

## – The Slovak Republic and the European Social Charter –

### Signatures, ratifications and accepted provisions

The Slovak Republic ratified the European Social Charter and the Additional Protocol to the Charter on 22/06/1998, accepting 60 of the Charter's 72 paragraphs, and all 4 articles of the Additional Protocol. It also ratified the Amending Protocol to the Charter on 22/06/1998.

It ratified the Revised European Social Charter on 23/04/2009, accepting 87 of the Revised Charter's 98 paragraphs.

It signed the Additional Protocol providing for a system of collective complaints on 18/11/1999 but has not yet accepted the procedure.

### The Charter in domestic law

Article 11 of the Constitution: "International instruments on human rights and freedoms ratified by the Slovak Republic and promulgated under statutory requirements shall take precedence over national laws provided that the international treaties and agreements guarantee greater constitutional rights and freedoms."

### Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4 <sup>1</sup>	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3						Grey= Accepted provisions				

<sup>1</sup> Sub-paragraphs a. and b. accepted

### Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted a [report concerning the Slovak Republic](#) in 2015. The Committee was of the view that the Slovak Republic could consider acceptance of Article 18§3 - Liberalising regulations and Article 19§4 (c) - Equality regarding accommodation.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

# Monitoring the implementation of the European Social Charter <sup>1</sup>

## I. Reporting system <sup>2</sup>

### Reports submitted by the Slovak Republic

Between 2001 and 2019, Slovak Republic has submitted 7 reports on the application of the 1961 Charter and 9 reports on the application of the Revised Charter.

The [8<sup>th</sup> report](#), submitted on 15/11/2017 covers the accepted provisions of the Revised Social Charter relating to thematic group 3 "Labour rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28, 29).

Conclusions with respect to these provisions have been published in March 2019.

The [9<sup>th</sup> report](#), which was submitted on 12/11/2018, concerns the accepted provisions relating to Thematic group 4 "Children, families, migrants", namely:

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27),
- the right to housing (Article 31).

Conclusions with respect to these provisions will be published in January 2020.

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<sup>1</sup> The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

<sup>2</sup> Following a [decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Following a [decision taken by the Committee of Ministers in April 2014](#), States having accepted the collective complaints procedure are required, in alternation with the abovementioned report, to provide a simplified report on the measures taken to implement the decisions of the Committee adopted in collective complaints concerning their country. The alternation of reports is rotated periodically to ensure coverage of the four thematic groups.

Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

## Situations of non-conformity <sup>3</sup>

### Thematic Group 1 « Employment, training and equal opportunities » - Conclusions 2016

► *Article 153- Right to work – Free placement services*

The public employment services do not operate in an efficient manner.

► *Article 154 - Right to work - Vocational guidance, training and rehabilitation*

It has not been established that vocational guidance services are operated in an efficient manner.

► *Article 9 - Right to vocational guidance*

It has not been established that vocational guidance services are operated in an efficient manner.

► *Article 1051 - Right to vocational training - Promotion of technical and vocational training; access to higher technical and university education*

It has not been established that the right to vocational education is effectively guaranteed.

► *Article 1052 - Right to vocational training – Apprenticeship*

During the reference period there was no well-functioning system of apprenticeships.

► *Article 1054 - Right to vocational training - Long term unemployed persons*

It has not been established that special measures for the retraining and reintegration of the long-term unemployed have been effectively provided or promoted.

► *Article 1852 - Right to engage in a gainful occupation in the territory of other States Parties – Simplifying existing formalities and reducing dues and taxes*

It has not been established that the formalities for issuing work and residence permits have been simplified during the reference period.

► *Article 24 - Right to protection in case of dismissal*

It is not established that the law provides an appropriate adjustment of the burden of proof between employee and employer in proceedings relating to dismissal.

### Thematic Group 2 « Health, social security and social protection » - Conclusions 2017

► *Article 351 - Right to safe and healthy working conditions - Health and safety and the working environment*

- It has not been established that there is an adequate occupational health and safety policy;
- It has not been established that occupational risk prevention is organised at company level, work-related risks are assessed and preventive measures geared to the nature of risks are adopted;
- It has not been established that the national policy on health and safety includes training, information, quality assurance and research in a satisfactory manner.

► *Article 352 – Right to safe and healthy working conditions – Safety and health regulations*

- It has not been established that there is specific legislation on the main occupational risks;
- It has not been established that levels of prevention and protection required by the legislation and regulations in relation to the establishment, alteration and upkeep of workplaces are in line with the level set by international reference standards;
- It has not been established that levels of protection against asbestos and ionising radiation are adequate;
- It has not been established that self-employed and domestic workers are protected by occupational health and safety regulations;
- It has not been established that consultation with employers' and workers' organisations is ensured.

► *Article 1151- Right to protection of health - Removal of the causes of ill-health*

It has not been established that sufficient measures have been taken to reduce the number of premature deaths.

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<sup>3</sup> Further information on the situations of non-conformity is available on the [HUDOC database](#).

► *Article 11§3 - Right to protection of health - Prevention of diseases and accidents*

It has not been established that appropriate measures have been taken to ensure a healthy environment.

► *Article 12§1 – Right to social security - Existence of a social security system*

- The minimum level of unemployment benefit is inadequate;
- It has not been established that there is a reasonable initial period during which an unemployed person may refuse an unsuitable job offer without losing his/her unemployment benefit;
- The minimum level of sickness benefit is inadequate.

► *Article 12§4 - Right to social security - Social security of persons moving between states*

It has not been established that the right to maintenance of accruing rights is guaranteed to nationals of all other States Parties.

► *Article 13§1 - Right to social security - Right for every person in need to adequate assistance*

The level of social assistance paid to a single person without resources is not adequate.

► *Article 23 - Right of the elderly to social protection*

It has not been established that the existing capacities in residential care are sufficient to match the demand of elderly people.

► *Article 30 - Right to be protected against poverty and social exclusion*

There is no adequate overall and coordinated approach to combat poverty and social exclusion.

**Thematic Group 3 « Labour rights » - Conclusions 2018**

► *Article 2§1 - Right to just conditions of work - Reasonable working time*

The length of the authorized working week is excessive and that the legal guarantees are insufficient.

► *Article 2§2 - Right to just conditions of work - Public holidays with pay*

Work performed on a public holiday is not adequately compensated, when the minimum standards of compensation are applied.

► *Article 4§2 - Right to a fair remuneration - Increased remuneration for overtime work*

The time off to compensate overtime work is not sufficient.

► *Article 4§4 - Right to a fair remuneration - Reasonable notice of termination of employment*

- Notice periods in cases of dismissal on grounds of conduct and performance and certain other grounds are not reasonable for employees with more than five years of service;
- The notice period applicable to dismissal during the probationary period is not reasonable for workers with more than three months of service.

► *Article 4§5 - Right to a fair remuneration - Limits to deduction from wages*

- Workers may waive their right to limitations on deductions from wages;
- After all authorised deductions, the wages of workers with the lowest pay do not enable them to provide for themselves or their dependants.

► *Article 6§4 - Right to bargain collectively - Collective action*

The right to strike for a large number of state/public sector employees is prohibited and the restrictions go beyond the limits permitted by Article G of the Charter.

**Thematic Group 4 « Children, families, migrants » - Conclusions 2015**

► *Article 7§5 – Right of children and young persons to protection - Fair pay*

Young workers' wages are not fair.

► *Article 8§1 – Right of employed women to protection - Maternity leave*

The level of maternity benefits is inadequate.

▶ *Article 8§2 – Right of employed women to protection - Illegality of dismissal during maternity leave*

A worker can be dismissed during her pregnancy or maternity leave if she does not accept changes in her employment contract resulting from the relocation of all or part of the employer's activities.

▶ *Article 16 – Right of the family to social, legal and economic protection*

- The right to housing of Roma families is not effectively guaranteed;
- The level of child benefits does not constitute an adequate income supplement;
- Equal treatment of nationals of States Parties regarding the payment of childbirth allowance is not ensured

▶ *Article 17§1 – Right of children and young persons to social, legal and economic protection - Assistance, education and training*

- All forms of corporal punishment are not prohibited in the home;
- Juveniles may be held in pre-trial detention for up to two years.

▶ *Article 17§2 – Right of children and young persons to social, legal and economic protection - Free primary and secondary education - regular attendance at school*

Roma children are disproportionately represented in special classes.

**The Committee has been unable to assess compliance with the following provisions and has invited the Government of the Slovak Republic to provide more information in the next report thereon:**

**Thematic Group 1 « Employment, training and equal opportunities »**

- ▶ Article 1§1 - Conclusions 2016
- ▶ Article 10§3 - Conclusions 2016
- ▶ Article 15§2 - Conclusions 2016

**Thematic Group 2 « Health, social security and social protection »**

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**Thematic Group 3 « Labour rights »**

- ▶ Article 2§5 - Conclusions 2018
- ▶ Article 4§1 - Conclusions 2018
- ▶ Article 4§3 - Conclusions 2018
- ▶ Article 6§2 - Conclusions 2018
- ▶ Article 26§2 - Conclusions 2018
- ▶ Article 28 - Conclusions 2018
- ▶ Article 29 - Conclusions 2018

**Thematic Group 4 « Children, families, migrants »**

- ▶ Article 19§6 - Conclusions 2015
- ▶ Article 27§3 - Conclusions 2015

## **II. Examples of progress achieved in the implementation of rights under the Charter** ***(non - exhaustive list)***

### **Thematic Group 1 « Employment, training and equal opportunities »**

- ▶ Measures taken by employers to deal with the decline in skilled labour in the face of technological and/or economic progress (Act No. 386/1997 on the system of further training).
- ▶ Equal treatment in relation to vocational continuing training is guaranteed to nationals of other states party to the Charter and the Revised Charter who reside legally and work regularly in Slovakia (Act No. 5/2004).
- ▶ Act 184/2009 Coll. on Vocational Education and Training is one of the pillars of the reform of the educational system. The Act was amended in September 2012 and the amendment strengthened the coordination of vocational training and education to be better suited to the needs of the labour market. The amendment also introduced the obligation to publish information about the employability of graduates in each individual self-governing region, according to the fields of study and type of the secondary education facility.
- ▶ The Anti-Discrimination Act was amended in 2012 to cover the definition of indirect discrimination and it now enables public administration bodies and legal entities, including employers, to adopt temporary compensatory measures to eliminate disadvantages due to gender.

### **Thematic Group 2 « Health, social security and social protection »**

- ▶ Adoption of several laws and regulations on minimum safety and health requirements at work, covering most of the relevant risks, i.e. among others, those related to health protection at work with ionising radiations, carcinogens, biological and chemical agents, asbestos, noise and vibrations, as well as minimum safety and health requirements for the use of work equipment and for the manual handling of loads at work.
- ▶ Incorporation of health education and promotion in school curricula.

### **Thematic Group 3 « Labour rights »**

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### **Thematic Group 4 « Children, families, migrants »**

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