

– The Slovak Republic and the European Social Charter –

Signatures, ratifications and accepted provisions

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

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

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

The Charter in domestic law

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

Table of accepted provisions

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

¹ Sub-paragraphs a. and b. accepted

Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted [reports concerning the Slovak Republic](#) in 2015 and 2019.

The Committee was of the view that the Slovak Republic could consider acceptance of Articles 18§3, 19§4 (c) and 31§2.

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

Monitoring the implementation of the European Social Charter ¹

I. Reporting system ²

Reports submitted by the Slovak Republic

Between 2001 and 2023, the Slovak Republic has submitted 7 reports on the application of the 1961 Charter and 13 reports on the application of the Revised Charter.

The [12th report](#), submitted on 07/02/2022, concerns the accepted provisions relating to thematic group 3 "Labour Rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29).

Conclusions with respect to these provisions have been published in March 2023.

The [13th report](#), which was submitted on 09/02/2023, covers the accepted provisions of the Social Charter relating to thematic group 4 "Health, social security and social protection", namely:

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

Conclusions with respect to these provisions will be published in March 2024.

¹ The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ». Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

² Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

Situations of non-conformity ³

Thematic Group 1 "Employment, training and equal opportunities" - Conclusions 2020

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

It has not been established that employment services operate in an efficient manner.

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

It has not been established that equal treatment with respect to access to training and retraining for the long-term unemployed persons is guaranteed to nationals of other States Parties.

► *Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex*

- The legislation explicitly includes only certain elements of pay under the principle of equal pay;
- The obligation to make measurable progress in reducing the gender pay gap has not been fulfilled.

Thematic Group 2 "Health, social security and social protection" - Conclusions 2021

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

It has not been established that:

- self-employed and domestic workers are protected by occupational health and safety regulations;
- consultation with employers' and workers' organisations is ensured.

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

Insufficient measures have been taken to reduce the number of premature deaths.

► *Article 1153 - Right to protection of health - Prevention of diseases and accidents*

It has not been established that:

- adequate measures were taken to overcome environmental pollution;
- efficient immunisation and epidemiological monitoring programmes are in place.

► *Article 1251 – Right to social security - Existence of a social security system*

The amount of sickness benefit can be reduced on discriminatory grounds.

► *Article 1254 - Right to social security - Social security of persons moving between states*

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

► *Article 1351 - Right to social security - Right for every person in need to adequate assistance*

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

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

- The level of the minimum old age pension is inadequate;
- The amount of social assistance is inadequate where the person has no other resources.

Thematic Group 3 "Labour rights" - Conclusions 2022

► *Article 255 - Right to just conditions of work - Weekly rest period*

There are insufficient safeguards to prevent workers from working for more than twelve consecutive days before being granted a rest period.

► *Article 454 - Right to a fair remuneration - Reasonable notice of termination of employment*

The notice period during probation is manifestly unreasonable for workers with more than three months of service.

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

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

The protected wage which is left after all the deductions may deprive workers of their means of subsistence.

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

Strikes are prohibited for a large number of state/public sector employees and that the restrictions on the right to strike go beyond the limits set by Article G of the Charter.

► *Article 26§1 - Right to dignity in the workplace - Sexual harassment*

- Victims of sexual harassment are not guaranteed sufficient and effective remedies against sexual harassment in relation to work;
- It has not been established that appropriate and effective redress is guaranteed in cases of sexual harassment in relation to work.

► *Article 26§2 - Right to dignity in the workplace - Moral harassment*

- It has not been established that there is adequate prevention of moral (psychological) harassment in relation to work;
- It has not been established that appropriate and effective redress is guaranteed in cases of moral (psychological) harassment in relation to work.

► *Article 28 - Right of workers' representatives to protection in the undertaking and facilities to be accorded to them*

Adequate protection is not provided for in the event of an unlawful dismissal based on trade union activities.

Thematic Group 4 "Children, families, migrants" - Conclusions 2019

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

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

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

- The measures taken do not ensure an adequate protection of women against domestic violence;
- The protection of Roma families with respect to housing, including in terms of eviction conditions, is inadequate.

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

- Not all forms of corporal punishment are prohibited in all settings;
- The maximum length of pre-trial detention is excessive;
- It has not been established that children in public care are adequately cared for.

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

- The net enrolment rate in compulsory education is too low;
- It has not been established that adequate measures have been taken to include Roma children in mainstream education.

► *Article 19§6 – Right of migrant workers and their families to protection and assistance - Family reunion*

Family members of a migrant worker are not granted an independent right to stay after exercising their right to family reunion.

The Committee has been unable to assess compliance with the following provisions:

Thematic Group 1 "Employment, training and equal opportunities"

- ▶Article 1§2 - Conclusions 2020
- ▶Article 1§4 - Conclusions 2020
- ▶Article 9 - Conclusions 2020
- ▶Article 10§1 - Conclusions 2020
- ▶Article 10§3 - Conclusions 2020
- ▶Article 15§1 - Conclusions 2020
- ▶Article 15§2 - Conclusions 2020
- ▶Article 18§2 - Conclusions 2020
- ▶Article 24 - Conclusions 2020

Thematic Group 2 "Health, social security and social protection"

- ▶Article 3§1 - Conclusions 2021
- ▶Article 3§3 - Conclusions 2021
- ▶Article 11§2 - Conclusions 2021
- ▶Article 12§2 - Conclusions 2021
- ▶Article 12§3 - Conclusions 2021
- ▶Article 14§2 - Conclusions 2021

Thematic Group 3 "Labour rights"

- ▶Article 2§1 - Conclusions 2022
- ▶Article 4§1 - Conclusions 2022
- ▶Article 4§3 - Conclusions 2022
- ▶Article 5 - Conclusions 2022
- ▶Article 6§1 - Conclusions 2022
- ▶Article 29 - Conclusions 2022

Thematic Group 4 "Children, families, migrants"

- ▶Article 7§3 - Conclusions 2019
- ▶Article 7§5 - Conclusions 2019
- ▶Article 7§10 - Conclusions 2019
- ▶Article 19§1 - Conclusions 2019

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

Thematic Group 1 "Employment, training and equal opportunities"

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

Thematic Group 2 "Health, social security and social protection"

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

Thematic Group 3 "Labour rights"

- ▶ As of the beginning of 2019, the compensation for work on public holiday has been increased to 100% of the employee's average wage for everyone. According to the report, 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.

Thematic Group 4 "Children, families, migrants"

- ▶ The amount of maternity benefits increased from 65% (Conclusions 2015) to 75% of the employee's salary.