employment in a sheltered workshop or a sheltered workplace

The Office of Labour, Social Affairs and Family shall provide to a disabled citizen who will take up self-employment in a sheltered workshop or a sheltered workplace, a contribution to cover the costs associated with self-employment and the additional documented expenses, where the citizen applies for the contribution in writing. Where statutory conditions have been met there is legal entitlement to the provision of the contribution.

The contribution is provided to a disabled citizen, who is registered as a jobseeker, who will start and engage in self-employment in a sheltered workshop or a sheltered workplace uninterruptedly for a minimum of two years.

The contribution is provided at an amount not exceeding 100 % of the 24-times the minimum total labour price. The amount of the contribution depends on the type of region and the average rate of registered unemployment in the region concerned.

Apart from the contribution for starting operations or engaging in self-employment in a sheltered workshop or a sheltered workplace, the Office of Labour, Social Affairs and Family provides:

- a contribution to start the operation or engage in self- employment increased by additional documented expenses that are associated with the operating or engaging in self-employment in a sheltered workshop or a sheltered workplace that are higher, relative to the cost of a jobseeker who starts self-employment and who is not a disabled citizen,
- a separate contribution for additional documented expenses that are associated with engaging in self-employment of a disabled citizen pursuant to § 9 (1) (a). A contribution for additional documented expenses is provided separately, where it involves a disabled citizen to whom additional cost is incurred in the operations of already existing self-employment activity.

The contribution to cover additional documented expenses is provided by the Office of Labour, Social Affairs and Family at an amount not exceeding 100 % of 12-times the minimum total labour price, paid at the end of the calendar month, in which the contribution is provided.

- Contribution for the activity of a work assistant:

The Office of Labour, Social Affairs and Family provides the contribution for the activity of a work assistant to an employer or a self-employed person, who is a disabled citizen - invalid.

A work assistant is an employee who gives assistance to an employee or employees with disability in carrying out their employment and personal needs during the working time.

A work assistant is also a person, who gives assistance to a self-employed disabled citizen in operating or engaging in the self-employment activity.

The contribution for the activity of a work assistant is provided monthly at 90 % at most of the total labour price, i.e. the wage and the reimbursement of health insurance and social insurance contributions, and the old-age pension saving contribution payable by the employer.

The contribution for the activity of a work assistant of a disabled citizen is a new measure, which is implemented in the Slovak Republic from 1 February 2004, within the meaning of the Act on employment services.

- Contribution to cover the operating costs of a sheltered workshop or a sheltered workplace and the cost of the transport of employees:

The contribution to cover the operating costs of a sheltered workshop or a sheltered workplace and to cover the cost of the transport of employees is provided to a legal entity or a natural person, where they apply for it in writing by 31 March at the latest, after the lapse of the calendar year for which the contribution is requested.

The operating costs are the procurement costs of the equipment, tools, gear, and protective working equipment, the costs associated with securing the operations and administration of a sheltered workshop or a sheltered workplace.

The employee's transport costs are the costs associated with securing by the employer of transport of employees who are disabled persons to the place of employment performance and back.

The contribution to cover the operating costs of a sheltered workshop or a sheltered workplace as well as the cost of the transport of employees is provided per person who is a disabled citizen, pursuant to § 9 (1)(a), at an amount not exceeding 7-times the minimum total labour price, as valid at the end of the calendar year, which precedes the calendar year in which the contribution is provided. The minimum total labour price is a sum of the minimum wage and the health insurance and social insurance contributions, and the old-age pension saving contribution payable by the employer.

As of 31 December 2005, the Offices of Labour, Social Affairs and Family registered 2,629 sheltered workshops and sheltered workplaces, with a total number of 6,005 jobs for disabled citizens.

The support of employment of disabled citizens within all the active labour market measures designed for jobseekers or disadvantaged jobseekers - the Act on employment services - defines a wide range of active labour market measures which make up a system of support and assistance to citizens with their assertion in the labour market:
- Mediation of employment;
- Information and counselling services;
- Professional counselling services;
- Education and training for the labour market;
- Contribution for self-employment;
- Contribution for employment of a disadvantaged jobseeker;
- Graduate practice.

Question B

Please indicate the number (actual or approximate) of physically or mentally disabled persons who during the reference period found paid employment (whether in specialised institutions or not).

An outline of the support for the creation of jobs for disabled citizens

Year 2003

ALMP measure	Number of jobs for disabled citizens	Agreed amount (SKK)
§ 88	114	6,483,331
§ 89	117	7,045,708
§ 90	5	437,212
§ 90a	0	0
§ 91	2 390	112,049,175
§ 91a	45	1,014,890
§ 92	45	3,810,015
§ 93	104	5,060,827
§ 107	1 868	273,967,316
§ 108	163	21,858,789

Negotiated jobs for self-employment - § 88
Negotiated jobs with employers - § 89
Negotiated jobs for school leavers or juveniles - § 90
Negotiated jobs for school leavers for fixed period - § 90a
Negotiated public beneficial jobs - § 91
Negotiated public beneficial jobs for long-term unemployed - § 91a
Negotiated special jobs - § 92
Negotiated jobs for fixed period - § 93
Contribution to the employer for establishing a sheltered workshop and a sheltered workplace - § 107
Contribution for establishing a sheltered workshop and a sheltered workplace of a self-employed person - § 108

Year 2004

ALMP measure	Number of jobs for disabled citizens	Agreed amount (SKK)
§49	1	56,975
§50	8	492,877
§56	127	12,819,174
§57	107	10,692,022

Contribution for self-employment - § 49
Contribution for the employment of a disadvantaged jobseeker - § 50
Contribution for establishing a sheltered workshop or a sheltered workplace and for their maintaining - § 56
Contribution to a disabled citizen for self-employment - § 57

Additional Protocol to the European Social Charter of 1988

ARTICLE 2: RIGHT TO INFORMATION AND CONSULTATION

1. 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.

2. The Parties may exclude from the field of application of paragraph 1 of this article, those undertakings employing less than a certain number of workers to be determined by national legislation or practice.

A. Please state if workers in undertakings are informed and informed and consulted directly or through their representatives and, in latter case. How such representatives are appointed at the various levels (workshop, establishment, undertaking, etc).

There has been a change to the employees' representation through the amendment of the Labour Code No. 210/2003 Coll. on the basis of which a trade union and works council may operate concurrently at an employer; in case they operate side by side, in accordance with § 229 (7), the trade union organisation has the right to collective bargaining, to the control of observance of the obligations following from collective agreements and to information, while the works council has the right to co-decision making, negotiating, information and the control activities.

The works council (§ 233) is a body representing all employees of an employer and may act at an employer employing at least 50 employees. A works delegate can operate in an employer employing less than 50 employees but at least 5 employees.

In cooperatives where the labour relation of the member with the cooperative concerned is also part of the cooperative membership, the resolution of the meeting of members replaces the collective agreement.

The election of members of the works council is pursuant to § 234 of the Labour Code.

B. Please describe the structures, procedures and arrangements for information and consultation in your country with all necessary information concerning the level at which they operate, whether they are compulsory or optional, their frequency, etc.

The change in the representation of employees was effected through the amendment of the Labour Code No. 210/2003 Coll., on the basis of which a trade union and a works council may operate concurrently at an employer; in case they operate side by side, in accordance with § 229 (7), the trade union organisation has the right to collective bargaining, to the control of observance of the obligations following from collective agreements and to information, while the works council has the right to co-decision making, negotiating, information and the control activities.

The works council (§ 233) is a body representing all employees of an employer and may act at an employer employing at least 50 employees. A works trustee can operate at an employer employing less than 50 employees but at least 5 employees.

The structure of the works council is defined under § 234 (1) of the Labour Code.

A works council at an employer who has:
a) 50 to 100 employees, shall have at least three members,
b) 101 to 500 employees, shall have an additional member for each 100 employees,
c) 501 to 1000 employees, shall have at least one additional member,
d) 1001 and more employees shall have at least one additional member for each 1000 employees.

The obligation of information of the employer is not provided under § 23 (repealed), but it is found under § 73, which deals with collective redundancies; the right to information is provided under § 238.

The obligation of the employer to inform of his insolvency has been transferred to the scope of the Act No. 461/2003 Coll. on social insurance - § 234.

After discussing collective redundancies with employees´ representatives, the employer is obliged to submit information in writing on the results of the negotiations to:
a) the competent labour office;
b) employees´ representatives.

The employer shall discuss with the employees´ representatives in advance the following in particular:
a) the state, structure and the anticipated development of employment and the measures planned, particularly when employment is threatened;
b) essential issues concerning the corporate social policy, measures to improve hygiene at work and the working environment;
c) decisions that may result in essential changes in the organisation of work, or the contractual terms and conditions;
d) organisational changes which mean limitation or cessation of the activity of the employer, or a part thereof, mergers and acquisitions, divisions, the change in the company' s legal status;
e) measures to prevent accidents at work and occupational diseases and for employees´ health protection.

For these purposes the employer shall provide workers' representatives with the needed information, consultation and documents and take into consideration their opinion to the extent possible.

C. *Please state the nature of the information and consultation provided for by legislation, examples of significant collective agreements or by other means, and whether they take place at the level of the undertaking or of the establishment.*

D. *Please state the specified number or numbers of workers below which undertakings are not required to comply with the provisions relating to the information and consultation of workers.*

E. *If some workers are not covered by provisions of this type prescribed by legislation, collective agreements or other appropriate measures, please indicate the proportion of workers not so covered (see Article 7 of the protocol and the relevant provision in the Appendix).*

F. *Please state whether undertakings other than those specified in paragraph 2 of Article 2 are excluded from the application of this provision in the meaning of the Appendix to the Protocol (Article 2 and 3, paragraph 4) and state the nature of such undertakings and their sectors of activity.*

Comprehensive reply of the SR to the questions C. to F. including information to the deferred conclusion of the European Committee of Social Rights (ECSR) to the Second Report of the SR on the implementation of the European Social Charter:

Legal framework

Scope

i) Personal scope

The change in the representation of employees was effected through the amendment of the Labour Code No. 210/2003 Coll., on the basis of which a trade union and a works council may operate concurrently at an employer; in case they operate side by side, in accordance with § 229 paragraph 7, the trade union organisation has the right to collective bargaining, to the control of the observance of the obligations following from collective agreements and to information, while the works council has the right to co-decision making, negotiating, information and control activities.

The works council (§ 233) is a body that represents all employees of an employer and may operate in an employer employing at least 50 employees. A works trustee can act at an employer employing less than 50 employees but at least 5 employees.

The action of trade unions and works councils at an employer (undertakings employing more than 20 employees without trade unions; undertakings employing less than 20 employees with trade unions) is subject of a research task, which is being solved in 2006 by the Institute for Labour and Family Research.

Provisions concerning workers' representatives in undertakings managed by public authorities are covered by the Acts No. 552/2003 Coll. on performing of work in public interest and No. 553/2003 Coll. on the remuneration of certain employees performing work in public interest, as amended by later regulations, as well as by the Act No. 312/2001 Coll. on civil service and on amending of certain acts, as amended by later regulations.

Subject to § 118 of the Act on Civil Service, the service office is obliged to discuss in advance with the relevant trade union body any proposals relating to civil servants, enable participation of a trade union member on committees, provide the relevant trade union body with the necessary information, consultation, documents and take into consideration their opinion. In a service office with no trade union organisation, civil servants are represented by the personnel council, or a personnel trustee.

ii) Material scope

- Obligation of information

According to the effective provisions of the Labour Code we speak about an obligation to inform employees´ representatives.

- Obligation of consultation

Article 4 of the Labour Code distinguishes the right of employees to information on the employer's activity, which is to be provided to employees on a regular basis, and the right to information, if this is related to the essential issues of the economy and development of the activity of the employer. This kind of information to which the workers are entitled, subject to Article 4, does not have to show the characteristics of periodicity, despite the fact that the referred information is connected with the essential issues of economy and development of the employer.

The entitled subjects of the rights cited above are employees themselves. The Labour Code does not specify the way the employees exercise these rights. Collective agreements should provide for particular forms of communication between the employer and the employees, or between the employer and the employees´ representatives.

Pursuant to § 237 of the Labour Code, the employer shall discuss with the employee representatives in advance the following in particular:

a) the state, structure and the anticipated development of employment and the measures planned, particularly when employment is threatened;

b) essential issues concerning the corporate social policy, measures to improve the hygiene at work and the working environment;

c) decisions that may result in essential changes in the organisation of work, or the contractual terms and conditions;

d) organisational changes which entail reduction or discontinuation of the activity of the employer, or a part thereof, mergers and acquisitions, divisions, the change in the company' s legal status;

e) measures to prevent accidents at work and occupational diseases and to for employees´ health protection.

For these purposes the employer shall provide workers' representatives with the necessary information, consultation and documents and take into consideration their opinion to the extent possible.

In accordance with § 29 (1) and (2) of the Labour Code, the employer shall be obliged to inform in writing, no later than one month prior to the transfer of rights and obligations from the labour relations, the employee representatives, and, where no employee representation exists in an employer, directly employees of:

a) the date or the proposed date of the transfer;
b) the reasons for the transfer;
c) the labour-law, economic, and social consequences of the transfer for the employees;
d) the transfer measures planned that relate to the employees.

The employer is obliged to discuss these measures with the employees´ representatives, with a view to reaching an agreement no later than one month before measures affecting employees are taken,

With a view to reaching an agreement, the employer is obliged, at the latest one month prior to commencing collective redundancies, to discuss with the relevant trade union body the measures enabling to prevent or reduce collective redundancies, particularly discuss the possibility of placing workers in suitable employment in his other workplaces, also after previous training, and the measures to mitigate the unfavourable dismissal of employees.

In compliance with the Civil Service Act, the service office shall be obliged

a) to discuss in advance with the relevant trade union body any proposals for
   1. decisions in matters of the rise, change, or termination of civil service employment relationship,
   2. service regulations,
   3. measures to open the terms and conditions for the proper performance of the civil service,
   4. measures affecting greater numbers of civil servants,
   5. reference materials for fixing systemisation,
b) to enable the relevant trade union body to have representation through one member in advisory capacity on the selection committee, qualification committee, disciplinary committee and on the advisory bodies, established by the service office head, under this act, or on the basis of a service regulation, if matters are discussed that concern the civil service employment relationship.

In a service office with no trade union organisation, civil servants are represented by a personnel council or a personnel trustee.

Rules and procedures

The structure of the works council is defined under § 234 (1) of the Labour Code.
A works council at an employer who has:

a) from 50 to 100 employees, shall have at least three members;
b) from 101 to 500 employees, shall have an additional member for each 100 employees;
c) from 501 to 1000 employees, shall have at least one additional member;
d) 1001 and more employees, shall have at least one additional member for each 1000 employees.

In accordance with § 234, the election of members of the works councils are held as follows:

- the employer is obliged to enable holding the election of members of the works council, where at least 10 percent of the employees have asked for it from the employer;
- all the employees of the employer shall have the right to elect a member of the works council, provided they have worked for the employer for at least three months;
- each employee older than 18 years of age, who is irreproachable, is not a close person to the employer, and who has worked in the employer undertaking for at least three months shall be eligible to be elected as member of the works council;
- the member of the works council shall be elected directly, by secret ballot, on the basis of a list of candidates proposed by at least 10 percent of the employees, or by the relevant trade union body;
- the term of office of the works council shall be four years.

A works trustee can operate in an employer employing less than 50 but at least 5 employees. The works trustee shall be elected directly, by secret ballot, by a majority vote of the employees present in the vote.

Remedies

In the case of unions, claims from the collective agreement in relation to individual employees are asserted and settled as other employee claims from the employment relationship. That means that courts can be used to enforce the claims.

Participation of employees´ representatives in the termination of employment relationship is a typical recourse for incompliance. In accordance with § 74 of the Labour Code, the employer is obliged to discuss in advance the notice or immediate termination of an employment relationship served by the employer, otherwise it shall be invalid.

The employees´ representative is obliged to discuss the notice, or the immediate termination of an employment relationship on the part of the employer within ten calendar days of the day the request in writing has been supplied by the employer.

Other employees´ representatives or workers in their individual capacity may use the possibility of filing a complaint with the National Labour Inspectorate, which is, subject to § 2 (1) of the Act No. 95/2000 Coll. on the labour inspection, and on amendment of certain acts, obliged to deal with every complaint.

ARTICLE 3: RIGHT TO TAKE PART IN THE DETERMINATION AND IMPROVEMENT OF THE WORKING CONDITIONS AND WORKING ENVIRONMENT

1. With a view to ensuring the effective exercise on 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.

2. The Parties may exclude from the field of application of paragraph 1 of this article, those undertakings employing less than a certain number of workers to be determined by national legislation or practice.

A. Please state if workers participate directly or through their representatives in the determination and improvement of the working conditions and the working environment and, in the later case, how such representatives are appointed at the various levels (workshop, establishment, undertaking, etc).

Within Article 36 of Constitution of the Slovak Republic employees shall have the right to fair and satisfactory conditions at work. The law shall ensure, in particular:
a) right to a remuneration for the work performed, sufficient to secure a decent standard of living;

b) protection against arbitrary dismissal and discrimination in employment;
c) protection of health and safety at work;
d) the maximum admissible length of the working time;
e) adequate rest after work;
f) the minimum admissible length of paid holiday;
g) the right to collective bargaining.

Pursuant to Article 4 of the Fundamental Principles of the Labour Code employees or employee representatives have the right to be provided the information on the economic and financial situation of the employer and on the anticipated development of his activities, namely in a comprehensible way and at the appropriate time. Employees have the right to be heard and to make proposals on the prepared decisions of the employer that may have an impact on their status in labour-law relations.

Pursuant to Article 8 of the Fundamental Principles of the Labour Code, a duty is established for the employer to take measures with a view to protecting the life and health of his employees at work. Pursuant to this act, the employer shall be liable for any damages sustained by employees due to occupational injuries or occupational diseases. Employees have the right to material security during incapacity for work, in old age, and in relation to pregnancy and parenthood, subject to social security regulations. For the employees with altered work capacity, the employer shall secure the working conditions allowing them to apply and develop their work capacity, with regard taken of their health state. During incapacity for work due to sickness, injury, pregnancy or maternity and parenthood, labour-law relations are protected to a greater degree by law.

Pursuant to Article 10 of the Fundamental Principles of the Labour Code, employees have the right to collective bargaining: in the case of conflict in their interests, employees have the right to strike while the employers have the right to lockout. Trade union bodies take part in the labour-law relations, including collective bargaining. The works council or the personnel trustee shall take part in labour-law relations subject to the conditions stipulated by law. The employer is obliged to enable the trade union, works council, or works trustee to operate at workplaces.

Employees´ representatives - the relevant trade union bodies - are elected within the meaning of the trade union statutes.

Subject to § 233 of the Labour Code, the works council is a body representing all employees of an employer and it may act at an employer employing at least 50 employees. A personnel trustee may act at an employer employing less than 50 but at least 5 employees. The rights and duties of the works council and personnel trustee are equal. The works council or the personnel trustee have the right to co-decision making, taking the form of an agreement or granting of prior approval pursuant to this act, only where the working conditions or employment conditions, in which co-decision making is required by a works council or personnel trustee, are not provided under a collective agreement.

Pursuant to § 237 of the Labour Code, the employer shall discuss with the employees´ representatives in advance the following in particular:

a) State, structure and the anticipated development of employment and the measures planned, particularly when employment is threatened;

b) Essential issues concerning the corporate social policy, measures to improve the hygiene at work and the working environment;

c) Decisions that may result in essential changes in the organisation of work, or the contractual terms and conditions;

d) Organisational changes which are deemed to include the reduction or discontinuation of the activity of the employer, or a part thereof, mergers and acquisitions, divisions, the change in the company' s legal status;

e) Measures to prevent accidents at work and occupational diseases and for employees´ health protection. For these purposes the employer shall provide the employees´ representatives with required information, consultations and documents and shall take into consideration their opinions to the extent possible.

Within the meaning of § 87 of the Labour Code, where the nature of work or conditions of operation do not allow for even distribution of the working time over individual weeks, the employer may, subject to the discussion with the employee representatives, or subject to the agreement with the employee, distribute the working time unevenly over particular weeks. In the period of maximum four months the average weekly working time must not exceed the stipulated weekly working time. Where activities with different seasonal needs for work over the year are involved, the employer may, subject to agreement with the employees´ representatives, or the employee, distribute the working time unevenly over particular weeks for a period longer than four months, not exceeding 12 months. The average weekly working time during this period must not exceed the stipulated weekly working time.

Within the meaning of § 88 (1) of the Labour Code, in the interest of work efficiency increasing and better provision for the employees' needs, the employer may, upon consultation with employee representatives, introduce flexible working time.

Pursuant to § 90 (4) of the Labour Code, the employer shall, subject to agreement with employees´ representatives, determine the beginning and the end of the working time and the schedule of work shifts and announce them in writing at a place, which is accessible to the employee.

Within the meaning of § 90 (6) of the Labour Code, the employer may divide into two parts the working time of the same work shift, subject to agreement with the employees´ representatives.

Within the meaning of § 90 (10) of the Labour Code, the employer may, subject to agreement with the employees´ representatives, determine the time required for personal hygiene after work, which shall be counted in the employee' s working time.

Within the meaning of § 93 (3) of the Labour Code, where for operational reasons the working time cannot be distributed in accordance with § 93 (1) and (2), the employer may, upon negotiation with employees´ representatives or upon agreement with an employee older than 18 years, distribute the working time in such a way which would give the employee at least 24 hours of continuous rest once per week, which should fall on a Sunday.

Pursuant to § 94 (2) of the Labour Code, work may be ordered on days of holidays only exceptionally, and upon negotiation with the employees´ representatives.

Pursuant to § 97 (9) of the Labour Code, the extent and conditions of overtime work shall be determined by the employer, upon agreement with the employees´ representatives.

By virtue of § 149 (1) of the Labour Code, the trade union body has the right to inspect the state of occupational safety and health protection at the employer. It has the right

a) to inspect how the employer discharges his duties in occupational safety and health protection and whether he consistently creates conditions of work that are safe and without hazards to health; regularly inspect the workplace and employer's facilities for employees and check the employer's management of personal protective equipment;

b) to inspect whether the employer properly investigates causes of occupational injuries, to participate in the investigations of causes of occupational injuries and occupational diseases, or investigate them on its own;

c) to require from the employer to remove any deficiencies revealed in operations of the machinery, and equipment, work procedures, and in case of imminent and serious hazard to life or health, serve a binding prohibition notice to continue further work;

d) alert the employer to the overtime work and the night work which might involve risk to occupational safety and health protection.

This provision regarding the right to inspection of occupational health and safety applies also to employees performing work in the public interest and to civil servants.

Equally, § 146 of the Labour Code applies to civil servants, under which the employer, employees and health and safety employees´ representatives and the union organisation render each other cooperation in planning and implementing measures in the area of labour protection.

The health and safety employees´ representatives are appointed under the Act No. 330/1996 Coll. on occupational safety and health protection, as amended by the Act No. 367/2001 Coll.

Within the meaning of § 10 (l) of the Act, the employer who employs more than 10 employees, appoints one or multiple employees as employees' health and safety representatives

a) at the proposal of the representative organisation operating in the workplace;

b) in case there is no representative organisation operating in the workplace, the appointment is based on the election from the ranks of employees.

The employee representative can be appointed only with his or her consent.

Under the Act No. 152/1994 Coll. on the social fund, as amended by later regulations, the employer is obliged to provide employees with an allowance from the fund, in the extent and according to the principles set out in the collective agreement to make provision for meals and services to be used by employees to regenerate the labour force, for transport to the employment and back, for social aid, recreation, supplementary pension insurance and other

elements of the corporate social policy in the area of employees welfare. The Act on the social fund applies to all employers and their employees, i.e., also the employees performing work in the public interest and the civil servants. The service office shall decide on the way the social fund will be used, with the consent of the relevant labour union organisation.

Under § 239 of the Labour Code, employees´ representatives check compliance with labour-law regulations, including wage regulations and the obligations following out of the collective agreement. They are authorised in particular to:

a) enter any workplace of the employer, at a time agreed with the employer;
b) demand information and background documents from the senior management staff;
c) make proposals for the improvement of the working conditions;
d) demand from the employer to make improvement order to remove the revealed shortcomings;
e) propose to the employer, or other authorities responsible for supervision of observance of the employment regulations to take appropriate steps in respect of senior management staff, who are in breach of labour-law regulations or duties following for them out of collective agreements;
f) demand from the employer information about the measures that have been taken to remove shortcomings revealed by inspections.

The exercise of the right of employees to take part in the determination and improvement of the working conditions and working environment and in solving essential issues of the labour protection is provided in the Labour Code, Act No. 311/2001 Coll. and in the Act No. 330/1996 Coll. on occupational safety and health protection, as amended by later regulations.

Civil servants take part in the determination and improvement of the working conditions and working environment through their representatives (trade union body, personnel council, personnel trustee).

In the units and facilities of the Ministry of Defence, employees participate in the determination and improvement of the working conditions and working environment through the employees´ representatives, which are appointed by the statutory representative in the internal order, in accordance with § 10 (1) and (2) of the Act No. 330/1996 Coll. on occupational safety and health protection, as amended by later regulations.

B. *Please give general description of the structures, procedures and arrangements for workers to take part in determining the work conditions in undertakings in general and, when appropriate, in the various activity sectors of undertakings. This information should be specified according to each of the various areas referred to in paragraph 1 of Article 3 of the Protocol. If appropriate, please describe at what levels within the undertaking these rights are exercised and describe how.*

Employees´ participation in the determination and improvement of the working conditions is provided in the Labour Code and in the Act No. 330/1996 on occupational safety and health protection, as amended by later regulations.

Pursuant to § 146 (3) of the Labour Code, the employer, employees and health and safety employees´ representatives and the union organisation render each other cooperation in planning and action in the area of labour protection.

The duty of the employer to enable employees to take part directly in the determination and improvement of the working conditions, work organisation, and the working environment and in respect of labour protection is a general obligation, laid down by the Labour Code and the Act No. 330/1996 Coll., as amended by later regulations, regardless of the branch of the employer undertaking or the number of employees.

In § 10 (3)(a) of the Act No.330/1996 Coll., the employees´ representative is authorised to conduct inspections in the workplaces and check the observance of the measures to ensure occupational health and safety protection.

Appointments of employees´ representatives must be done with the consent of the employee concerned. Employees´ representatives generally represent particular workplaces. Where the unit (organisation) has more than 100 employees, the internal order of the statutory representative shall nominate an Occupational Health and Safety Committee (§ 11 (1) of the act No. 330/1996 Coll. on occupational safety and health protection, as amended by later regulations), whose members also include employees´ representatives.

The cited provisions of the Labour Code and the Act No. 330/1996 also apply to the employees performing work in the public interest and to civil servants.

Note: The National Council of the Slovak Republic has passed a new Act No. 124/2006 Coll. on occupational safety and health protection, with effect on 1 July 2006.

C. Please state if workers' participation concerns all of the areas covered by Article 3, paragraph 1 of the Protocol.

Employees´ participation relates to the areas set out in Article 3 (l) (a), (b), (c), and (d) of the Protocol. The relevant trade union body, works council, works trustee and employees´ health and safety representatives have been authorised to conduct the inspection activity. Pursuant to § 10 (3) (a) of the Act No. 330/1996 Coll. on occupational safety and health protection, as amended by later regulations, the health and safety employees´ representative is authorised to conduct inspections in the workplaces and verify the fulfilment of the measures to ensure health and safety at work.

Employees´ participation relates particularly to the area of safety and health protection in the sector of defence and to the supervision of the observance of regulations on these matters. In military units and facilities with a civilian staff trade union organisation, attention is also given to the social or socio-cultural services.

D. Please state the number or numbers of workers below which undertakings are not required to make provision for the participation of workers in the determination of their working conditions.

The Labour Code does not provide for any exemptions from the duty to enable employees to contribute to the determination of the working conditions. Every employer is obliged to fulfil the duties following out of the cited acts with regard to employees´ representatives, to enable his employees to take part in addressing the issues of labour protection and discuss with them in advance the matters of the labour protection and enable employees to have their say in the selection of work equipment, technologies and work organisation and in ensuring the working environment and the workplace.

There is no lower limit set under which undertakings are freed from the duty to enable employees to contribute to the determination of their working conditions. Every employee has the right to discuss with the employer all issues relating to the safety and health protection at work. That also applies to the employees performing work in the public interest and the civil servants.

E. If some workers are not covered by provisions of this type prescribed by legislation, collective agreements or other measures, please state the proportion of workers not so covered (see Article 7 of the Protocol and the relevant provision in the Appendix).

Provisions apply to the employees, as stated in the information given under point D.

F. Please state whether undertakings other than those specified in paragraph 2 of Article 3 are excluded from the application of this provision in the meaning of the Appendix to the Protocol (Articles 2 and 3, paragraph 4) and indicate their nature and the sector of activity involved.

No employer undertaking is excluded from the scope of Article 3 paragraph 1 of the Protocol, which means that this provision applies to both the employees performing work in the public interest and the civil servants.

Response of the SR to the deferred conclusion of the ECSR to the Second Report of the SR on the implementation of the European Social Charter:

The exercise of the right to take part in the determination and improvement of the working conditions and working environment, occupational health and safety protection applies to all categories of workers and all employers, even those that are public authorities. The cited provisions of the Labour Code apply also to the employers employing employees in the public interest. Within the meaning of the Act No. 552/2003 Coll. on performing of work in the public interest the Labour Code is applicable to these employees subsidiarily, i.e. with the exception of those provisions, which have been provided differently under the act No. 552/2003 Coll.

The exercise of the right to take part in the determination and improvement of the working conditions and working environment, occupational health and safety protection at work also applies to civil servants. These rights are governed by § 146 to § 150 of the Act No. 311/2001 Coll. - the Labour Code, as amended by later regulations, whose particular provisions are applicable by delegation also to the civil servants. Pursuant to § 118 of the Act No. 312/2002 Coll. on the civil service, as amended by later regulations, the service office is obliged to consult with the relevant trade union body the proposals for measures for the creation of conditions for proper performance of the civil service. The relevant trade union body conducts supervision over the conditions of civil service performance in the service office. It is authorised, in particular:

a) to enter the sites where civil service is performed;
b) demand the necessary information and background documents from the superiors;
c) make proposals for the improvement of conditions for the proper performance of the civil service;
d) demand from the service office to remove the shortcomings revealed;
e) demand from the service office reports on the measures taken to eliminate the shortcomings revealed in the inspections or on giving effect to the proposals submitted by the relevant trade union conducting the inspection concerned.

For the purposes referred to under letters (a) through (e), the service office shall provide the relevant trade union body with the necessary information, consultation, documents and shall take regard of its opinion. The service office decides the way the social fund is to be used, subject to the consent of the relevant trade union body. In a service office with no trade union representation, the civil servants are represented by a personnel council, or a personnel trustee, in the scope of competences of the trade unions, referred to above, with the exception of the right to collective bargaining.

Working conditions, work organisation and working environment

Within the meaning of § 229 of the Labour Code, employees take part in the creation of fair and satisfactory working conditions through the relevant trade union body, the works council and works trustee, taking the form of:

a) co-decision making;
b) negotiation;
c) the right to information;
d) inspection activity.

The Labour Code was amended by the Act No. 210/2003 Coll. in the sense that both the trade union organisation and the work council may operate in an employer side by side. Where they operate side by side in an employer, the trade union organisation has the right to collective bargaining, to the control of observance of the obligations following out of collective agreements and to information, and the works council has the right to co-decision making, negotiation, information and the inspection activity. Where trade union organisation and works council operate concurrently in an employer, a trade union representative can take part in the meeting of the works council provided the majority of members of the works council agree with it. Employees have the right to collective bargaining only through the relevant trade union body.

Occupational health and safety protection

Pursuant to § 146 of the Labour Code, the employer, employees and health and safety employees´ representatives and the labour union organisation render each other cooperation in planning and taking measures in the area of occupational health and safety protection. This provision applies also to civil servants.

The Labour Code enables concurrent operation of the trade union organisation with the works council or works trustee; non-unionised workers can let themselves be represented by the works council or the work trustee.

Organisation of social and socio-cultural services and facilities

Pursuant to the Act No. 152/1994 Coll. on the social fund, as amended by later regulations, every employer is obliged to generate the social fund at minimum 0.6 % of the basis, comprising the aggregate gross wages or salaries accounted to employees for the current year.

On the basis of an agreement with employees´ representatives the employer can increase this compulsory allocation in the collective agreement to as much as 1% of the basis,

and agree, beyond the scope of the compulsory allocation additional allocation of up to 0.5% of the basis. In all, it is possible to agree in the collective agreement a generation of the social fund at 1.5% of the annual aggregate gross wages paid out to employees.

Pursuant to § 7 of the Act on the social fund, the employer is obliged to provide from the social fund resources allowances to employees, in the scope, and according to the principles agreed in the collective agreement for the areas of social fund uses, as stipulated by law, namely for the provision of meals beyond the scope stipulated in § 152 of the Labour Code, for services which the employee uses do regenerate his labour force, for transport to the employment and back, for social aid, recreation, supplementary pension insurance, and other implementation of the corporate social policy in the area of employees´ welfare.

Apart from the amount of the social fund to be generated, the employer shall agree in the collective agreement the areas for the social fund use, the amount of allocations designated for particular areas, and the eligibility conditions under which an employee will acquire entitlement to get an allowance from the social fund, (such as, submission of a document substantiating payment of an allowance for recreation, the admission ticket indicating the visit of a cultural event or sports facility, a receipt substantiating the amount of travel expenses, a definition of the situation when an employee will be provided a loan or non-returnable contribution as social aid, etc.).

Within the meaning of § 7 (2) of the Act on the social fund, it is possible to agree also the provision of a contribution from the social fund for the employee's family members, or former employees, which the employer employed in a labour-law relation or similar labour relation contract, as of the day of their old-age retirement or invalidity pension.

The service office shall decide the use of the social fund for civil servants, subject to agreement of the relevant trade union body.

Supervision

Pursuant to § 10 (3) (d) of the Act No. 330/1996 Coll. on occupational safety and health protection, as amended by later regulations, the employees´ representative is authorised to demand from the employer to eliminate shortcomings found; where the employer fails to eliminate the shortcomings, to which he was alerted by the employees´ representative, the representative is authorised to file submissions to the supervision authorities; the labour inspection bodies and the supervision authorities, subject to special regulations, have been entrusted with the supervision.

Pursuant to § 14 of the Labour Code, any disputes between the employer and the employee, who acts in his or her individual capacity, regarding claims from the labour-law relations are dealt with and decided by the courts.