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6th National Report on the implementation of
the European Social Charter

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THE GOVERNMENT OF THE SLOVAK REPUBLIC

(Article 1, 9, 10, 15, 18, 20, 24, 25)
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**MINISTRY OF LABOUR, SOCIAL AFFAIRS AND FAMILY
OF THE SLOVAK REPUBLIC**

The European Social Charter (revised)

The Report of the Slovak Republic

on the implementation of the European Social Charter (revised)

(Conclusions 2012:
ratified provisions of Articles 1, 9, 10, 15, 18, 20, 24, 25 of the Revised Charter)

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Article 1 Paragraph 1

Two projects aimed at the reduction of the number of the unemployed are carried out since November 2012 in the Slovak Republic (Employment Support for the Unemployed in the Self-governing Regions of the Slovak Republic; Support of Creation of New Work Opportunities) under the operational programme Employment and Social Inclusion. These two projects are aimed at the creation of new jobs for jobseekers under the age of 29 years. These projects will conclude in 2015 and by this time more than 14 000 new jobs for the young unemployed will be created.

A new project aimed at employment of the long-term unemployed, older persons and school graduates is being also prepared. The project should conclude in 2015 and by that time several thousand new jobs for the most disadvantaged jobseekers will be created.

Measures aimed at reducing the level of unemployment in the Slovak Republic are carried out in accordance with the Act 5/2004 Coll. on employment services which governs legal relations related to the provision of employment services and introduces active labour market policies created in order to improve the access of the unemployed people to new job opportunities (to mention only a few of them - measures such as information and advisory services; recruitment services; vocational training and guidance; support of creation of new jobs for the persons with disabilities – e.g. financial support for those disabled who wish to start working as self employed, financial support for the acquisition of work, etc.).

In order to reduce the level of unemployment, an important amendment of the Act on employment services has been adopted on March 20, 2013 by the Government of the Slovak Republic. The amendment is effective since May 1, 2013. It ensures a more individualized approach to the provision of employment services especially on the local and regional level, higher quality of information and advisory services, more specialised vocational training and guidance for the most disadvantaged job seekers – that means the youth, the long-term unemployed persons and older persons.

The reduction of administration burden related to the provision of employment services which is also a part of this amendment will enable each Office of Labour, Social Affairs and Family to apply the most effective tools of its own active labour market policy to the needs of the given region.

The amendment also increases the impact of taking into consideration the regional situation on the labour market by involving the social partners in decision-making related to the drafting and implementation of active labour market measures. This will be achieved by the social partners' participation in tripartite Committees on Employment.

Each individual Office of Labour, Social Affairs and Family is now able to target its own active labour market policy on the specific needs of the labour market in the given region and thus be able to more effectively deal with unemployment.

In 2014 the situation on the Slovak labour market further improved and the unemployment rate decreased. The average annual unemployment rate in 2014 according to the Labour Force Survey fell by 1 percentage point to 12.79%. In the 2nd quarter of 2015 the number of the unemployed decreased to 11.2%.

To support the long-term unemployed the concurrence of assistance in material need and wage have been implemented. In October 2014 the amendment to the Act on Assistance in Material Need was adopted and with effect from January 2015, increases and extends the entitlement to a special allowance for persons in material need who find employment. For the first 6 months such an employee obtains EUR 126.44 and for the following 6 months this amount decreases to EUR 63.07. The concurrence of assistance in material need and the in-work benefit is aimed at increasing the motivation of the long-term unemployed and inactive persons in the productive age to participate in the labour market, i.e. when an employment relationship is established (at least part-time employment). The current new amendment enables obtaining a special allowance in the situation when an individual or a family with multiple members still remains in the system of assistance in material need.

Re-qualification and education programmes within Active Labour Market Policies (ALMPs) represent effective measures increasing the productivity of the low-skilled unemployed. Implementation of a pilot project called "RE-PAS" funded from ESF is currently underway. The re-qualification allowance for job seekers allows for a relatively free selection of re-qualification courses and their provider. The allowance is provided after assessing the applicant's suitability and qualification based on the recommendation of an expert consultant at the labour office.

Labour offices will also cooperate with non-public providers of employment services as a part of the national project. Non-public employment services will be mainly focused on long-term unemployed job seekers who are provided with special services including competence assessment, counselling and education. Projects to support the employing of the long-term unemployed and elderly unemployed job seekers over 50 years of age will be also prepared.

In 2014 job creation for young people was supported by labour costs subsidies. The programme aimed at young people under 29 years of age with their first regularly paid job became a part of ALMP thanks to the amendment of the Act on Employment Services in October 2014, which became effective in January 2015. This measure is included in the adopted National Youth Guarantee Implementation Plan in the Slovak Republic containing the schedule of legislative reforms and projects for early intervention, activation and integration of young people in the labour market. These measures are mainly funded from the special EU budget allocation and from the national allocation of ESF. The employment of young people was also supported by means of the Operational Programme Competitiveness and Economic Growth.

The graduate practice was modified so that it better addressed the education of graduates. Job seekers will have the opportunity to individually learn and train for the labour market in those

areas where the Central Office of Labour, Social Affairs and Family (COLSAF) cannot provide training.

For students working under the Contract for Work, the level of the contribution relief for the purpose of social insurance was increased and the age level was unified. The maximum amount of monthly income eligible for the release from social insurance ensuing from a contract for student work increased from January 2015 from EUR 68 or 159 to EUR 200.

Legislative reforms and new projects aimed at boosting youth employment form part of the youth guarantee scheme for young people under 29 years of age. The purpose of this package of measures is to ensure that all young people under 29 years of age receive a high-quality offer of employment, additional training, apprenticeship-type training or an internship within four months of losing their job or completing their studies. New tools will be financed within the new programming period of 2014–2020. The measures called “Work Experience for Future Employment”, “Graduate Practice Starts up Employment” and “Successfully in the Labour Market”, facilitate the gaining of practical experience by creating a temporarily subsidized job with an employer and attaining practical skills in the given field, and supported self-employment. Their implementation was initiated in the second half of 2015.

So-called Activation Centres were created to fulfil the amendment to the Act on Assistance in Material Need during 2014. The Central Office of Labour, Social Affairs and Family (labour offices) created 840 new jobs for field workers cooperating with benefit recipients. The anticipated costs represent approximately EUR 9 million in 2015.

In January 2014 activities related to the creation of the ALMP effectiveness and efficiency evaluation system were launched. Creation of the system also comprises preparation of the methodology regarding the effectiveness and efficiency of ALMP tools evaluation together with a proposal and development of an information system for the ALMP evaluation.

In 2014 legislation enabling the integration of the COLSAF Directorate-General and the labour office branches in a single entity within the ESO reform was adopted in October with effect from January 2015. The changed management will enable COLSAF to better administrate the labour offices and their staff members.

Cross-sectional activities were centralized in the next stage, which helped optimize some processes and provided free personal capacities. In the first quarter of 2015 divisions of client services, so-called points of first contact were established at all labour offices thanks to the reorganization and process unification.

Article 1 Paragraph 2

The Act 552/2003 Coll. on the public service defines the prerequisites for the work in the public sector of the Slovak Republic in Article 3. Slovak citizenship is not a prerequisite for work in the public service. Article 3 of this act states that if a person wishes to work in the public service, they, for example, have to: be fully qualified for such a work; they may not have committed a crime; have full legal capacity; be medically capable to carry out work, if they apply for a position which list medical capability as a prerequisite. These positions form the majority of posts and positions in the public sector.

Several posts of the public sector are governed by the Act 400/2009 Coll. on the state service. Slovak citizenship is a prerequisite to be enlisted in the state service as these positions are state posts in service offices that are of extraordinary importance, high level managing posts and posts that require authorisation for access to state secrets or intelligence services.

Article 1 Paragraph 3

In accordance with the Act 5/2004 Coll. on employment services, offices of labour, social affairs and family and their external workplaces provide employment services and set active labour market measures. These are services like:

- Mediation of employment,
- Provision of information, advice and vocational guidance services,
- Creation of programs aimed at education and training according to the needs of the labour market (e.g. enhancing the skills and knowledge of the employed and the unemployed),
- Providing financial support for employers who give work to an unemployed person,
- Preparation of programs aimed at supporting employment of persons with disabilities (e.g. financial support for employers who create and sustain a sheltered workplace for a disabled person; financial support for a disabled person who wishes to operate or perform business activities on a self-employed basis; financial support aimed at covering the expenses for the activities of a work assistant; etc.),
- Supporting geographical mobility, etc.

Because the ECSR requested a short overview of the employment services, they are as follows:

A) Measures aimed at supporting the increase of employability

- Information and advisory services (Article 42),
- Professional consultancy (Article 43),
- Education and preparation for the labour market of the job seeker and for the person interested in employment (Article 46),
- Contribution for the graduate practice (Article 51),
- Contribution for activation activity performed in the form of minor communal services performed for a municipality or a self-governing region (Article 52),
- Contribution for activation activity performed on a voluntary basis (Article 52a),

B) Measures aimed at supporting employment, creation and sustainability of jobs

- Mediation of employment (Article 32),
- Education and preparation of an employee for the labour market (Article 47),
- Contribution for self-employment (Article 49),
- Contribution for employing a disadvantaged jobseeker (Article 50),
- Integration of disadvantaged jobseekers in a social enterprise (Article 50b),
- Contribution for supporting local and regional employment (Article 50j),
- Contribution for sustaining jobs (Article 50k),
- Contribution for commuting to work (Article 53),

- Contribution for resettlement for work (Article 53a),
- Contribution for transport to work (Article 53b),
- Contribution for creating a new job (Article 53d),
- Financial contribution for supporting the sustainability of employment in small or medium enterprises (Article 53e),
- Projects and programmes (Article 54),
- Contribution for establishing and maintaining a sheltered workshop or a sheltered workplace (Article 56),
- Contribution for keeping a disabled citizen in employment (Article 56a),
- Contribution for a disabled citizen to operate or perform business activities on a self-employed basis (Article 57),
- Contribution for the activities of a work assistant (Article 59),
- Contribution towards the operating costs of a sheltered workshop or sheltered workplace and towards the cost of employee transport (Article 60).

An important amendment of the Act on Employment Services is in effect since May 1, 2013. Based on the recommendations from several international institutions, the administrative capacity of the provided employment services has been improved. By lowering the total number of active labour market measures, the administrative burden will be eased. Improving the professional consultancy, especially by introducing the balance of competences of individual clients, a more effective consideration of the regional labour market situation will be achieved.

Article 1 Paragraph 4

In accordance with the Act 5/2004 Coll. on employment services, offices of labour, social affairs and family and their external workplaces provide employment services and set active labour market measures. Because the ECSR requested a short overview of the employment services, they are as follows:

A) Measures aimed at supporting the increase of employability

- Information and advisory services (Article 42),
- Professional consultancy (Article 43),
- Education and preparation for the labour market of the job seeker and for the person interested in employment (Article 46),
- Contribution for the graduate practice (Article 51),
- Contribution for activation activity performed in the form of minor communal services performed for a municipality or a self-governing region (Article 52),
- Contribution for activation activity performed on a voluntary basis (Article 52a),

B) Measures aimed at supporting employment, creation and sustainability of jobs

- Mediation of employment (Article 32),
- Education and preparation of an employee for the labour market (Article 47),
- Contribution for self-employment (Article 49),
- Contribution for employing a disadvantaged jobseeker (Article 50),
- Integration of disadvantaged jobseekers in a social enterprise (Article 50b),
- Contribution for supporting local and regional employment (Article 50j),
- Contribution for sustaining jobs (Article 50k),
- Contribution for commuting to work (Article 53),
- Contribution for resettlement for work (Article 53a),

- Contribution for transport to work (Article 53b),
- Contribution for creating a new job (Article 53d),
- Financial contribution for supporting the sustainability of employment in small or medium enterprises (Article 53e),
- Projects and programmes (Article 54),
- Contribution for establishing and maintaining a sheltered workshop or a sheltered workplace (Article 56),
- Contribution for keeping a disabled citizen in employment (Article 56a),
- Contribution for a disabled citizen to operate or perform business activities on a self-employed basis (Article 57),
- Contribution for the activities of a work assistant (Article 59),
- Contribution towards the operating costs of a sheltered workshop or sheltered workplace and towards the cost of employee transport (Article 60).

An important part of the agenda of the offices of labour, social affairs and family in the reference period was vocational education – provision of information and advisory services during employment selection for the unemployed, advisory services for the employers when selecting the right employees, etc. These services were carried out in either individual form or in a group form.

Jobseekers were provided with information on:

- Conditions of being listed as a jobseeker with their office of labour, social affairs and family, their rights and responsibilities;
- Conditions for the application of the unemployment benefit and material need benefit;
- Current situation on the labour market and expectations;
- Currently vacant jobs in the region, in the Slovak Republic and abroad;
- Possibilities of finding job by the use of services of a temporary employment agency of supported employment agency;
- Types of occupations and prerequisites that have to be met by the jobseeker;
- Qualification and health prerequisites for jobs;
- Active labour market measures and how to use them;
- Realisations of national projects;
- Work with informational technologies and the Internet;
- Ability to discover new information on services provided by the information centres;
- List of services of vocational guidance;
- Active job seeking – information on written document forms (CV, application for employment, motivational letter, etc.), on communication with the employer, preparation for the selection procedure for a job;
- Legal relations.

Employers

During the reference period, employers were provided with information and services on:

- finding a suitable candidate for a specific job,
- possibilities and conditions of participating on individual active labour market measures,
- labour market situation,
- obligations of employers when employing a disabled citizens,
- projects related to employing disadvantaged jobseekers,

- employing foreigners and EU citizens,
- illegal work and illegal employment,
- legal aspects of collective redundancies.

Citizens threatened by the loss of job were provided with information and services on:

- the actual labour market situation,
- employers in their region and job vacancies in the Slovak Republic and abroad,
- conditions for being listed as a jobseeker in the office of labour, social affairs and family,
- conditions for the application for the unemployment and material need benefit,
- possibilities of participating on active labour market policy programmes,
- vocation guidance,
- possibilities of early retirement,
- legal aspects of work relations.

Vocational guidance and information services for primary and secondary education facilities
Information services and vocational guidance provided by the offices for the pupils of primary schools were focused on the selection of a suitable employment – complex characteristics of individual occupations, prerequisites, health and qualifications requirements based on the “Information System of Occupation types” and information on possible education on secondary schools.

Information services and vocational guidance provided by the offices for the pupils of secondary schools were focused on possibilities of further education on universities, occupations preferred by the regional labour market, proper communication with a future employer, services provided by the offices.

Both primary and secondary schools pupils were provided with information on the labour market, on individual occupations (using numerous publications, such as “The World of Work”, information leaflets; but also by electronic sources like interactive DVDs on individual occupations).

Vocational training of employed persons is guaranteed by the Article 46 of the Act on Employment services based on the evaluation of their abilities, skills, work experience, accomplished level of education, health conditions, etc. In accordance with Article 47 of the Act on Employment services, employees of an employer are provided with training related to a creation of new jobs and maintain the existing jobs.

Overview concerning the number persons participating on the individual measures and the amount of financial resources allocated from the state budget to the individual measures in 2014:

Active Labour Market Policy Measure	Number of Participants	Financial Resources Spent (in EUR)
32	5 620	67 682
42	271 645	283 537
43	145 236	11 035
46	6 659	2 497 323
47	1 609	563 679
49	2 715	6 908 844
50	3 178	5 359 649
50a	370	5 513 613

50c	6	281 527
50j	3 999	12 466 006
50k	0	44 050
51	9 482	4 426 804
52	26 200	4 213 568
52a	6 460	5 734 928
53	7 059	1 590 039
53a	38	66 193
53d	570	2 672 310
54	17 188	39 863 208
56	994	12 640 458
56a	31	169 643
57	96	431 095
59	770	3 220 722
60	9 728	20 258 100
Total	519 653	129 284 014

Regarding vocational training and retraining of unemployed and employed persons:

In 2014, a total number of 6 659 jobseekers participated on training for the labour market and the total sum spent on these activities amounted to 2 497 323 EUR. It has to be noted that this training is usually provided by regional offices of labour, social affairs and family. However, when such training cannot be provided by the office, the jobseeker may find the required training on their own and the office will then refund 100% of the costs of this training. In 2014, 926 jobseekers made use of this possibility and the cover costs for this training amounted to 112 220 EUR. 41.12% of participants were able to find job after concluding this vocational training. More than a half of these successful graduates finds a suitable job within 2 months since conclusion of the training, one third finds a suitable job after 1 month since conclusion of the raining and 16% find job within the period of 7 -12 months after conclusion of the training.

Further training and retraining of employed persons was used by 1 609 employees in 2014 and the related costs amounted to 563 679 EUR.

Article 9

Please see information on Article 1 paragraph 4.

Article 10 Paragraph 1

During the last time the committee dealt with this provision of the charter for the Slovak Republic, it was informed that there is no specific act on apprenticeship and that apprenticeship, vocational training and education was covered by the Schools Act. It was also informed that a new act on vocational education and training was being drafted. The Slovak Republic would like to inform the committee that this act was adopted as the Act 184/2009 Coll. on vocational education and training.

This act provides a complex solution for the vocational training and education in the system of secondary education of the Slovak Republic and is one of the pillars of reform of the Slovak educational system as it is based on close cooperation between the public sector, self-governing regions, employers and employees.

This education combines both theory and practice carried out by the students in the premises of a company in which the student undertakes the practical training. Students are remunerated for their productive work by the company or entity for which they carry out this productive work. Productive work is by this act defined as creation of products or provision of services directly related to the purpose of business activity of a company or entity for which the student carries out this productive work.

A new amendment of this act has been adopted in September 2012 and it is effective since January 2013. It strengthens the coordination of vocational training and education to be better suited to the needs of the labour market and it also aims to support study specializations which are important for the labour market but are currently underrepresented. To achieve these goals, the amendment sets the obligation to publish information about the employability of the graduates divided according to each individual self-governing region, fields of study and type of the secondary education facility. Self-governing regions therefore decide which study specialisations will be open based on the need of the regional labour market.

Another important feature of this amendment is that the Ministry of Education, Science, Research and Sport of the Slovak Republic together with the Ministry of Labour, Social Affairs and Family of the Slovak Republic will prepare statistical data on the level of employability of graduates in each self-governing region, study specialization, etc. twice a year and based on these statistical data will adopt new policies and divide financial support among the schools to further address the needs of the labour market.

Both general and vocational education is free of charge in the Slovak Republic (all levels, including university education). After finishing the 9 year primary education, pupils decide on what type of secondary school they wish to continue their compulsory education. At present, there are three types of schooling facilities providing secondary education: secondary grammar schools providing general education; conservatories providing education in the arts specialisations; and secondary vocational schools providing specialised and technical education. These types of schools differentiate according to the way of their establishment – state public schools, private schools and church schools.

In 2014, state secondary grammar schools were attended by 59 081 students; state conservatories by 1820; and state secondary vocational schools by 125 537. In the same year, private secondary grammar schools were attended by 3 736 students; private conservatories by 928 students; and private secondary vocational schools by 13 568 students. Still in 2014, church secondary grammar schools were attended by 12 074 students; church conservatories by 208 students; and church secondary vocational schools by 3 694 students. These numbers show that vocational education is widespread and guaranteed in the Slovak Republic and that most young people choose vocational education as their field of study. All in all, in 2014 there were 142 799 secondary vocational students; 74 891 secondary grammar schools students; and 2965 conservatories students.

Article 10 Paragraph 2

Please see information on Article 10 paragraph 1.

Apprenticeship has been integrated into the system of vocational education and is not a separate education field. Curricula in all secondary vocational schools consist of vocational training received in schools and practical training undertaken within the premises the future employers of these students, which is fully remunerated.

Article 10 Paragraph 3

Please see information on Article 1 paragraph 4.

Article 10 Paragraph 4

For additional information please see information on Article 1 paragraph 1 and Article 1 paragraph 4.

In 2014, the total number of unemployed stood at 12.79% which marks a decrease by more than 1% when compared with 2013. Out of this, the highest number is represented by the long-term unemployed, who represented 54.82% of all unemployed persons in the Slovak Republic in 2014. When compared with 2013, the total number of long-term unemployed decreased by 7% in 2014.

14% of the long-term unemployed are represented by persons aged 15 -24. When compared with 2013, their number has decreased by 19.9% in 2014.

The Slovak Republic has started additional projects aimed at increasing the level of employment of young persons, more specifically:

Project No. XX : “Support of employment of the unemployed in self-governing regions”

- the aim of this project is to support the creation of new jobs for young persons (aged 29 and less), who are unable to work mainly due to the lack of work experience and opportunities. Applicable employers were towns, cities, self-governing regions and budgetary organisations established by self-governing regions. In 2014, 756 new jobs were created by spending 2 652 907,34 EUR on their creation. Consequently, the governing body of the Operational Programme Employment and Social Inclusion has decided to broaden the target group and the budget of the programme – to National Project XXI/A “Support of Job Creation – 2” and National Project XXI/B “ Support of Job Creation – 3”.

Project No. XXI: “Support of job creation”

- the project was approved as one of the projects aimed at job creation for young persons aged 29 and less and also as a support of small and medium enterprises, which are the main source of new jobs. Almost half of the created jobs was taken up by jobseekers listed as unemployed for the period from 3 to 6 months, and jobseekers listed as unemployed for the period of 12 months. The offices of labour, social affairs and family provided 1 817 459 EUR for the creation of new jobs.

Project No. XXI/A “Support of Job Creation – 2”

- Almost one third of the new jobs was taken up by jobseekers listed as unemployed for the period of less than 3 months. Jobseekers listed as unemployed for 12 months or more represented 22.19%. 9 626 780.67 EUR was provided 1 817 459 EUR for the creation of new jobs.

Project No. XXI/A “Support of Job Creation – 3”

- 39.49% of newly created jobs was taken up by jobseekers listed as unemployed for the period of 12 months or more and 4 511 130 EUR was provided for the creation of new jobs. The realization of the project started in June 2014.

Project No. XXXIV-2: “Support of Development of Regional Employment without the Capital City Region”

- The newly created jobs were taken up mainly by jobseekers aged 25 and less, the dedicated amount of financial support equaled to 4 mil. EUR.

Project No. XXXXII: “Support of Job Creation for Jobseekers aged 29 Years and Less in the Capital City Region”

- The target group comprised of young jobseekers aged 29 and less listed in the register of jobseekers for at least 3 months. The realization of the project started in June 2014.

Project “Inclusion of the unemployed to the Cultural Heritage Restoration”

- The project is realized in cooperation with the Ministry of Culture of the Slovak Republic. In 2014, 1 553 725 EUR was provided as a support for the creation of the related jobs.

Article 10 Paragraph 5

The Slovak Republic would like to inform the Committee that the provisions of the Slovak legislation concerning the financial assistance provided during the studies has been changed and Article 149 of the Act No. 245/2008 Coll. now states that each student studying full-time are able to apply for scholarships and loans associated with studies.

Article 15 Paragraph 1

Because the ECSR requested information on the total number of students with disabilities attending mainstream and special education, these numbers are as follows:

In the school year 2014/2015 – 21 045 students and pupils were integrated in the mainstream education in state schools, 26 772 were integrated in private schools and 73 were integrated in religious schools.

As far as the total number of disabled students attending special education is concerned, in the same schools year – 12 494 students and pupils were attending special education in state schools, 3 231 were attending special education in private schools and 244 were attending special education in religious schools.

Regarding the number of places at mainstream vocational training facilities, in the same school year there were 3 026 disabled students attending vocational education in mainstream education in state schools, 2 398 disabled students attending vocational education in mainstream education in private schools and 13 disabled students attending vocational education in mainstream education in religious schools.

As far as the total number of disabled students attending special vocational education in special vocational schools is concerned, in the same schools year there were 1 247 disabled students attending vocational education in special state facilities, 217 disabled students attending vocational education in special private facilities and 29 disabled students attending vocational education in special religious facilities.

These information are provided by the Institute of Information and Prognoses of Education which is responsible for collecting various statistical data regarding the education in the Slovak Republic.

Adults living in institutions willing to undergo training or retraining are able to do so. This is guaranteed by the Act No. 5/2004 Coll. on Employment Services. If such a person would like to undergo training or retraining, they may do so by contacting the local office of labour, social affairs and family which will find the most suitable form of training based on individual needs and abilities of the person.

Based on the Act 365/2004 Coll. (Anti-discrimination Act) discrimination on the basis of disability is strictly prohibited. The right of persons with disabilities to employment and to independent choice of occupation is also guaranteed by the Labour Code. The legislation guarantees favourable work conditions and provides protection, e.g. against dismissal.

Section 63 of the Act No. 5/2004 Coll. on Employment Services regulates the duties of an employer who employs disabled citizens. Some of the obligations of an employer when employing persons with disabilities are as follows:

- Provide the disabled employee with adequate and favourable work conditions and enable them to undergo training or education aimed at acquiring the required qualification, as well as make sure the acquired qualification is further increased,
- Ensure that this employee's work performance is similar as that of other employees by providing the disabled employee with adequate technical equipment and assistance,
- Negotiate with the employees' representatives measures and crucial issues concerning the care of people with disabilities,
- In case of a dismissal of an employee with a disability, the employer is obliged to acquire a consent of the respective institution, otherwise the dismissal is invalid,
- The employer can establish a sheltered workshop or a sheltered workplace for employees with disabilities who cannot be employed under usual work conditions,
- The employer has to enable the disabled employee to undergo theoretical or practical training or re-training to increase, broaden and change the employee's qualification.

Articles 158 and 159 of the Labour Code also states that an employer shall negotiate measures with employees' representatives to create conditions for employing employees with health disability and also fundamental questions over the care of such employees.

Article 15 Paragraph 2

For additional information, please see information on Article 15 paragraph 1.

To address the questions of the ECSR, the difference between sheltered workshop and sheltered workplace is that a sheltered workshop is a special type of workplace established by the employer for employing more than one disabled citizen and the total number of disabled citizens working in the given premises must be higher than 50% of all employees. A sheltered workplace is a workplace specifically established for one disabled citizen outside a sheltered workshop, e. g. one disabled citizen working in a sheltered workplace among non-disabled co-workers. This is governed by Article 55 of the Act 5/2004 Coll. on Employment Services. The same article also states that conditions of work have to be adjusted accordingly to the abilities and the health condition of the employed disabled citizens.

Pay regulations are governed by the Labour Code, without any discrimination.

Articles 158 and 159 of the Labour Code also state that an employer shall negotiate measures with employees' representatives to create conditions for employing employees with health disability and also fundamental questions over the care of such employees.

The Act 5/2004 Coll. on Employment Services also states the types of financial benefits aimed at support and assistance for the disabled people:

- Contribution for the establishment of a sheltered workshop or sheltered workplace (Article 56 of the act). This benefit is provided by the local office of labour, social affairs and family to an employer that establishes a sheltered workshop or a sheltered workplace). 994 disabled jobseekers were employed in jobs created according to this provision and the total spending on these jobs amounted to 12 640 458 EUR from the state budget.
- Contribution for keeping a disabled citizen in employment (Article 56a of the act). This contribution is provided by the local office of labour, social affairs and family to an employer which employs a disabled person in order to compensate a possible loss of productivity of the disabled person. In 2014, 31 disabled jobseekers were supported by this measure and the total cost covered by the state budget amounted to 169 643 EUR.
- Contribution for a disabled citizen to operate or perform business activities on a self-employed basis (Article 57 of the act). The contribution is provided to a disabled citizen who starts performing business activities in a sheltered workshop or a sheltered workplace. In 2014, 96 disabled jobseekers were supported by this measure and the total cost covered by the state budget amounted to 431 095 EUR.
- Contribution for the activities of a work assistant (Article 59 of the act). Provided to the disabled self-employed person or an employer who employs a disabled person dependent on a personal work assistant. In 2014, 770 disabled jobseekers were supported by this measure and the total cost covered by the state budget amounted to 3 220 722 EUR.
- Contribution towards the operating costs of a sheltered workshop or sheltered workplace and towards the cost of employee transport (Article 60 of the act). Provided to an employer to cover the operating costs of a sheltered workshop or sheltered workplace and towards the cost of employee transport. In 2014, 9 728

disabled jobseekers were supported by this measure and the total cost covered by the state budget amounted to 20 258 100 EUR.

In 2014 a total number of 6 791 sheltered workshops were established in the Slovak Republic, which employed 11 622 disabled persons.

According to the Act 5/2004 Coll., when employing a disabled person, each employer has to (among other requirements):

- Ensure proper accommodation and work conditions for the disabled employee;
- Ensure that necessary training and preparation for work is granted to the disabled employee and ensure that they are undergoing increase in their qualification during their employment;

Article 15 Paragraph 3

The Slovak Republic has not ratified this provision of the charter.

Article 18 Paragraph 1

According to the statistical information from the Central Office of Labour, Social Affairs and Family, in 2014, a total of 747 applications for a work permit in the Slovak Republic have been submitted to the relevant authorities from applicants arriving from non-EEA states parties to the Charter. Out of this number, 61 were refused, which means approximately 8.2%. Refusal rate of repeated applications is not monitored, according to the Central Office of Labour, Social Affairs and Family.

Since January 1, 2012, a new act governing presence of aliens has been introduced – Act 404/2011 on the Stay of Aliens. Regarding the question of the ECSR on clarification of temporary residence permit and temporary residence permit for the purpose of employment, it has to be said that in the already mentioned act, the term temporary residence permit refers to all categories of temporary permits which third country nationals apply for in accordance with their intended stay within the territory of the Slovak Republic (there are separate temporary residence permits for the following purposes /Article 21 paragraph 1/: conducting business activities; employment; studying; special activities – like sport, etc.; research and development; reunification of the family). Therefore temporary residence permit and temporary residence permit for the purpose of employment (issued for the period of 2 years at maximum, after this period the given third country national has to apply for extension of the permit, which is then issued for the period of 5 years at maximum) refer to the same thing in this sense.

Article 18 Paragraph 2

With the amendment of the Act 5/2004 Coll. on Employment Services (effective from May 1, 2013), a change regarding the employment of certain groups of third country nationals has been implemented. In order to simplify the process of entering third country nationals the

Slovak labour market, it is now possible for certain categories of foreigners to enter the labour market without the need to have a work permit. This applies for:

- Foreigners who have been granted the subsidiary protection,
- Foreigners who have had their tolerated residence prolonged,
- Foreigners who have been granted tolerated residence on the grounds of respecting their private and family life,
- Foreigners who are victim of trafficking in human beings and their tolerated residence permit was extended because their presence in the territory is necessary due to the criminal proceedings.

The same amendment also simplified the administrative procedure related to the issuance of documents which confirm the possibility of employing a foreigner at the given work position. Before the amendment, the future employer had to contact the respective office of labour, social affairs and family and ask the office to issue this confirmation. The office would process this request and then provide the employer with this document. The employer would have to submit this confirmation to the respective police department. The amendment simplified this by making the office of labour, social affairs and family submit the confirmation directly to the police, thus simplifying the administrative burden for the employer and the foreigner.

Last but not least, it is important to note that the system of public administration in the Slovak Republic is currently undergoing a rather large reform in order to simplify administrative burden of citizens by merging various different administrative bodies into one so that the clients do not have to visit several different institutions.

Article 18 Paragraph 4

The situation in the Slovak Republic remains the same as in the previous finding of the ECSR.

Article 20

As far as equal treatment and equal remuneration is concerned, the Slovak Republic has standard legal regulations in the Labour Code and other legal instruments in accordance with the EU regulations.

In order to align labour law relations and the Antidiscrimination Act, two recent amendments of the Labour Code were adopted. These amendments, among other aspects, specified the definition of the application of the equal treatment principle in labour legislation. The most important changes are as follows:

Article 1 of the Fundamental Principles of the Labour Code states that natural persons shall have the right to work and to the free choice of employment, to fair and satisfying working conditions and to the protection against arbitrary dismissal from employment in accordance with the principle of equal treatment, stipulated for the area of labour-law relations under a special act on equal treatment in certain areas and on the protection against discrimination and on amending of certain acts (the Anti-discrimination Act). These rights belong to them without any restriction and discrimination on the grounds of sex, marital status and family status, sexual orientation, race, colour of skin, language, age, unfavourable health state or health disability,

genetic traits, belief and religion, political or other conviction, trade union activity, national or social origin, national or ethnic group affiliation, property, lineage, or other status, with the exception of a case where different treatment is justified by the nature of the activities to be performed in employment, or by the circumstances under which these activities are to be performed, if this reason consists in the actual and decisive requirement for the job, provided the objective is legitimate and the requirement adequate.

Article 6 of the Fundamental principles of the Labour Code guarantees that women and men shall have the right to equal treatment with regard to access to employment, remuneration and promotion, vocational training, and also with regard to working conditions. For pregnant women, mothers until the completion of the ninth months of confinement, and for breastfeeding women working conditions shall be secured that will protect their biological state with respect to pregnancy, childbirth, care for the child after birth, and their special relationship with the child after birth. For women and men, working conditions shall be secured that will enable them to perform their social function in upbringing of children and child care.

Article 13, paragraph 1 of the Labour Code states that employer shall be obliged to treat 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).

Article 13, paragraph 2 of the Labour Code states that in labour-law relations, discrimination shall be prohibited on the grounds of sex, marital and family status, sexual orientation, race, colour of skin, language, age, unfavourable health state or health disability, genetic traits, belief or religion, political or other conviction, trade union activity, national or social origin, national or ethnic group affiliation, property, lineage or other status.

An employee shall have the right, according to the Article 13, paragraph 5 of the Labour Code, to submit a complaint to the employer in connection with the infringement of rights and obligations; 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.

An employee, who assumes that their rights or interests protected by law were aggrieved by failure to comply with the principle of equal treatment may have under the Article 13, paragraph 6 of the Labour Code 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).

Furthermore, according to the Article 41, paragraph 8 of the Labour Code, upon engaging a natural person, an employer may not violate the principle of equal treatment where concerning access to employment. Where an employer upon establishing an employment relationship shall breach the obligation, the natural person shall be entitled to appropriate financial compensation.

The right of an employee to wage for equal work and for work for equal value is guaranteed by the Article 119a of the Labour Code which in paragraph 1 states that wage conditions must be agreed without any form of sex discrimination. Paragraph 2 sets that women and men have the right to equal wage for equal work and for work of equal value. Equal work or work of equal value is considered to be work of the same or comparable complexity, responsibility and urgency, which is carried out in the same or comparable

working conditions and at producing the same or comparable capacity and results of work in employment relationship for the same employer. If the employer implements a system of job evaluation, the evaluation must be based on the same criteria for men and women without any sexual discrimination.

Employees who suffer damages in consequence of violations of obligations resulting from labour-law relations may lodge a complaint at the competent labour inspection body in accordance with Article 150, paragraph 2 of the Labour Code. The Labour Inspectorate is obliged to thoroughly examine each complaint. According to the data of the National Labour Inspectorate Report on Remuneration for 2014, 71 complaints in which employees highlighted discrimination were lodged. Out of these 71 complaints, 12 were marked as justified after thorough examination of each individual complaint (16.9%).

31 complaints highlighting the violation of the Article 119a of the Labour Code – violation of equal wage conditions – were lodged in 2014. This marks a decrease when compared with 2013, when the number stood at 44 violations.

Article 24

All workers are protected against dismissal; there is no category of workers that is excluded from protection against dismissal (this is guaranteed by the Labour Code; or in the case of public servants, by the Act on Public Service, Act on State Service).

In 2012 the Labour Code was changed in the sense that the amount of wage compensation the employee may get in the case of invalid termination of employment was increased. The maximum wage compensation the employee may get has been increased from 12 months to 36 months. This is to ensure the employee is properly reimbursed of financial losses incurred between the date of dismissal and the decision of the court.

As far as termination of employment on “economic grounds” is concerned, the court may examine all facts, data and documentation in such a situation. The court is able to use the services of a court expert on the given subject who thoroughly examines all the steps taken in case of such a dismissal. This is to ensure a proper verdict by the court.

Protection from dismissal in case of an illness is granted to every person in case of illness. There is no upper limit on the length of time during which a person is considered ill, however after one year of sick leave an examination of the health condition of the person involved takes place in the premises of the local Social Insurance Company (which provides the worker with sickness benefit).

Safeguarding persons who resort to the courts or other competent authorities to enforce their rights against reprisals is secured by the Article 9 of the Fundamental Principles of the Labour Code. 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 resulting from labour-law relations.

On top of this, an employee may submit a complaint to the Labour Inspectorate in accordance with Act 125/2006 Coll. on labour inspection.

Article 25

Regarding the Committee's question on what is the amount paid to satisfy other claims (holiday pay due as a result of work performed during the year in which the insolvency occurred, other types of paid absence), the Slovak Republic would like to inform the Committee that these claims are paid in full in case of insolvency of the employer. This is specified in Article 102 paragraph 1 of the Act 461/2003 Coll. on Social Insurance. Among other, these types of claims are covered in full:

- Wage compensation and compensation for standby time;
- Compensation for public holidays and obstacles to work;
- Annual leave/holiday pay compensation for the year in which the insolvency occurred and for the year preceding it;
- Compensation for severance pay;
- Compensation for the termination of employment;
- Compensation for travel expenses which arose during the work carried for the insolvent employer;
- Compensation for sick leave.

Regarding the question whether protection also applies in situations where the employer's assets are recognised as insufficient to justify the opening of formal insolvency proceedings it has to be said that the legislation of the Slovak Republic does not have justification of insolvency proceedings set according to the level of employer's assets. Therefore, a situation where the employer's assets are recognised as insufficient to justify the opening of formal insolvency proceedings cannot occur in the Slovak Republic, as all insolvency proceedings are automatically started as soon as the proposal for insolvency is submitted. In order to apply for compensation due to employer's insolvency, the formal proceeding does not even have to start, as the act of submission of a proposal automatically enables the employees to apply for the compensation – Article 12 of the Act 461/2003 Coll. on Social Insurance.

Regarding the question on average duration of the period when a claim is lodged until the worker is paid it has to be stated that the Social Insurance Company, which pays all the compensations in case of insolvency, acts as soon as possible in order to provide the workers with their compensation. 60 days period (since the submission of the proposal) marks the maximum length of time when the compensation has to be provided to the workers (but most often it is earlier than that).

The Slovak Republic would like to repeat that the amount of compensation equals to the net wage of the workers (the same applies to all other types of compensation listed in the first paragraph) – the workers therefore get the same amount as if their employer was operating under normal circumstances.