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EUROPEAN SOCIAL CHARTER

14th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF THE SLOVAK REPUBLIC

Articles 2, 3, 4, 5, 6 and 20

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CYCLE 2024

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)

(Questions of the Group 1: ratified provisions of Articles 2, 3, 4, 5, 6 and 20 of the Revised Charter)

Table of Contents

Article 2 Paragraph 1

a) The Slovak Republic would like to inform the ECSR that there are currently not occupations where a 60 hours work is allowed.

In general, the employee's working time is a maximum of 40 hours per week. An employee's average weekly working time, including overtime, may not exceed 48 hours. There are certain exceptions to the above rule related to the distribution of working time, the nature of the work, the age of the employee.

Exceptions to the rule conditional on the distribution of working time:
- maximum 38 and 3/4 hours per week if the employee regularly works all shifts in a two-shift operation,
- a maximum of 37 1/2 hours per week if the employee regularly works all shifts in a three-shift or continuous operation.

Exception to the rule conditional on the nature of the work:
- A maximum of 33 1/2 hours per week if the employee works with a proven chemical carcinogen in work processes with a risk of chemical carcinogenicity or who performs activities resulting in exposure to a Category A source of ionizing radiation in a controlled zone of a workplace with sources of ionizing radiation.

Exception to the rule conditional on the age of the employee:
- a maximum of 30 hours per week for a juvenile employee under 16 years of age
- a maximum of 37 1/2 hours per week for a juvenile worker over 16 years of age.

b) The Slovak Republic is an inland country without a direct access to a sea and thus has not seafaring vessels and seafarers.

c) On-call duty may consist of active or inactive duty:

- active on-call: the time during which an employee performs work,

- inactive on-call time: the time during which the employee is at a fixed place and is ready to work but does not perform the work; the law recognises two types of inactive on-call time according to the place where the work is performed:

- at the employer's place of work - it is considered as working time,

- at an agreed place outside the employer's place of work - it does not count as working time.

The time during which the employee is at the workplace and is ready for work but does not perform work is the inactive part of on-call time, which is considered as working time, as well as the performance of work within on-call time (i.e. the active part of on-call time = overtime work) is considered as working time, for which the employee is entitled to the relevant wage benefits in connection with on-call time.

Active on-call time is work performed outside of working shifts and such performance of work is considered as overtime work.

The place of performance of on-call duty may be the employer's workplace or an otherwise agreed place, such as the employee's residence.

Article 3 Paragraph 1

The Slovak Republic is currently preparing national legislation on the protection of the rights of persons performing work for platforms. In this context, it participates in the work of the expert working group established by the European Commission. The aim of the work is to exchange experiences and facilitate the transposition of EU legislation - Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in the field of platform work.

Throughout this process, the Slovak Republic is also negotiating with representatives of the platforms themselves, as well as employers and employees. It is the representatives of the platforms who can bring a new perspective and valuable advice to the issue, as other countries have regulated this area widely and differently. Employers' and employees' representatives themselves also bring their perspective, and this allows for better guidance in the preparation of national legislation.

The Ministry of Labour, Social Affairs and Family of the Slovak Republic has concluded a multilateral Framework Agreement on exemptions for cross-border telework. As of 1 July 2023, this allows cross-border teleworkers to continue to be covered by the social security system of their employer's country of residence. As of 1 July, 18 European countries have signed the agreement, including Slovakia, the Czech Republic and Austria.

Teleworking is a form of work that allows employees to carry out their work duties from the comfort of their own home or another location outside the employer's office. The work is carried out on a regular basis within the scope of the established weekly working time and with the use of information technology.

In general, when telework is performed to the extent of 25 % or more, the basic rule is that the employee is insured in his state of residence. The new framework agreement provides for an exemption from the application of social security legislation. It thus lays down the precise conditions to which persons and under what circumstances it may apply. The exemption applies to employees who carry out telework in their place of residence for less than 50% of their total working time and whose employer has its registered office or place of business in another signatory State. In such a case, the employee may be insured in the State of the employer's place of establishment.

An important condition for claiming this exemption is that the application must be made in the country of the employer.

The Framework Agreement does not apply to self-employed workers, employees who are engaged in other dependent activities in another country or employees whose work does not involve teleworking.

Article 3 Paragraph 2

a) The so-called right to disconnect is regulated in Section 52(10) of the Labour Code as follows:

"An employee performing homework or telework shall have the right not to use the means of work used for the performance of homework or telework during his continuous daily rest and continuous weekly rest, unless on-call or overtime work is ordered or agreed with him at that time, during the taking of leave, on a holiday for which the work has fallen off, and during a hindrance to work. An employer shall not treat as a failure to perform an obligation if an employee refuses to perform work or comply with an instruction during the time referred to in the first sentence."

The right to disconnect of the employee is constructed as the right of the employee not to perform work outside working hours (unless it is overtime, on-call work) during the time of work interruptions, holidays and the prohibition to assess this non-performance of work by the employer as a violation of work discipline.

The Labour Code amendment in question applies from 1 March 2021 and applies to all those who work from home - either partially or fully. This means that the employee does not have to use work equipment, telephone, e-mail, etc. between shifts and during the weekend, nor may the company require him or her to do so. At the same time, the employer may not treat it as a failure to perform a duty or as a breach of work discipline if the employee refuses to do work or comply with an instruction at a time when he or she has the right to be unplugged.

b) The Slovak Republic confirms that temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on indefinite duration contracts. The legislation prohibits an employer from in any way disadvantaging or restricting an employee in a part-time employment (or similar) relationship in comparison to a comparable employee working a fixed weekly working time. At the same time, the employer is obliged to inform employees and employee representatives in a comprehensible manner about the possibilities of part-time and fixed-week jobs, so that they can, if they wish, address the issue of reconciliation of family and working life through that institution. This is guaranteed by the Labour Code, Act No. 124/2006 Coll. on Occupational Safety and health at Work, Act No. 125/2006 Coll. on Labour Inspection, Act 365/2004 the Antidiscrimination Act.

Article 3 Paragraph 3

The fundamental measures and principles of supervision of implementation of OSH regulations is governed by the Act No. 125/2006 Coll. on Labour Inspection. This applies to all categories of workers, irrespective of whether they are full-time workers, self-employed or other categories.

According to this law, the term labour inspection is defined as:

- supervision of compliance with regulations,

- the enforcement of liability for breaches of regulations and for breaches of obligations under collective agreements,

- the provision of free advice to employers, natural persons who are entrepreneurs and not employers, and employees on basic professional information and advice on how best to comply with the regulations.

The labour inspection system consists of the Ministry of Labour, Social Affairs and Family, the National Labour Inspectorate and labour inspectorates. The National Labour Inspectorate, based in Košice, manages, directs and supervises the labour inspectorates. Labour inspectorates have a territorial jurisdiction identical to the districts of the regions and their headquarters are located in the regional cities. They are bodies with their own legal competences, which means that inspection activities are carried out by the labour inspectorates on their own behalf and not by the National Labour Inspectorate - which is only a second-instance administrative body in the case of appeal procedures.

The activities of labour inspectorates in the field of OSH are of a different nature and are referred to by different terms in terms of legislation (supervision, surveillance, control, investigation or authorisation). They can be divided into two main groups:

- labour inspection under Section 2(1) of the Labour Inspection Act - this includes supervision of compliance with legislation and other regulations to ensure OSH, including regulations governing workplace factors,

- other OSH inspections - this includes inspections in the field of social legislation in the transport sector, supervision of specified products placed on the market and put into service (market surveillance), investigation of incidents (work accidents, serious industrial accidents, occupational diseases), application of OSH requirements in the permitting and approval of buildings and their alterations by means of binding opinions, permitting of light work and permitting of sport.

Article 4 Paragraph 3

a) Equal work and work of equal value is defined in Article 119a of the Labour Code in the following way:
(1)
Wage conditions must be agreed without any discrimination on the basis of sex. The provision of the first sentence shall apply to any remuneration for work as well as to remuneration paid or to be paid in connection with employment under other provisions of this Act or under special regulations.
(2)
Women and men have the right to equal pay for equal work or work of equal value. Work of equal work or work of equal value shall be deemed to be work of equal or comparable complexity, responsibility and exertion, which is performed under the same or comparable working conditions and with the same or comparable performance and results of work in the employment relationship with the same employer.
(3)
Where an employer applies a job evaluation system, the evaluation shall be based on the same criteria for men and women without any discrimination on the basis of sex. In assessing the value of the work of a woman and a man, the employer may, in addition to the criteria referred to in paragraph (2), apply other objectively measurable criteria which can be applied to all employees without distinction as to sex.
(4)
Paragraphs 1 to 3 shall also apply to employees of the same sex if they perform the same work or work of equal value.

b) The principle of equal treatment in the provision of wages applies provided that it is a job:

a) of equal complexity,
b) responsibilities and
c) exertion,
d) performed under the same working conditions; and
e) the same performance and results of work in the same employment relationship with the same employer.

The principle of equal pay for men and women is enshrined in Article 157 of the Treaty on the Functioning of the European Union. Therefore, the principle of equal pay for men and women is part of the Labour Code.

Article 119a(2) of the Labour Code provides that women and men have the right to equal pay for equal work or work of equal value.

Work of equal work or work of equal value is considered to be work of equal or comparable complexity, responsibility and exertion, which is performed under the same or comparable working conditions and with the same or comparable performance and results of work in the employment relationship with the same employer.

Equal pay without distinction of sex therefore means that pay for equal work at piece rate is calculated at the same rate and also that pay for work at time rate for equal work is the same.

Pursuant to Section 119a(3) of the Labour Code, if an employer applies a job evaluation system, the evaluation must be based on the same criteria for men and women without any discrimination on the basis of sex. When assessing the value of the work of a woman and a man, the employer may, in addition to the criteria referred to in paragraph 2, apply other objectively measurable criteria which can be applied to all employees without distinction as to sex.

However, the requirement of equal pay for men and women for equal work or work of equal value does not mean that an employer may not, in accordance with its wage regulation, differentiate the wages of employees according to, for example, the difficulty of performing the work and the qualifications of the employees. The aforementioned follows also from the decision of the Supreme Court of the Slovak Republic: "It is not contrary to the principle of equal remuneration of employees for equal work (Section 119a of the Labour Code) if the employer, taking into account "other objectively measurable criteria", which are also the complexity and difficulty of the employee's work, his/her responsibility and work experience, determines differently the amount of remuneration for the work performed by individual employees." - Judgment of the Supreme Court of the Slovak Republic, Case No. 2Cdo/279/2020 of 28.11.2022.

If an employer in practice applies the same rules for remuneration for work in different situations, e.g. remunerates with the same legal minimum wage different categories of employees with different qualification requirements for the work performed, it will be in breach of the principle of equal treatment, i.e. it will be acting in a discriminatory manner. The criteria governing the classification of rates of remuneration for work must guarantee that work which is objectively equal and equivalent is remunerated at the same rate of remuneration.

c) In the context of the transposition of Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms, the possibility of using objective, non-gender-biased methods and criteria for evaluating work, such as qualifications and skills, work intensity, responsibility and working conditions, will be considered.

The national project Gender Equality in the Workplace proposed a system of how the certification process could work in the Slovak Republic. The project also focused on the area of gender audit, which also addressed the issue of personal evaluation, financial and non-financial remuneration and career progression. A Methodology for conducting gender audits in the Slovak Republic has been established, on the basis of which bodies accredited by the Ministry of Labour, Social Affairs and Family of the Slovak Republic can carry out gender audits. The methodology is intended to unify the procedures and standards that are necessary to ensure quality outputs and the achievement of gender audit objectives in the Slovak Republic. Gender auditing can be carried out on the basis of this document, but also of other methodological procedures, therefore bodies carrying out gender audits would be subject to verification and accreditation on the basis of the requirements laid down in the document 'Quality verification mechanism for external gender audit methodologies'. The necessary elements for the accreditation were developed in the System of Audit Supervision and Certification for Enterprises, also in the framework of a national project. The Slovak Republic shall provide additional information once the system implementation has been finalised and after it has been introduced into practice.

Article 5

a) The Constitution guarantees the right of everyone to freely associate with others for the protection of their economic, social and cultural rights. The conditions for the formation and legal status of trade union organisations and employers' organisations are regulated by Act No. 83/1990 Coll. on the association of citizens.

Slovakia is a party to ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise, and ILO Convention No. 98 concerning the Implementation of the Principles of the Right to Organise and Collective Bargaining.

Trade unions and employers' organisations may be formed and affiliated by citizens (employees) and employers. These organisations are legal persons. They become a legal person on the day following the day on which the Ministry of the Interior of the SR (hereinafter as the "MoI SR") receives a proposal for its registration.

The proposal for registration shall be accompanied by the statutes. If the amendment to the statutes is approved, the trade union or employers' organisation shall send a notice of the amendment to the statutes within 15 days and shall attach the text of the amendment to the statutes to the notice.

The data of the trade union or employers' organisation (including changes) shall be entered into the register of non-governmental non-profit organisations maintained by the MoI SR pursuant to Act No. 346/2018 Coll. on the register of non-governmental non-profit organisations. An overview for the years 2019 to 2024 is in the Annex.

A trade union or employers' organisation shall be dissolved by voluntary dissolution or merger with another organisation, by a final decision of the MoI SR on its dissolution, by a final decision of a court in criminal proceedings or by the declaration of bankruptcy. It

formally ceases to exist on the date of deletion from the register of non-governmental non-profit organisations.

If the MoI SR finds that a trade union or employers' organisation is carrying out an activity which is contrary to the law, it shall without delay draw its attention to it and call upon it to desist from such activity. If the organisation continues such activity, the MoI shall issue a decision on its dissolution, which shall be reviewable by a court of the SR.

b) According to the Act No. 103/2007 Coll. on the Tripartite Consultations at the national level (Article 3 par. 2): The representatives of employers for the purposes of this Act shall be representatives appointed by representative associations of employers. A representative association of employers shall be

a) an employers' association which brings together employers from more than one sector of the economy or which has a presence in at least five regions, and the employers it brings together employ at least 100 000 employees in an employment or similar employment relationship together,

b) where the number of representative employers' associations referred to in point (a) is less than three, an employers' association which brings together employers from several sectors of the economy or which has a presence in at least five regions and the employers it brings together employ fewer than 100 000 employees in an employment or similar employment relationship together; where there are more than one such association, the representative employers' associations shall be the employers' associations employing the largest number of employees in an employment relationship or similar employment relationship, but not more than such a number that the total number of representative employers' associations does not exceed three.

c) According to the Act No. 103/2007 Coll. on the Tripartite Consultations at the national level (Article 3 par. 3): The representatives of employees for the purposes of this Act are representative trade union associations. A representative trade union association is

a) an association of trade unions which brings together employees in an employment or similar employment relationship from several sectors of the economy with at least 100 000 employees who are members of trade unions,

b) where the number of trade union associations referred to in point (a) is less than three, a trade union association which brings together employees in an employment relationship or a similar employment relationship in several sectors of the economy with fewer than 100 000 employees who are members of a trade union; where there are more than one such association, the representative trade union associations shall be the trade union associations which bring together the largest number of employees in an employment relationship or similar employment relationship who are members of a trade union, but not more than such a number that the total number of representative trade union associations does not exceed three.

As far as minority trade unions (representatives) are concerned, Section 11a of the Labour Code includes the following categories of entities in the content of the concept of employee representatives:

- trade union body,
- works council,
- employee trustee,

- employee representative for occupational safety and health pursuant to Act No. 124/2006 Coll. on Occupational Safety and Health (but only in the field of occupational safety and health),

- a special cooperative body elected by the general meeting (only in a cooperative where the membership includes the member's employment relationship with the cooperative).

Certain limitations apply to the activities of individual employee representatives in the protection of employees' rights, as well as to the interrelationship between the different categories of employee representatives:

- a trade union body (representing unionised employees) may act in parallel with a works council (representing non-unionised employees),

- the works council and the works council trustee cannot act concurrently for the same employer (based on the quantitative criterion of the number of employees of the employer - if there are less than 50 employees, the works council trustee defends the interests of the employees, if more than 50, the works council acts),

- the employee representative for occupational safety and health pursuant to Act No 124/2006 Coll. on Occupational Safety and Health may act only in the field of occupational safety and health,

- a special cooperative body elected by a general meeting may only act in a cooperative where the membership includes the member's employment relationship with the cooperative.

The Labour Code defines the scope of the concept of employee representatives in Section 11a, establishing a plurality of employee representatives who indirectly participate in the management of the work process and the organisation of work. Under the current labour legislation, it is established that employee representatives may act simultaneously at the employer's workplace. If employees do not exercise their constitutional right to form a trade union, employee representation through a works council or employee trustee, as well as employee representatives for occupational safety and health, is an option. Works councils cannot be established, nor can an employee trustee be elected against the will of the employees.

In the tenth part of the Labour Code, entitled "Collective labour relations", the competences of trade union bodies and the competences of works councils are precisely identified and divided.

The law in force recognises a specific form of employee representation within a European company as well as in a European cooperative society. Appointed or elected employee representatives have the legal status of employee representatives to the extent and in the manner provided for in Article 240 of the Labour Code.

For the purposes of the Labour Code, in a cooperative where the membership includes the employment relationship of the member to the cooperative, the employee representative is a special body of the cooperative elected by the general meeting. For the purposes of the Labour Code, a cooperative shall be understood as one of the basic subjects of commercial

law - a cooperative pursuant to Section 221(1) of Act No. 513/1991 Coll. of the Commercial Code, as amended.

d) The Slovak Republic would like to confirm that the members of the police and armed forces have the right to organise. Their trade unions are members of the Confederation of Trade Unions of the Slovak Republic. The same also applies to the members of the Fire Brigade and Prison and Court Corps. This is in accordance with the Act No. 83/1990 Coll. on the Associations of Citizens and applies to the mentioned categories of workers in the same scope as to all other workers.

Article 6 Paragraph 1

a) According to Article 4 of the Fundamental Principles of the Labour Code, employees or employees' representatives have the right to be provided with information on the economic and financial situation of the employer and on the foreseeable development of the employer's activities, in a comprehensible manner and at an appropriate time. Employees may express their views and make proposals on the employer's forthcoming decisions which may affect their position in the employment relationship. This principle is specified in the individual provisions of the Labour Code.

The right to mutual consultation of employees and employers is exercised in accordance with Article 229 of the Labour Code. As is clear from this provision, in order to ensure fair and satisfactory working conditions, employees participate in the employer's decision-making concerning their economic and social interests, either directly or through the relevant trade union body, works council or employee trustee; employee representatives cooperate closely with each other. Employee participation in industrial relations shall take the following forms: co-determination, negotiation, information and control.

The institute of codetermination is, for example, in the provisions regulating the issuance of work regulations, the determination of the beginning and end of working time, the distribution of working time, the determination of the holiday schedule and the determination of the collective use of holidays, the issuance and changes to the labour consumption standards, the agreement on the scope of time for the performance of the function of the employee's representative, and other provisions of the Labour Code.

The institute of negotiation is an exchange of views, opinions and dialogue between employee representatives and the employer. The range of issues which the employer is obliged to discuss with the employees' representatives in advance is set out in the provisions of Article 237(2) of the Labour Code:

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

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

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

d)organisational changes, which shall be deemed to be a reduction or cessation of the employer's activities or part thereof, a conversion, a cross-border conversion, a change of legal form or a cross-border change of the employer's legal form,

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

For the purposes of the consultation, the employer shall provide the employees' representatives with the necessary information, consultations and documents and shall take their views into account as far as possible.

Consultation is applied, for example, in the provisions of the Labour Code governing the transfer of rights and obligations under employment relationships, termination of the employment relationship by the employer by notice or immediate termination, the regulation of work on rest days, training of employees, etc.

The Labour Code also regulates the procedure in cases where an employer has several trade unions operating alongside each other. In this case, in cases involving all or a greater number of employees, if generally binding legislation or a collective agreement requires the consultation or consent of a trade union body, the employer must fulfil these obligations to the competent bodies of all the participating trade unions, unless otherwise agreed with them.

The forms of negotiation and provision of transnational information are also regulated for employers and groups of employers operating in the territory of the Member States of the European Union established in the Slovak Republic, which is carried out through the European Works Council or through an agreed procedure.

The promotion of mutual consultation between employees and employers is also provided for in other generally binding labour legislation.

b) + c) Joint consultations at the national level are held within the Economic and Social Council of the Slovak Republic on the basis of the Act No, 103/2007 Coll. on Tripartite Consultations. The full programme of its meetings can be found at Rokovania Hospodárskej a sociálnej rady SR | Rokovanie vlády SR (Slovak language only). The council discusses practically all proposals (legislative and non-legislative) prior to their submission to the Government for adoption. For example, on December 12, 2022, it discussed and approved the proposed Action Plan of Digital Transition of the Slovak Republic for 2023 – 2026; the National Strategy of Digital Skills of the Slovak Republic for 2023 – 2026 and its Action Plan.

Article 6 Paragraph 2

a) The right to collective bargaining is guaranteed by the Constitution of the Slovak Republic in Article 36(g).

According to Article 37(1) of the Constitution, everyone has the right to freely associate with others for the protection of their economic and social interests.

The law under which trade union organisations (workers' organisations) or employers' associations are formed is Act No. 83/1990 Coll. on the Association of Citizens, as amended. These organisations are established independently of the State and their establishment is

conditional only on their registration with the relevant State authority (the Ministry of the Interior of the Slovak Republic).

The Labour Code (Article 10 of the Fundamental Principles) states that employees and employers have the right to collective bargaining; in the event of a conflict between their interests, employees have the right to strike and employers have the right to lock-out. Trade unions participate in labour relations, including collective bargaining. The works council or the workers' trustee shall participate in labour relations under the conditions laid down by law. The employer shall be obliged to allow the trade union organ, works council or employee trustee to operate in the workplace.

Section 231(1) of the Labour Code provides that the right to conclude a collective agreement with the employer is vested in the trade union body. The conclusion of collective agreements is voluntary. The legislative conditions are in place for working and employment conditions to be regulated by collective agreements to the extent that the social partners can agree.

The procedure for concluding collective agreements is laid down in a specific regulation, which is Act No 2/1991 Coll. on Collective Bargaining, as amended (hereinafter referred to as 'the Collective Bargaining Act').

It regulates the procedure for concluding enterprise collective agreements and higher-level collective agreements concluded for a larger number of employers between the relevant higher trade union body and the employers' organisation or organisations.

The Collective Bargaining Act stipulates that when concluding a collective agreement, the parties (the employer and the relevant trade union body) are obliged to negotiate together and to provide each other with any other required cooperation, provided that it does not conflict with their legitimate interests (Article 8(3)).

Similarly to the Labour Code, the Collective Bargaining Act also regulates the procedure if several trade unions operate alongside each other in an employer's company. In that case, when concluding a collective agreement on behalf of a collective of employees, the respective trade union bodies of the employer may act and act with legal consequences for all employees only jointly and in mutual agreement, unless they agree otherwise among themselves. If the trade unions do not agree on the procedure according to the first sentence, the employer is entitled to conclude a collective agreement with the trade union with the largest number of members at the employer or with the other trade unions whose total membership at the employer is greater than the number of members of the largest trade union (§ 3a).

Local or business level collective agreements may derogate from legislation or higher level collective agreements only if the rights guaranteed by them are more favourable than the rights guaranteed by the legislation or higher level collective agreements in questions.

According to Section 5 of the Collective Bargaining Act:

(1) The collective agreement is binding on the parties.

(2) The collective agreement shall also be binding on

a) an employer affiliated to an employers' organisation,

1. for which the higher-level collective agreement was concluded and for which the trade union organisation affiliated to the trade union organisation whose higher-level trade union body concluded the higher-level collective agreement is active,

2. which concluded the higher-level collective agreement, if the code of the statistical classification of economic activities of this employer at the divisional or group level is the same as the designation of the sector or part of the sector for which the higher-level collective agreement is concluded and if no other higher-level collective agreement is binding on this employer,

b) the employees for whom the collective agreement has been concluded by the relevant trade union or higher trade union body,

c) the trade union body for which the collective agreement has been concluded by the relevant higher trade union body.

(3) A higher-level collective agreement shall also be binding on an employer who is not affiliated to the employers' organisation which concluded the higher-level collective agreement if the employer requests the parties to join the higher-level collective agreement and the parties agree to join the higher-level collective agreement. The parties to the higher-tier collective agreement shall notify the Ministry of the employer's accession to the higher-tier collective agreement pursuant to the first sentence within a period of no later than 15 days after the employer's accession to the higher-tier collective agreement. The accession of the employer to the higher-tier collective agreement shall be notified in the Journal of Laws of the Slovak Republic at the request of the Ministry.

(4) The competent trade union body shall also conclude a collective agreement on behalf of non-unionised employees.

B+c+d The Slovak Republic does not currently perceive obstacles hindering collective bargaining (this is also based on no proposals of the social partners to adjust functioning of collective bargaining).

Article 6 Paragraph 4

a) + b) 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 Act on Collective Bargaining regulates only a strike that is related to a situation when a consensus concerning conclusion of a collective agreement was not reached. In this case the strike of the categories of persons mentioned above is illegal. The legislation of the Slovak Republic does not regulate any other type of strike; therefore any other strike is not prohibited. This is also confirmed by a ruling of the Supreme Court of the Slovak Republic

(Z. 1 Co 10/98) stating that “the right to strike belongs to all citizens of the Slovak Republic. Non-existence of a legal act that would regulate execution of this right (besides collective bargaining) cannot lead to a conclusion of questioning the existence and exercise of the right to strike”.

Article 20

a) The National Action Plan for Women's Employment 2022-2030 serves as a supporting document to improve the labour market position of women. It was developed in close cooperation with relevant ministries as well as partners from non-profit organisations and the scientific sector. It is the first action plan for women's employment, which is directly linked to the National Strategy for Gender Equality and Equality in the Slovak Republic for 2021-2027.

On the basis of the analysis of women's employment, the NAP identifies three main areas that need attention. The first one of them was a legislative measure related to the transposition of the Directive (EU) 2019/1158. The MoLSAF has prepared a draft law amending Act 311/2001 Coll. Labour Code. One of the objectives of this amendment was to transpose Directive (EU) 2019/1158 on work-life balance for parents and persons with caring responsibilities. By virtue of its EU membership, the Slovak Republic was obliged to bring into force the laws and regulations necessary to comply with the Directive by August 2022. One of the main changes resulting from the transposition of the Directive is the concept of paternity leave. With this regulation, the EU wants to encourage a more equal distribution of early childcare and the creation of a bond between father and child. The Directive provides that a man is entitled to paternity leave of 10 working days.

The Slovak Republic had already granted 10 working days to fathers caring for a new-born child before the transposition of the Directive, therefore there was no need to introduce this measure in a duplicative manner. The length of paternity leave thus remains the same, except that it has been specified that a man is entitled to 28 weeks' paternity leave from the date of birth of a child, a single man to 31 weeks' paternity leave in respect of the care of a new-born child and 37 weeks' paternity leave in respect of the care of two or more new-born children. Last but not least, in the context of paternity leave, protection for fathers on paternity leave has been introduced in the event of termination of employment during the probationary period. This protection is identical to that previously granted only to pregnant women, mothers up to the end of the ninth month after childbirth and breastfeeding women. The employer may only give notice of termination to a father on paternity leave for exceptional reasons laid down by law, which do not apply to paternity leave.

Improving women's educational opportunities and skills - to achieve the second objective of the NAP, improving women's access to the labour market and reconciling family and working life, up to 14 support measures have been proposed, of which 10 are currently being actively pursued. These tasks are implemented by the MoLSAF in cooperation with the Slovak National Centre for Human Rights.

The main themes of the support measures are:

- introduction of gender audits in the labour market,

- provision of adequate support and opportunities for the care of minor children or other persons in need of care,

- creating flexible forms of working time,

- providing assistance to women in different sectors of the labour market in the form of financial contributions, increasing social recognition,

- reducing the pay gap between women and men,

- providing adequate assistance to women in need.

Within the second objective of the NAP, an important measure is being implemented – reducing the gender pay gap by implementing good practices from other countries. This measure is under the responsibility of MoLSAF. The first essential step towards its implementation is the transposition of Directive (EU) 2023/970, which strengthens the application of the principle of equal pay for men and women for equal work or work of equal value. The EU issued this Directive with the aim of eliminating the pay gap between women and men performing equal work or work of equal value. Member States have until 7 June 2026 to take action to bring the national legislation in line with the Directive. So far, the MoLSAF has analysed the reduction of the pay gap in several countries to examine good practices and established procedures for the transposition of the Directive. The following countries have been analysed: Switzerland, Great Britain, Canada, Iceland, Spain, Germany and Sweden. The analysis also mapped the current situation in Slovakia in order to build on the current mechanisms and complement the necessary measures resulting from the (EU) Directive. The MoLSAF also initiated a meeting with representatives of the Ministry of Labour and Social Affairs of the Czech Republic in order to exchange information on transposition and to discuss the procedures for transposition of the Directive.

The MoLSAF is also involved in introducing good practice in remuneration from other countries into the practices of the Slovak Republic. An example is the project "Reducing Gender Pay Gap." In this project, the MoLSAF has established cooperation with Iceland so that Slovakia can gain experience and adopt Icelandic good practice aimed at addressing the issue of unequal pay. This so-called Icelandic practice consists mainly of the methodology of certification "Equal Pay." The introduction of certification according to the Icelandic model would constitute a system of compulsory official equal pay labelling for employers with more than 25 employees. A full interpretation of the above-mentioned certification would also include penalties for institutions that do not comply with the conditions of the certification. At the moment, the competent authorities have to decide to what extent and in what form the Icelandic practice will be applicable in Slovakia.

The third objective of the NAP, Improving Women's Opportunities in Education and Increasing Their Skills, highlights the need to improve women's access to education, and therefore to achieve a more diverse set of skills for women. Therefore, to achieve the main objective of better quality education for women, 10 support measures have been identified. The major themes within the measures include:

- Increasing the number of women in ICT,

- Creating flexible training programmes,

- Educational activities to eliminate stereotypes, prejudice and (sexual) harassment of women and other marginalised groups in the workplace

- training and counselling for young people, women, and people from marginalised Roma communities.

The themes mentioned above are fulfilled under the leadership of the Slovak National Centre for Human Rights (SNCHR), the MoLSAF and the Ministry of Education, Research, Development and Youth of the Slovak Republic.

SNCHR implements free educational activities within the legal mandate for different target groups (adults, youth, children). These educational activities address the issue of equality between women and men from several angles, such as:

- prevention and elimination of discrimination in the workplace

- elimination of violence against women in employment relationships

- bullying in the workplace

- gender equality

E.g., in 2023, SNCHR implemented educational activities aimed at spreading awareness on non-discrimination and human rights. The topic of gender equality was addressed in several modules- non-discrimination, sexual harassment, gender equality, diversity and equal treatment management. A total of 243 training activities were carried out for 7,019 male and female participants, for 59 organisations (84 activities for 2,443 adult individuals), 36 primary schools (93 activities for 2,541 pupils/students) and 30 secondary schools (66 activities for 2,035 pupils/students).

The second important educational activity of the SNCHR was the so-called RODRO project. Within the framework of this project, an international conference "Towards Gender Equality in Europe" was organised in September 2023. The aim of the conference was to help identify common strategies to achieve work-life balance in different professional spheres while ensuring gender equality. More specifically, the following were defined as the conference's main themes:

- exploring the possibility of reconciling work and personal life in the research and academic professions,

- finding ways to prevent discrimination against female early career researchers,

- identifying measures to prevent sexual harassment in the workplace, with a focus on different sectors and educational settings,

- addressing wider discrimination on the basis of gender identity,

- exploring different approaches to work-life balance in different countries and identifying barriers and solutions to gender equality.

b) As far as the number of women in decision-making positions in the public sector is concerned, we are attaching an Excel sheet. The data for private sector is currently being collected.

c) The Statistics Office of the Slovak Republic publishes annually a bilingual, Slovak-English yearbook Women and Men in the Slovak Republic. The last edition with data for the year 2023 can be found at https://slovak.statistics.sk/wps/portal/!ut/p/z1/rVLLbtswEPyWHnSkuBQpieqNblDZiRFAdmVHvASURNuMrUdkxmry9WWSHlqgsVEgPCy4y5ndWXCwxHdYtupktsqarlUHlxcyus_iGZ9MiACIwyuYXedXWbpMCDDAKyyxrFrb2x0uuvKodki3qH8qPXDhYPaqMtqD01Hb_fOflbIKElaxCCmlCWK8rhFncYjqkvCwSlhE6ea1d1-ZGhdJvakhihTilCeIKaZQmcQJ4iUhmvBIq1Lj9SWx0j3DB0fAb_63VExZPAfg8zSEmZjmiySjFAR9459p_84_M-AiX75Bzim4tMM7QGRZtpyvVpCugu8woySF2zwHWMQXAD8iXLgt4g9l3gR4fTJ6xHnbDY1zyPI_P2kK-BpLUzb-WDU--CTgccQCwngSUHd_tZx5eHyUwvmqa63-afHdpxvLDRFtSfkWy0Fv9KAH_2lwdt9Z2x-_euDBOI7-tuu2B-1XXePBvyi77ujE_Y3EfdNw-mwM2i-mL5NblK65DQvx5RfTOOEC/dz/d5/L0lDUmlTUSEhL3dHa0FKRnNBLzROV3FpQSEhL2Vu/ It is a comprehensive overview of statistical information that characterises the position of women and men in contemporary society. It provides sex-disaggregated data in the areas of demography, labour market, social statistics and health, education, research and development, crime, violence and justice, public life and decision-making. The content is complemented by international comparisons and trend charts. Methodological explanatory notes are included. In the chapter 'Public life and decision-making', the Yearbook presents data on the results of elections by gender, data on the representation of women and men in public life and decision-making, the proportion of women and men in the judiciary, in regional administration (mayors of municipalities and mayors of towns), the proportion of female and male candidates in the elections to the National Council of the Slovak Republic, in the elections to the European Parliament and in the elections to the local government bodies of the regions.

In addition, the MoLSAF provides annual data for the Slovak Republic in the database on women and men in decision-making processes. This is statistical data on female and male representation in management positions in all ministries (not political positions). This data is processed by the research company Alphametrics Ltd. for the European Commission (see Excel file attachment).

Among other things, on December 28, 2024, the Act No. 300/2024 Coll., the Act on Certain Measures Related to the Management of a Listed Company, which applies to companies and cooperatives listed on the stock exchange, will come into force. With this Act, the Slovak Republic transposed into law the requirements resulting from Directive (EU) 2022/2381 of the European Parliament and of the Council of 23 November 2022 on improving the gender balance among directors of listed companies and related measures (OJ L 315, 7.12.2022), the "Women on Board" Directive. The main provisions of this law are aimed at ensuring that listed companies with registered offices in the Slovak Republic whose shares are admitted to trading on a European regulated market set targets for achieving a better gender balance in their senior management bodies (supervisory board, board of directors) and aim to achieve the targets by 30 June 2006. Under the provisions of the Act, "A listed company shall ensure that (a) members of the less represented gender hold at least 40% of non-executive directorships, or (b)members of the less represented gender hold at least 33% of directorships.

Data collection:

Level 1: Generálny tajomník služobného úradu (Secretary General) + General Directors of Sections (generálni riaditelia sekcií)

plus Director General of the Office of the Minister (i.e. Head of Cabinet) + Director General of the Office of the State Secretary

Level 2: Deputy Secretary General (Zástupca generálneho tajomníka SÚ), Director of Personnel Office (Riaditeľ osobného úradu),

Directors of departments (riaditelia odborov),Head of Departments (vedúci)

Comm ***Heads of Office usually don't have their stabile and formally labelled Deputies – in case of Head's of Office absence the responsibility is being delegated to temporarily set deputy, which is not necessarily always the same person; (Deputy Head of Office is often Director of Personal Office)***

The data relates only to personnel of the central administration. The increase, in particular at the level 2, is due to strengthening of personal capacitie of organisational units responsible for management and verification of the EU funds.

Data refer to the situation as of

				LEVEL 1				LEVEL 2				
Old ID	Entity ID	NAME_EN	BEIS TYPOLOGY	men	women	TOTAL	vacant	men	women	TOTAL	vacant	positions (if any)
	501	Prime Minister's Office	B Basic Functions	8	12	20	1	47	51	98	15	
	502	Ministry of Foreign and European Affairs	B Basic Functions	7	3	10	0	41	35	76	2	
	317	Ministry of Defence	B Basic Functions	8	4	12	0	59	54	113	10	
	503	Ministry of Interior	B Basic Functions	9	2	11	0	68	32	100	10	
	507	Ministry of Justice	B Basic Functions	6	8	14	1	21	24	45	1	
	504	Ministry of Finance	E Economy	10	7	17	1	73	51	124	8	
	318	Ministry of Economy	E Economy	5	3	8	0	31	40	71	1	
	506	Ministry of Agriculture and Rural Development	E Economy	5	5	10	0	20	28	48	3	
10014	NEW	Ministry of Transport and Construction	I Infrastructure	8	7	15	3	40	52	92	12	
	NEW	Ministry of Tourism and Sports	E Economy	5	6	11	0	10	11	21	9	
	6538	Ministry of Environment	I Infrastructure	10	9	19	0	29	32	61	1	
	505	Ministry of Health	S Socio-cultural function	8	6	14	0	16	32	48	10	
	508	Ministry of Education, Science, Research	S Socio-cultural function	10	7	17	0	38	54	92	12	
	509	Ministry of Employment, Social Affairs and Fam	S Socio-cultural function	5	12	17	0	38	85	123	5	
	12578	Ministry of Investment, Regional Development a	E Economy	15	5	20	0	78	78	156	6	
	321	Ministry of Culture	S Socio-cultural function	7	2	9	0	13	17	30	0	
				0	0	0	0	0	0	0	0	
				-88	-56	-144	0	-239	-236	-475	-6	

Note: we classified the ministries of your country according to the BEIS typology. Please don't change this classification.

The BEIS-typology is a classification system for government functions that is used to categorises senior ministers, junior ministers and ministries and their staff in different fields of action.

The BEIS-typology consists of four different categories:

Basic functions: foreign and internal affairs, defence, justice, ...

Economy: finance, trade, industry, agriculture, ...

Infrastructure: transport, communication, environment, ...

Socio-cultural functions: social affairs labour, health, children, family, youth, elderly, older, people, education, science, culture

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