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European Social Charter

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Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29
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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 2018: ratified provisions of Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29
of the Revised Charter)

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Article 2 Paragraph 1

Regarding the statement of the ECSR that the situation in the Slovak Republic is not in conformity with Article 2§1 of the Charter on the ground that the length of the authorized working week is excessive and that the legal guarantees are insufficient, the Slovak Republic would like to state the following:

Shortening of daily continuous rest in accordance with Article 92 par. 2 of the Labour Code is possible only for employees over 18 years of age and only for reasons that are exhaustively stated in the law. The employer cannot shorten the rest between two changes for other reasons.

In the event that the employer legally reduces the rest between two shifts, the employee must be provided with an equivalent continuous compensatory rest, which means that after the 12-hour rest period, the employee must be given a rest between two shifts of 12 hours + any remaining unassigned rest hours no later than 30 days after this situation occurred.

At the same time, it is necessary to take into account Article 87 par. 4 of the Labour Code, according to which the working time during 24 hours may not exceed 12 hours. This applies to a "stable" working time schedule, i.e. when scheduling the employee's appointed working hours into work shifts.

If a situation arises where the employer has to exceptionally use the institute of overtime work (Article 97 of the Labour Code) outside the schedule of working hours and beyond the specified weekly working hours, and proceed in accordance with Article 97 par. 5 of the Labour Code, according to which, although the employer may instruct the employee to perform overtime work during a period of continuous rest between two shifts, the continuous rest between two shifts may not be reduced to less than eight hours, e.g. in relation to urgent repair work concerning the averting of a threat endangering the lives or health of employees and in case of extraordinary events. These urgent cases apply to sudden hazardous situations, e.g. accidents in power plants, malfunction of crucial medical equipment in hospitals, etc.

However, even if the rest period was shortened to 8 hours, this does not mean that a 16 hours working time is possible, due to the already mentioned provision of the Labour Code which allows a maximum 12 hours working time within a 24-hour period.

The maximum length of the working week is 40 hours, less for workers performing shift work (38 and $\frac{3}{4}$ hours and 37 and $\frac{1}{2}$ hours) or working in hazardous working conditions (33 and $\frac{1}{2}$ hours). Taking into account overtime, the maximum working week including overtime work is 48 hours, in accordance with Article 85 par. 9. Article 97 par. 7 states that the employer cannot force the worker to work more than 150 hours overtime per year. Workers working in hazardous working conditions cannot work overtime, as is prescribed by Article 97 par. 11. The Labour Code explicitly states all the limits in several articles, depending on the category of workers concerned.

Overtime work should always be exceptional in nature and is not part of the planned working time arrangements. Pursuant to Article 97 par. 7 of the Labour Code, the scope and conditions of overtime work shall be determined by the employer in agreement with the employees' representatives.

Even if a shortening of the rest period occurs for an employee with uneven distribution of working time due to an urgent hazardous situation occurs, the total length of work shifts for this person cannot exceed 12 hours, meaning 8 hours the usual shift + maximum 4 hours in case of an urgent situation.

The legislator made use of the possibility to grant an exemption from the scope of continuous daily rest in accordance with Directive 2003/88 / EC, given the specific nature of the activities carried out. We are of the opinion that the current wording of the Labour Code guarantees compliance with Art. 2 par. 1 of the Charter.

Regarding the question of the ECSR on whether the inclusion of inactive periods of duty are included in the working time, the Slovak Republic reiterates the already provided information. In accordance with Article 96 par. 2 of the Labour Code, the time during which the employee stays at the workplace and is ready to perform work but does not perform the work is the inactive part of on-call time, which is considered as working time. Par. 4 states that the time during which the employee stays at the agreed place outside the workplace and is ready to perform the work but does not perform the work is the inactive part of on-call time, which is not included in the working time.

Article 2 Paragraph 2

Regarding the situation that work performed on a public holiday is not adequately compensated, when the minimum standards of compensation are applied, the Slovak Republic would like to inform the committee that the relevant provision has been amended. Previously, only some categories of workers were entitled to 100% wage bonus for work during public holidays, while the majority of workers were entitled only to 50% bonus. As of the beginning of 2019, the compensation for overtime work has been increased to 100% of the employee's average wage for everyone. This applies to all sectors of the economy, as well as the private and public sphere, all categories of workers and for all types of employment contracts. Each worker performing work during public holidays receives their usual wage and a 100% bonus, at the minimum. The Labour Code also allows for even higher compensation on the basis of collective agreements between the social partners.

Article 2 Paragraph 3

Compliance – no change in the legislation.

Article 2 Paragraph 4

Regarding the question of the ECSR on the general regulatory framework of the OSH policies, this is regulated by several pieces of legislation, especially the Constitution of the Slovak Republic, the Labour Code, Act No. 124/2006 Coll. on Health and Safety at Work, Act No. 125/2006 Coll. on Labour Inspection, Act No. 51/1988 Coll. on Mining and Related Activities, Act No. 392/2006 Coll. on Minimum Security and Health Requirements of Personal Protective Equipment, etc.

In accordance with the above, occupational health and safety is the status of working conditions which eliminate or minimise the effects of dangerous and harmful agents in the working process and working environment on the health of an employee. Labour protection is

an integral part of labour-law relations. Labour Law refers to special provisions in the field of occupational health and safety, which regulate in detail obligations of employers and employees in the area of occupational health and safety.

Basic obligations of employers in terms of special provisions:

- improve working conditions and adapt them to his/her employees, taking into consideration the state of scientific and technological knowledge,
- detect dangers and hazards, assess risks and draw up a written document on risk assessment in all activities performed by the employees;

- replace strenuous and monotonous work and work performed in difficult and health damaging or harmful working conditions by suitable working equipment, working procedures, manufacturing procedures and improved work organisation;

- determine safe working procedures;

- draw up in writing, regularly assess and, when necessary, update the concept of an occupational safety and health protection policy containing the basic aims to be achieved in the field of occupational safety and health protection, along with an implementation programme of that concept containing, in particular, the procedure, equipment and methods of its implementation and to regularly evaluate and update the aims when necessary; this shall not apply to employer who employ less than 11 employees;

- draw up and, when necessary, update his/her own list of works and workplaces that are:
 1. prohibited to pregnant women, mothers until the end of the ninth month after delivery and breastfeeding women,
 2. connected with specified risks to pregnant women, mothers until the end of the ninth month after delivery and breastfeeding women,
 3. prohibited to young employees;

- assign employees to jobs respecting their health condition, especially the result of their work health capacity assessment, ability, age, qualification and technical expertise pursuant to legal regulations and other occupational health and safety regulations and avoid their assignment to work disrespecting their health condition, especially the result of their work health capacity assessment, ability, age, qualification and technical expertise pursuant to legal regulations and other occupational health and safety regulations;

- provide rest periods to employees for reasons of occupational safety and health protection;

- not use a remuneration system that would, in the case of increased work performance, result in a threat to the safety or health of employees, in the case of employees who are exposed to a higher accident occurrence rate or other health damage;

- draw up a list of personal protective equipment, provided on the basis of the risk assessment and evaluation of dangers arising from the working procedure and the working environment, provide and maintain it free of charge;

- issue prohibition of smoking at workplaces where work is also performed by non-smokers, and ensure the enforcement of this prohibition, as well as the prohibition against smoking at workplaces;

- take care of the safety and health protection of all persons who, to his/her knowledge, are present at his/her workplaces or his/her premises;
- systematically check and demand observance over legal regulations and other occupational health and safety regulations, principles of safe work, health protection, safe conduct at workplace and safe working procedures;
- regularly, understandably and provably notify each employee:
 1. of legal regulations and other regulations applying to the ensuring of occupational safety and health protection¹⁰, of principles of safe work, health protection at work, safe conduct at the workplace and safe working procedures, and verify the employee's knowledge thereof,
 2. of existing and predictable dangers and hazards whose impacts may cause a health threat and the protection against them,
 3. of the prohibition to enter the premises and dwell in the premises and to perform activities posing a potentially immediate threat to the life or health of an employee.

The Slovak Republic would like to point out that the regularly amended OSH Strategy of the Slovak Republic includes several measures and goals related to the psychosocial risk factor. The relevant institutions of the Slovak Republic (mainly the National Labour Inspectorate, the Ministry of Labour, Social Affairs and Family, the Ministry of Economy, the Ministry of Transport) together with the Slovak Association for OSHP and FP and selected universities are obliged to ensure the presentation of employees in mass media which will be oriented on encouraging the active attitudes of the general public regarding OSHP, including health protection at work and the creation of psychological, physical and social well-being and to ensure that the general public is timely informed of new legal regulations and other regulations for ensuring OSHP, as one of the fundamental priorities of the strategy is the reduction of stress at workplaces through preventative measures aimed at reducing its unfavourable effects on the health of employees and the elimination of chronic diseases, cardiovascular diseases and damages to the musculoskeletal system caused by bad working conditions.

The Ministry of Labour, Social Affairs and Family regularly organizes specialized conferences and seminars, including scientific seminars, at which educational and research institutions such as universities will serve as expert guarantors, even in the international context with the aim to inform the expert and lay public about the outputs of research tasks and their application in practice in relation to the newest OSH trends. The ministry also regularly publishes bulletins with information about the latest outcomes of OSHP related research and also creates and applies adequate and effective mechanisms of cooperation among the supervisory organs in the area of OSHP and institutions in the area of science, research, education, public health and other areas related to OSHP.

The ministry has also established the Council for Education and Research in the Area of OSHP as a consultative body to the Minister of Labour, Social Affairs and Family of the Slovak Republic; to elaborate its statutes and involve research workplaces, universities and social partners in its activities. Together with this council, the ministry promotes research targeted on new technologies, on changes in the world of labour and new combinations of risk factors, such as demographic changes and the aging of the productive labour force and mental health and stress in the context of OSH.

The goals and objectives of the strategy are periodically reviewed, with its update being currently worked on.

It has to be said that the employer in the field of occupational safety and health also has an obligation to inform and acquaint its employees. This obligation is also known as regular OSH training of employees. It is regulated in Article 7 of Act no. 124/2006 on occupational safety and health. The employer has three options for conducting employee training. He can do so himself, through his own employees or through a contractor. It can only be a natural or legal person who is authorized to do so by the National Labour Inspectorate. The employer may also entrust the training to his employee, e.g. employee safety representative. This employee is elected by the unions, or the employees themselves, if the unions are not established in the company. The employer must regulate in the internal regulation the method of performing health and safety training, as well as the requirements for the professional competence of employees performing training. In addition, the internal directive must specify the frequency of training so that the training takes place at least every two years.

The law also regulates what should be the content of employee training in the field of occupational safety and health. The employer is obliged to regularly, clearly and demonstrably inform employees:

- with legal regulations and other regulations to ensure safety and health at work, with the principles of safe work, principles of health protection at work, principles of safe behaviour at the workplace and with safe working procedures and verify their knowledge;
- with existing and foreseeable hazards and threats, with effects which may affect health and with protection against them;
- about prohibition from entering the premises, staying in the premises and carrying out activities that could directly endanger the life or health of the employee;
- with a list of jobs and workplaces that are prohibited for pregnant women, mothers up to the ninth month after childbirth and breastfeeding women; which are associated with a specific risk for these women or which are prohibited for juvenile workers under the age of 18;
- about the hazards and dangers which may arise at and in connection with the work and the results of the risk assessment;
- on preventive measures and protective measures taken by the employer to ensure safety and health at work and which apply in general to employees and the work performed by them at individual workplaces;
- on measures and procedures in the event of damage to health, including the provision of first aid, as well as on measures and procedures in the event of fire, rescue and evacuation;
- on preventive measures and protective measures proposed and ordered by the relevant labour inspectorate;
- on accidents at work, occupational diseases and other damage to health at work which have occurred at the employer, including the results of the investigation of the causes of their occurrence and on the measures taken and implemented.

Article 2 Paragraph 5

Regarding the question on the continuous rest period adjustment, the Slovak Republic would like to state that if the nature of the work and the conditions of operation do not allow to schedule working hours according to paragraphs 1 to 3 of Article 93 of the Labour Code, the employer may schedule the employee's working time so that the employee has at least 24 hours of continuous rest per week every two weeks, preferably Sunday, taking into account that the employer is obliged to additionally provide the employee with compensatory uninterrupted rest during the week within four months from the day when the uninterrupted rest during the week was to be provided (Article 93 par. 5 of the Labour Code).

When providing continuous rest during the week, it is necessary to thoroughly examine whether the nature of the work (summary of characteristics, nature of work) and operating conditions (circumstances, situation in the operation) allow or prevent the employer from providing this rest in accordance with Article 93 par. 1 of the Labour Code.

We consider it necessary to emphasize that if it is possible to provide continuous rest during the week in accordance with Article 93 par. 1 of the Labour Code, the employer is obliged to proceed in accordance with this provision of the Act. Only if this is not possible, the employer may schedule working hours according to Article 93 par. 2 of the Labour Code and only if it is not possible to schedule working hours according to paragraphs 1 and 2 of Article 93 of the Labour Code, the employer may proceed according to paragraph 3 of the same provision of the Labour Code. Also according to paragraphs 4 and 5 of Article 93 of the Labour Code, it is possible to proceed only if it is not possible to proceed according to par. 1 to 3 of Article 93 of the Labour Code.

Another condition for the scheduling of working hours according to Article 93 par. 3, 4, and 5 of the Labour Code is an agreement with employee representatives or, if the employer does not have employee representatives, an agreement with the employee concerned is required.

In practice, the meaning of the provisions of Article 93 par. 5 of the Labour Code can be seen e.g. in agriculture, harvesting, when in a short period of time the activity needs to be carried out on a larger scale or it is such activities that require a certain continuity and it is not possible to switch employees /e.g. scientific measurements and experiments, work in a remote and less accessible area/. In practice, this situation occurs very rarely.

Regarding the question of the ECSR on the number of violations of Article 93 par. 5 of the Labour Code found by the National Labour Inspectorate, in 2019 and 2020 there were no such findings. In 2021, there were 5 violations of Article 93 par. 5 notified.

Article 2 Paragraph 6

Compliance – no change in the legislation.

Article 2 Paragraph 7

Compliance – no change in the legislation.

Article 4 Paragraph 1

Regarding the question of the ECSR on the minimum level of resources available to workers that would enable them to apply for social assistance, the Slovak Republic would like to inform the committee that in order to be able to apply for material need allowance, the income of the household needs to be below the subsistence minimum level.

As of July 1, 2021, the subsistence minimum of a natural person or natural persons whose income is assessed is considered to be the sum or sum of the amounts:

- € 218.06 per month if it is a single natural person;
- € 152.12 per month, if there is another jointly assessed adult natural person;
- € 99.56 per month if there is a dependent child or a dependent minor.

Calculation of subsistence amounts in model situations:

An individual person

The subsistence level of an individual, i.e. of an adult natural person, amounts to € 218.06 per month.

An individual with a dependent child

The subsistence level of an individual, i.e. of an adult natural person with one dependent child shall be calculated as follows,

$€ 218.06 + € 99.56 = € 317.62$ and represents € 317.62 per month.

Couple without children

The subsistence level of a couple without children is calculated as follows,

$€ 218.06 + € 152.12 = € 370.18$ and represents the amount of € 370.18 per month.

Couple with one dependent child

The subsistence level of a couple with one dependent child is calculated as follows,

$€ 218.06 + € 152.12 + € 99.56 = € 469.74$ and represents the amount of € 469.74 per month.

Couple with three dependent children

The subsistence minimum of a couple with three dependent children is calculated as follows,

$€ 218.06 + € 152.12 + € 99.56 + € 99.56 + € 99.56 = € 668.86$ and represents the amount of € 668.86 per month.

Regarding the activation allowance, a person earning the minimum wage would be entitled to the activation allowance amounting to € 140.80 per month (increased outside the reference period).

Regarding the housing allowance (€ 59.40 – increased outside of the reference period), there is not set wage limit for this allowance. Housing allowance is granted if any member of the household is

- the owner or co-owner of an apartment, the owner or co-owner of a family house who uses the household for housing;
- a tenant of an apartment, a tenant of a family house or a tenant of a living room in a permanent residence facility that the household uses for housing (e.g. hostels);

- if the household resides in a supported housing facility, a facility for the elderly, a social services home or a specialized facility, if they provide social services to an adult natural person in year-round residence, in a shelter, halfway house, emergency housing facility or crisis centre; or
- apartment or family home on the basis of the law established by the encumbrance of the life of the real estate; proof of reimbursement of costs related to housing services is not required.

Article 4 Paragraph 2

Article 121 of the Labour Code guarantees that an employee will receive additional compensation for overtime work, primarily in cash, by providing a wage benefit in addition to the wage for the work performed or alternatively in agreement with the employee in the form of compensatory leave. It is therefore not possible to force the employee to take compensatory leave and thus prevent him from obtaining a financial advantage for overtime work in addition to the salary for the work performed for the duration of overtime work. Thus, the Labour Code allows the drawing of compensatory leave for overtime work only secondarily, if the employee, in agreement with the employer, voluntarily prefers this possibility of providing compensation for overtime work. It is therefore a question of using an alternative option in cases where it suits both the employee and the employer.

The Slovak Republic is of the opinion that even when using the stated alternative compensation for overtime work, it is ensured that the employee receives an additional benefit, in the form of providing compensatory leave to the extent that the overtime work lasted. This means that the employee's benefit in a given case represents a real reduction in the employee's working time fund in the relevant month due to the use of compensatory leave. If e.g. the employee's working time fund in the relevant month is 160 hours and the employee will e.g. draw compensatory leave for overtime work performed in the previous month for 10 hours, then the real benefit of the employee in the relevant month is the "reduction" of the designated working time fund to 150 hours. If the employee does not plan to draw on the benefit of reducing the amount of work that he would otherwise have to work with his employer in the relevant month, then he will not agree on such a benefit with his employer and the employer must provide him with a wage benefit.

However, it is important to stress that if a worker decides to take time-off as a compensation for overtime work, they are still entitled to their normal rate of pay during the time-off period. Therefore, the worker gets fully paid and they are also provided with a time-off compensation on top of it. To sum up, the overtime work compensation can have two forms in the Slovak Republic. The first one is a pure monetary compensation made of the worker's usual wage and a bonus for each hour of overtime work. The second one is a mixed form of time-off and their normal rate of pay which is given to the worker on top of the time-off period.

The Slovak Republic therefore is of the opinion that the current wording of the Labour Code guarantees compliance with the provision of the Charter in question.

Article 4 Paragraph 3

The Slovak Republic would like to inform the ECSR that the legislation guaranteeing equal remuneration and equal treatment also prohibits discriminatory remuneration arising

from collective agreements or statutory regulations, as these cannot regulate labour-law relations differently than the Labour Code and antidiscrimination regulation.

The Slovak Republic considers the right to equal pay for equal work or work of equal value to be one of the fundamental rights in labour-law relations. That is why this form of non-discrimination is anchored in several pieces of legislation. Most notably in the Labour Code, where the fundamental principles and the Article 119a regulates that wage conditions have to be agreed upon without sex discrimination. Par. 2 states that women and men have the right to equal pay for the same work or work of equal value, in line with the requirements of the relevant EU legislation and the Antidiscrimination Act.

On April 28, 2021, the Government has adopted a new Strategy on Equality between Women and Men for 2021 – 2027 as well as a new Action Plan directly related to the strategy. These policy papers are the result of extensive discussions between the Government and the social partners.

Part No. 4 of the action plan named "Equal Opportunities and Access to the Labour Market, Economic Dependence and Poverty of Women" is devoted to the issue of reducing the wage gap between women and men. Specific tasks that should help reduce the pay gap are the following proposals for measures and solutions to the pay gap between men and women:

- legal analysis of the institute of equal pay;
- ensuring regular supervision of equal treatment of employees in employment relations;
- regular monitoring of compliance with the principle of equality in employment, remuneration and promotion of legal awareness and application of labour law, especially the Labour Code in practice;
- addressing discrimination against women in the pension system;
- granting a so-called special personal wage point to mothers, which results in higher old-age pensions for women.

In order to meet the said goals, since May 2021, a specialised working group made up of the representatives of the Ministry of Labour, Social Affairs and Family, the Ministry of Justice, the Ministry of the Interior, social partners and the representatives of several NGOs has been set up. Its task is to draft and submit to the Government specific measures aimed at reducing the pay gap between women and men by analysing the existing legislation and the proposals submitted by the social partners and NGOs.

In relation to the tasks of the working group, the Slovak National Centre for Human Rights, in close cooperation with the Ministry of Labour, Social Affairs and Family, has started to work on extensive legal analysis of the existing wage gap legislation and is tasked with drafting of legislative proposals to increase the effectivity of the current legislative framework.

Another important new measure is that the National Labour Inspectorate has been granted a new competence related to regular monitoring of the equal treatment between women and men in labour-law relations. So far labour inspectorates would perform inspections related to equal wage based on individual submissions and complaints. Since 2021, the National Labour Inspectorate shall perform nation-wide monitoring of adherence to

the equal pay legislation and annually publish reports with proposals aimed at improving the situation.

Starting in summer 2021, a new nationwide information campaign related to the equal pay for work of equal value has been launched. The aim of the campaign is to support the dissemination of legal information on proper implementation of labour law and equal pay law among the society. The campaign also includes specific topics related to challenges women have to overcome in practice. The campaign is prepared by the Ministry of Labour, Social Affairs and Family, the National Labour Inspectorate, social partners and NGOs.

Nevertheless, if a person is of the opinion that their wage conditions are discriminatory, they are free to take the case to the court. In cases where any form of discrimination is concerned, the burden of proof is shifted to the employer. The employer has to prove that the person who brought the case to the court is not discriminated upon. If the court's ruling states that the person was discriminated, they are entitled to compensation up to 36 times their usual wage (depending on the court's ruling) and any damages (etc. moral – depends on the court ruling and the proposal by the worker who believes they have been discriminated).

Article 4 Paragraph 4

Pursuant to Article 72 par. 2 of the Labour Code, the notice of termination of employment during the probationary period is to be delivered to the other participant, as a rule three days before the day on which the employment is to end.

Termination employment during the probationary period is an informal way of terminating employment. It is sufficient to deliver a written notice of termination of employment to the other party to the employment relationship, as a rule at least three days before the date on which the employment is to end. Failure to comply with this three-day period does not mean that termination of the probationary period is invalid. However, this may result in penalties for non-compliance with labour law by the supervisory authorities. At the same time, if a participant suffers damage in a direct relation with the fact that the other participant in the employment relationship did not comply with the three-day period before the termination of the employment relationship during the probationary period, the party concerned could claim compensation for the damages.

If the employer terminates the employment relationship with the employee during the probationary period in writing, this written legal act belongs to such documents that the employer is obliged to deliver to the employee in his own hands in accordance with Article 38 of the Labour Code. The other participant must be informed about the legal act of termination of employment by the end of the probationary period at the latest, otherwise the termination of employment during the probationary period is invalid.

At the same time, we state that such a wording has been in the Labour Code at least since 1965 and we do not record submissions that would question this mechanism, because the same rule applies to the employee, and therefore the employee (often after starting work) may find that the conditions do not match agreement that there is a risk that they will not be paid for the work, the work endangers e.g. his health, etc. In the context of Article 72 of the Labour Code, the employee is able to react immediately and terminate the employment

relationship during the probationary period (and does not have to stay with the employer, for example, 7 days).

Regarding the question on the length of notice period for employees working for an employer for more than five years which the ECSR found not to be in conformity, the Slovak Republic would like to inform the committee that the notice period for the concerned workers has been changed. The notice period for these employees is now at least 3 months (additional periods can be set out by a collective agreement) in accordance with Article 62 par. 3 letter b) of the Labour Code.

We are of the opinion that the current wording of the Labour Code guarantees compliance with this provision of the Charter.

Article 4 Paragraph 5

The Labour Code by Article 131 par. 1 establishes the so-called priority deductions and Article 131 par. 2 a range of other deductions that the employer may deduct from the employee's salary unilaterally, i.e. the consent of the employee is not required in these cases. In addition to these deductions made unilaterally by the employer without the consent of the employee, the employer may, in accordance with Article 131 par. 3 of the Labour Code make additional deductions only on the basis of a written agreement with the employee on deductions from wages. If such an agreement is not concluded, the employer is not entitled to make any further deductions from the employee's salary. At the same time Article 131 par. 3 of the Labour Code imposes an obligation on the employer to make deductions from the employee's wages and other income in the event that such an obligation arises from a special regulation.

According to Article 20 par. 2 of the Labour Code, agreement on deductions from the employee's wage represents the institute of securing rights and obligations from labour relations. In this context, Article 131 par. 4 of the Labour Code stipulates that not only deductions from wages according to Article 131 par. 1 and par. 2, but also deductions from wages according to Article 20 par. 2 / agreement on wage deductions to secure the existing claim of the employer/ can be executed only to the extent provided by a special regulation, which is the Regulation of the Government of the Slovak Republic No. 268/2006 Coll. on the Extent of Wage Deductions in the Execution of a Decision. It follows that the agreed amount of deductions from wages may not exceed the amount laid down in the special regulation mentioned above.

However, based on an agreement with a third party, the employee may have deductions from wages made in favour of the third party (which is made possible by the existing wording of the Civil Code - Article 551, which regulates the agreement on deductions from wages). In such a case, the employer to whom such an agreement has been submitted makes deductions from the wage of the employee concerned in favour of the third party (e.g. creditor, bank, etc.). In this case, the employer is not a party to the wage deduction agreement.

Thus, the Labour Code does not provide for the possibility of the employer to deduct from the wage of the employee more than the restriction under the special regulation, even with their consent. In addition, according to Article 17 par. 1 of the Labour Code "A legal act by which an employee waives his rights in advance is invalid". Therefore, an employee may not waive their right to the limit deductions from their wage. This legislation is in place

specifically for the purpose to ensure that even if there are deductions from the wage to be made, the person (employee) concerned is not left without adequate means to provide for themselves and their families.

We are of the opinion that the current wording of the Labour Code guarantees compliance with this provision of the Charter.

Article 5

The Slovak Republic confirms that all trade unions that are not members of the national organizations of employees and employers are free to perform their activities and duties without any restrictions. This includes concluding of company level collective agreements and other rights and obligations provided to employee representatives.

Article 6 Paragraph 1

Conformity.

The Slovak Republic would like to inform the ECSR that as far as consultations in the public sector are concerned, these are taken within the Economic and Social Council. Trade unions representing civil servants (such as Trade Union of Workers in Education and Science of Slovakia, Trade Union of Public Administration and Culture, Slovak Trade Union of Health and Social Services, Trade Union of the Police Forces, Trade Union of Justice of the Slovak Republic, Trade Union of Defence Employees) are part of the Confederation of Trade Unions of the Slovak Republic and take active part in collective bargaining and discussions concerning the relevant issues of the public sector.

Article 6 Paragraph 2

The Slovak Republic would like to inform the committee that according to the findings of Trexima Bratislava, which, among other things, collects information on the coverage of employees by collective agreements, in 2021 there were 54,5% of employees covered by business level collective agreements and 14,3% of employees were covered by multi-sectoral higher level collective agreements.

Article 6 Paragraph 3

Conformity – no change in the legislation.

Article 6 Paragraph 4

The conclusions of the ECSR state that a large number of state and public sector employees are prohibited from exercising their right to strike. However, the Slovak Republic believes the situation is not as straightforward. There are certain categories of public servants the right to strike of which is limited. These persons are judges, prosecutors, armed forces members, fire brigade members, rescue service members, nuclear power plants operators and certain telecommunication professions. The majority of employees of the public sector are free to participate on a strike, as the majority of such employees work in public institutions such as ministries, state organizations, budgetary organizations, etc.

Nevertheless, the current wording of the Article 37 paragraph 4 of the Constitution of the Slovak Republic states that the right to strike of certain categories of persons is limited. The categories are as mentioned above. The Slovak Republic believes this is why it was found to be in non-conformity with this provision of the charter. However, it has to be stated that the Constitution then stipulates that this limitation is to be specified by a separate piece of legislation in accordance with Article 54 of the Constitution.

This legislation is represented by the Act on Collective Bargaining, more specifically a new amendment of its Article 20 that was introduced at the end of 2019. This provision regulates that the above mentioned categories of persons have limited power to exercise the right to strike but only in case their participation on a strike would directly endanger health and lives of citizens and national security. Originally, there was a complete restriction to exercise the right to strike for these categories of public servants. Therefore, the amendment of the act introduces a supplementary provision stating that the restriction only applies in case lives of persons or national security could be threatened. The act then continues and states that these persons are able to participate on a strike in case there is a certain level of a minimum service guaranteed to ensure proper level of harm prevention. The persons who are not part of the minimum service are free to participate on a strike.

In conclusion, the restriction to the right of strike of certain categories of persons is not a general one, but can be applied only in very specific circumstances and even then it only applies to some individuals from these categories that have to ensure a minimum service in accordance with the amended provision mentioned above.

Article 21 and Article 22

Conformity. The Slovak Republic would like to add that employee representatives may enforce the right to consultation and information. These rights are directly enshrined in Articles 237 and 238 of the Labour Code and are granted to employee representatives. Therefore it is possible to enforce these rights by a court.

The following are subject to the consultation right mentioned above (non-exhaustive list):

a) the status, structure and projected development of employment and the measures envisaged, in particular where employment is at risk,

b) fundamental issues of the employer's social policy, measures to improve hygiene at work and the working environment,

c) decisions that may lead to fundamental changes in the organization of work or in contractual conditions,

d) organizational changes, which are considered to be a restriction or termination of the employer's activities or part thereof, mergers, amalgamations, divisions, changes in the legal form of the employer,

e) measures to prevent accidents and occupational diseases and to protect the health of workers.

Article 26 Paragraph 1

Conformity.

Regarding the question of the ECSR on the legal basis for victims of harassment to bring proceedings against perpetrators to the local courts, the Slovak Republic would like to state that besides this right stemming from the already mentioned labour-law regulations, one of the fundamental rights enshrined in the Constitution of the Slovak Republic is the right to judicial protection. Everyone can claim their right in an independent and impartial court and in cases established by law in another body of the Slovak Republic. Courts therefore provide protection for the rights of individuals and organizations, and only if a law explicitly entrusts the protection of certain rights to a body other than a court should that body be contacted.

The right to judicial protection is typically exercised by an application to institute proceedings. If a subjective right is violated or jeopardized, the holder (i.e. a natural or legal person) may exercise his or her right to judicial protection by bringing an action. Every natural and legal person is entitled to initiate proceedings (lawsuits). Therefore, the court must deal with each application in accordance with the Civil Dispute Order.

It must be clear from the lawsuit what exactly that the petitioner is seeking (e.g. harassment compensation, etc.).

Regarding the question whether the right to reinstatement applies to persons who have not been formally dismissed but have been pressured to resign, the Slovak Republic would like to state that such a person is able to initiate a lawsuit in this respect, as if mentioned above, and court could order the employer to reinstate such a person. It all depends on the court's ruling.

Article 26 Paragraph 2

In 2021, the Ministry of Labour, Social Affairs and Family prepared the National Action Plan for the Prevention and Elimination of Violence against Women for 2022-2027 in cooperation with the non-profit sector and social partners, which was approved in 2022. Most sexual violence against women took place in private (at home or in someone else's house), at school or at work, and then in a lesser extent in a public place, or somewhere outside. Task no. 2.7 includes the goal to Implement preventive activities aimed at preventing and eliminating violence against women (e.g. lectures, discussions) related to sexual abuse and harassment.

In another policy document, in the Action Plan for Equality between Women and Men and Equal Opportunities for 2021-2027, the relevant tasks are task no. 6 and no. 59, which aim to increase the professional level of labour inspectors in the area of observance of the principle of equal treatment in employment relations, especially in relation to the position of women in the workplace.

The Slovak Republic would also like to mention that the Coordination and Methodological Centre for the Prevention of Violence against Women (hereinafter "KMC") of the Institute for Work and Family Research (hereinafter "IVPR") implemented the third year of the campaign to eliminate violence against women and thus adds to the UN Global Initiative. The campaign took place on 25 November to commemorate International Day for

the Elimination of Violence against Women and ran until 10 December, which is the International Human Rights Day. During these 16 days of activism against gender-based violence, NGOs, public and state institutions, as well as cultural, social and political figures, have together rejected all forms of violence experienced by girls and women around the world.

One of the most important activities of the National Project Prevention and Elimination of Gender Discrimination is education, which is provided by the KMC. The KMC currently organizes education aimed at preventing violence against women in the context of field social work and field work.

Through their activities, the National Labour Inspectorate and labour inspectorates promote the protection of employees in the context of labour inspection and provide free advice on basic professional information and advice on how to most effectively comply with regulations in the areas of equal treatment and equal pay.

In 2018, the Slovak National Centre for Human Rights published: "Monitoring of cases of sexual harassment and bullying of women in the workplace in 2017" available at: http://www.snslp.sk/CCMS/files/Monitoring_sexualne_obtz_a_sikana_na_pracovisku_2017.pdf

Article 28

If an employee (employee representative) claims invalidation of termination of employment in court, the subject of an action for invalidity of termination of employment pursuant to Article 77 of the Labour Code is the existence or non-existence of a valid notice, immediate termination of employment, probationary termination or agreement on termination of employment.

Compensation for invalid termination of employment of employee representatives by the employer is regulated in Article 79 of the Labour Code, which concerns claims for invalid termination of employment. If the employer has given the employee (i.e. employee's representative) an invalid notice or if the employment relationship was terminated immediately or during the probationary period and if the employee (employee representative) informed the employer that he insists on continuing the employment relation with the said employer, his employment shall not be terminated, unless the court decides that the employer cannot be fairly required to continue to employ the employee concerned. The employer is obliged to provide the employee with wage compensation. This compensation belongs to the employee in the amount of his average earnings from the day he informed the employer that he insists on further employment, until the time when the employer allows him to continue working or if the court decides to terminate the employment (Article 79 par. 1 of the Labour Code).

Wage compensation can be granted for a maximum period of 36 months (Article 79 par. 2 of the Labour Code). In the event that the monthly salary of the employee representative was e.g. at the level of the average wage for I.-III. quarter of 2021 in the Slovak Republic, i.e. EUR 1,170, if the termination of employment is invalid, it is assumed that the employee will assess the wage compensation between EUR 14,040 and EUR 42,120 /this is influenced by various factors, including the length of the dispute/.

Regarding the question on the basis for additional compensation, please see the information provided in relation to Article 26 par. 1 of the Charter.

Article 29

If the employer violates the obligations set out in relation to employee representatives, to the office of labour, social affairs and family and to the employee in the event of collective redundancies, the employee with whom the employer terminates the employment in the event of collective redundancies is entitled to compensation of at least twice their average earnings according to Article 134 of the Labour Code (Article 73 par. 8 of the Labour Code). This is a special type of satisfaction for the employee and sanctions against the employer, which should primarily act preventively against the employer in order to consistently comply with all legal obligations related to collective redundancies.

Act No. 5/2004 Coll. on Employment Services and on Amendments to Certain Acts, as amended (hereinafter referred to as the “Employment Services Act”), stipulates in Article 13 par. 1 letter u) that the competence of the office of labour, social affairs and family (hereinafter referred to as the “office”) includes the fulfilment of tasks related to collective redundancies pursuant to a special regulation.

The employer's obligations towards the office in the event of collective redundancies are laid down in a special regulation [which is the Labour Code] (Article 62 par. 4 of the Employment Services Act).

According to Article 68a par. 1 letter a) of the Employment Services Act, the Central Office of Labour, Social Affairs and Family and the office shall impose a fine on the employer for breach of duty under this Act in the amount of EUR 33,193.91, unless this Act provides otherwise.

When imposing a fine, the Central Office of Labour, Social Affairs and Family and the office take into account the seriousness of the identified deficiencies and the seriousness of their consequences, the repeated finding of the same deficiency (Article 68a par. 2 of the Employment Services Act).

Information of the National Labour Inspectorate from the labour protection information system concerning violations of the discussed provision are as follows:

violation	In 2019	In 2020	In 2021
Art. 73 par. 2	1	1	1
Art. 73 par. 3	1	1	0
Art. 73 par. 4	1	1	0
Art. 73 par. 6	0	2	0
Total	3	5	1