



# DECENT WORK CHECK

## **SLOVAKIA** 2023

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## WageIndicator Foundation - [www.wageindicator.org](http://www.wageindicator.org)

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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# INTRODUCTION

Decent Work is the type of work to which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); the social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working since late 2007 to raise awareness of workplace rights through a unique tool, i.e., Decent Work Check. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face, and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with the national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, or labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 12 more countries, thus taking the number of countries with a Decent Work Check to 125!

# MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Labour Code No. 311/2001
2. Minimum Wage Act (Regulation No. 663/2007)
3. Labour Inspection Act No. 125/2006 Coll.
4. Law of Social Insurance No. 461/2003
5. Law on Occupational Safety and Health Protection No. 124/2006
6. Anti-Discrimination Act No. 365/2004
7. Constitution of Slovak Republic No. 460/1992 Coll.
8. Law of Associations of Citizens No. 83/1990 Coll.

# 01/13 WORK & WAGES

## **ILO Conventions**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

**Slovakia has ratified the Convention 95 only.**

### ***Summary of Provisions under ILO Conventions***

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

## Regulations on work and wages:

- Labour Code No. 311/2001
- Minimum Wage Act (Regulation No. 663/2007)
- Labour Inspection Act No. 125/2006 Coll.

## Minimum Wage

Workers cannot be paid lower than the minimum wage which is the lowest remuneration that an employer should pay to the employee according to the degree of work difficulty of the relevant job. The minimum wage in Slovakia is determined by the Economic and Social Council of Slovak Republic, created under an Act of 2007 (103/2007), to concert on important issues of interest for workers and employers, mainly to economic, social, working and wage conditions, employ conditions and business conditions. The social partners (with 7 representatives each from Government, workers and employers' side) have to come up with a recommendation about minimum wage level in the country by. If the social partners cannot agree on its level, the government decides unilaterally the level of minimum wage in the country by considering the growth rate of average monthly minimum wage in the previous year. Wages of an employee can also be set through collective agreement or an employment contract provided that these are not less than the minimum wage.

Minimum wage is determined by taking into account the needs of workers and their families (subsistence level), cost of living (consumer prices), level of wages and incomes in the country (average wages), economic development (socio economic situation) and level of employment for the

last two years.

If minimum wage of a worker is not determined through collective bargaining agreement, the employer is required to pay the employee the minimum wage that is determined in accordance with the difficulty of position. The scale of job difficulty ranges from level 01, the basic minimum wage to level 4 (1.6 times the minimum wage) to level 6 (double the minimum wage). Employer is required to assign each job to degree (1-6) according to the characteristics of job difficulty. Employers are also required to provide a wage supplement to the workers to make up the difference between the agreed wages and the wage claim.

Compliance with provisions of Labour Code including minimum wage is ensured by the National Labour Inspectorate which is a body under Ministry of Labour, Social Affairs and Family of the Slovak Republic. A worker may contract a trade union at the workplace or send a direct complaint to the Labour Inspectorate. The labour inspectorate is authorized to impose a fine for violation of obligations (as defined in the scope of the Inspectorate), including wages and working conditions, and for violations of obligations implied by collective agreements. The amount of fine may be up to €100,000.

Source: §119 & 120 of the Labour Code No. 311/2001; §6-8 of the Minimum Wage Act (Regulation No. 663/2007); §2 and 19 of the Labour Inspection Act No. 125/2006 Coll.

For updated minimum wage rates, kindly refer to the section on minimum wage.

## Regular Pay

The Labour Code allows employers to pay wages in kind except in the case of minimum wages. The wages in kind may be provided only with the consent of employee and under conditions agreed with the worker.

The wage period in Slovak republic is one month and employers are required to pay wages to their workers no later than the end of consequent calendar month unless otherwise agreed in the collective agreement or individual employment contract. If a wage will be due while worker is on leave, employer should pay this wage to the worker before commencement of leave, if requested by the employee. Wages have to be paid in monetary form. Wages are paid on agreed payment days however employer may provide a wage advance prior to the wage payment day. Wages have to be paid during the working time and at the workplace.

Employees are also eligible for wage compensation for work in difficult conditions if a competent public health body has placed such activities in the third or fourth categories and where the intensity of environmental factors requires that the employee used personal protective equipment. Employees are entitled to a wage compensation (of at least 20% of the minimum wage in Euros per hour) if their work is affected by chemical, carcinogenic & mutagenic, biological, dust and physical factors which include sound, vibration and ionizing radiation.

Source: §124-132 of the Labour Code No. 311/2001



# 02/13 COMPENSATION

## **ILO Conventions**

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

**Slovakia has ratified both the Conventions 01 and 171.**

### ***Summary of Provisions under ILO Conventions***

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

## Regulations on compensation:

- Labour Code No. 311/2001

## Overtime Compensation

The normal working hours are 08 hours a day and 40 hours a week. The maximum average weekly working hours (including overtime) over a 4-month period cannot exceed 48 hours (08 hours overtime per week). The maximum average weekly working hours may even exceed 48 hours (to the limit of 56 hours....16 hours overtime in a week) over a four-month period for a health care employee however an employee cannot be persecuted or sanctioned by the employer for not agreeing to work beyond 48 hours per week in average.

The weekly working hours may be distributed unevenly, over a 4-month period, in individual weeks after agreement with worker representatives or employee if the nature of work or operating conditions so require. However, this four-month period is extendable to one year if agreed in a collective agreement or after an agreement with employers and employee representatives.

Overtime work is the work performed by the worker by the order of the employer or with his/her own consent. Overtime work cannot be demanded from a worker with reduced working time. An employee may not be required to work overtime for more than 150 hours maximum in a calendar year. An employee working in the medical profession may be required to work additional 100 hours of overtime (250 in total) per year. However, in the above limit, the following two types of overtime work is not included:

- Overtime work for which the work received alternative free time; and
- Work that is performed in the context of urgent repairs or work without which there would be a risk of work-related injury or large-scale damage or extraordinary events where there is a risk to life, health or of damage on a larger scale.

Although the scope and conditions of overtime work have to be determined by the employer after agreement with the employee's representatives, an employer can compulsorily require the worker to work overtime for 150 hours. The overtime hours cannot exceed 400 hours in a year (compulsory + voluntary overtime). A worker involved in risky work cannot be assigned to do overtime work however overtime may be agreed with such employee in the case of urgent repairs or other emergencies. An employee whose job falls under the category of health care and who is over the age of 50 years may not be ordered to perform overtime work.

Employees who are employed in shifts have a normal weekly limit of 38 hours and 45 minutes if their work is scheduled in two-shifts and a normal weekly limit of 37 hours and 30 minutes when work is scheduled in three-shifts alternatively. If an employee works with proven chemical carcinogens in working processes or with a risk of chemical carcinogenicity or who performs work leading to exposure to radiation as a radiation as a category A employee in the controlled zone of workplace where there are sources of ionizing radiation, except for the controlled zone of a nuclear power plant, his normal weekly working time cannot be more than 33 hours and 30 minutes.

Those working overtime are entitled to a

wage surcharge, besides their normal wages, equal to at least 25% of his/her average earnings for the performance of overtime work. From 1 January 2016, this represents a minimum level of compensation at least 0.4656 euro per hour. If an employee is involved in the performance of risk work, such employee is entitled to wages earned and a wage surcharge equal to at least 35% of his/her average earnings.

Source: §85, 86, 97 & 121 of the Labour Code No. 311/2001

## Night Work Compensation

Work performed between 22:00 and 06:00 of the following day is considered night work. A night worker is a worker who is involved in work requiring regular performance at night for at least three consecutive hours or a worker who works at least 500 hours per year at night. With effect from May 2019, a night premium of at least 40% of the hourly minimum wage rate is paid to the night worker. In the high-risk jobs, the night premium must be at least 50% of the hourly minimum wage rate.

Employers are further required to ensure that employees working at night undergo a free health examination (i) prior to assignment to night work; (ii) regularly as required, at least once per year; (iii) at any time during the course of assignment to night work, for health defects induced by performance of night work; and (iv) if so requested by a pregnant woman, a mother who has given birth within the last nine months or a

Source: §90, 98 & 123 of the Labour Code No. 311/2001

## Compensatory Holidays/rest days

Workers may be exceptionally required to work on rest days on prior negotiation with employee representatives. Worker can be required to do only that work on public holidays which they can be asked on weekly rest days, work in continuous operations and work necessary for guarding the premises of the employer. The work on public holiday can thus only be required for urgent repair work; loading and unloading work; stock-taking and closing of accounts work; work performed in continuous operations for an employee who failed to take up his/her shift; work for averting threat endangering life or health, or in case of extraordinary events; imperative work with regard to satisfying the living, health and cultural needs of the Population; feeding and care of agricultural animals; imperative work in agriculture crop production with planting; and cultivating and harvesting of crops and in the processing of foodstuff raw materials. The Labour Code does not directly provide compensation or time-off for working on a weekly rest day however since Sunday work (i.e., the work on weekly rest day) is beyond the weekly working time, it can be considered as overtime work. For working on weekly rest day (considered as overtime work), employee can be given a time-off equal in length to the period of overtime. However, in such a case, employee would not be eligible for a wage surcharge.

Workers are also eligible for compensatory rest for working on a public holiday. An employee, who worked on a public holiday, must be provided time-off for an equal period within three months (or other period as agreed between the parties). If this compensatory rest is not provided within a period of 3 months (or other agreed

period), worker has to be paid a wage surcharge.

Source: §94, 121 & 122 of the Labour Code No. 311/2001

## **Weekend/Public Holiday Work Compensation**

With effect from 1 May 2019, workers are entitled to a wage premium of 50% of the daily average wage for working on a Saturday and 100% of the daily average wage for working on a Sunday.

With effect from 1 May 2019, if a worker works on a public holiday, he/she is entitled to his normal wages plus a wage surcharge equal to 100% of his/her average earnings. This wage surcharge is also applicable if the work is performed on a public holiday that falls of a day(s) of continues rest for an employee in the week.

Source: §121 & 122 of the Labour Code No. 311/2001

# 03/13 ANNUAL LEAVE & HOLIDAYS

## **ILO Conventions**

Convention 132 (1970) on Holidays with Pay Convention  
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.  
In addition, for several industries, different Conventions apply.

**Slovakia has ratified the Conventions 14 only.**

### ***Summary of Provisions under ILO Conventions***

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

## Regulations on annual leave and holidays:

- Labour Code No. 311/2001

### Paid Vacation/Annual Leave

The legislation provides a basic annual leave entitlement of at least 4 weeks where seven consecutive calendar days are considered as one week of paid holiday. In order to qualify for annual leave, a worker must have worked at least 60 continuous days for the same employer. Workers who have worked for less than a year are entitled to one-twelfth of annual paid holiday for each calendar month of continuous employment relationship.

An employee, who is not entitled to annual paid holiday or a proportionate part thereof as he/she has not performed work for at least 60 days, is entitled to a paid holiday for the days worked to the extent of one-twelfth if the annual paid holiday for each 21 days worked in the calendar year.

The basic annual leave of a worker aged 33 years or older is at least five weeks. The paid holiday/annual leave of a school headmaster, the director of a school upbringing and education facility, the director of special educational facilities and their deputies, a teacher, a teaching assistant, a vocational training instructor and an educator is at least eight weeks per calendar year. There is also a provision for supplementary paid holiday for employees working underground over the whole calendar year in the extraction of minerals or driving tunnels or passages and employees who performing particularly difficult or health-endangering work, are entitled to supplementary paid holiday of one week. If an employee works under such

conditions for only part of the calendar year, he/she is entitled to one twelfth of supplementary paid holiday for each 21 days so worked.

In a 2020 amendment to the Labour Code, employees under 33 years of age are divided into two groups: Those who are permanently taking care of a child and those who are not. The employees under 33 and taking care of a child are entitled to five weeks of annual leave. This change is applicable only 1 January 2022.

The timing of paid holidays is determined by the employer with prior consent of the employee representatives in such a way that the employee normally draws his paid holidays as a whole by end of calendar year. The timing of leave also takes into account the employer's tasks and justified interests of the workers. Workers must be granted at least four weeks of annual leave in a calendar year if they qualify for it and there are no obstacles on employer side to prevent granting of leave. For operational reasons and in agreement with the employee representatives, a collective drawing of annual leave may be set by the employer, however only for only for two weeks (three weeks in some cases).

If the annual leave is split in various parts, one part should be at least 2 weeks unless worker and employer agree otherwise. If a public holiday day falls within the scheduled annual leave period, it is not calculated in the period of annual leave. The same applies for time-off that the worker may be entitled to for having performed overtime work or on a public holiday. Employers are required to determine and grant paid holiday to workers within two years of eligibility. If an employee is unable to draw his/her paid holiday due to drawing of maternity

leave/parental leave; due to temporary incapacity or sickness, due to long term leave to perform public or trade union function, the annual leave will be granted at the end of such event (maternity leave, parental leave, incapacity/sickness, public function or trade union function).

Workers are entitled to wage compensation in the amount of his/her average earnings for the period of drawn leave. Employees cannot be paid wage compensation for leave that is not taken up to the basic paid leave of 4 weeks except in the case of employment.

With effect from 1 January 2019, the Labour Code requires employers (with 49 or more workers; for others, it is voluntary) to provide a recreation allowance, generally referred to as 'holiday voucher' to their workers who must have worked for the employer for two consecutive years). The amount of recreational allowance is set at 55% of the worker's eligible expenses, up to a maximum of 275 Euros per year. The amendment in the Labour Code supports tourism in Slovakia by providing an allowance for employees who spend at least two nights at an accommodation facility in Slovakia.

Source: §100-105 & 111-114 of the Labour Code No. 311/2001

## Pay on Public Holidays

Public holidays are paid rest days of religious or memorial nature. Employees are entitled to public holiday benefits for the following fifteen public holidays and non-working days:

Day of the Establishment of the Slovak Republic (January 1); Epiphany (January 6);

Good Friday; Easter Monday; Labour Day (May 01); Day of victory over fascism (May 8); St Cyril and Methodius Day (July 5); Slovak National Uprising anniversary (August 29); Day of the Constitution of the Slovak Republic (September 1); Day of Our Lady of Sorrows (September 15); All Saints Day (November 1); Struggle for Freedom and Democracy Day (November 17); Christmas Eve (December 24); Christmas Day (December 25); Boxing Day (December 26).

Of the above 15 days, Day of the Establishment of the Slovak Republic (January 1); St Cyril and Methodius Day (July 5); Slovak National Uprising anniversary (August 29); Day of the Constitution of the Slovak Republic (September 1); Struggle for Freedom and Democracy Day (November 17) are public holidays. Work on public holidays can be required only exceptionally and upon prior consultation with employee representatives. Worker can be required to do only that work on public holidays which they can be asked on weekly rest days, work in continuous operations and work necessary for guarding the premises of the employer. The work on public holiday can thus only be required for urgent repair work; loading and unloading work; stock-taking and closing of accounts work; work performed in continuous operations for an employee who failed to take up his/her shift; work for averting threat endangering life or health, or in case of extraordinary events; imperative work with regard to satisfying the living, health and cultural needs of the Population; feeding and care of agricultural animals; imperative work in agriculture crop production with planting; and cultivating and harvesting of crops and in the processing of foodstuff raw materials.

On the days 1 January, Easter Day, 24



December after 12:00 and 25 December, an employer may not order or agree that an employee shall perform work involving the sale of goods to end consumers or related work with the exception of the following forms of retail sale:

- i. retail sales at petrol stations with fuels and lubricants,
- ii. retail sales and the filling of prescriptions in pharmacies,
- iii. retail sales at airports, harbours, other public transport facilities and hospitals,
- iv. the sale of travel tickets, and
- v. the sale of souvenirs

The Act No. 326/2020 has amended Act No. 241/1993 and added a new public holiday i.e., '28 October – Day of the establishment of an independent Czech-Slovak State' which is in force from 1 January 2021. The new holiday is not a day of rest or holiday as Article 94 of Labour Code which defines rest days as “days of continuous rest of the employee during week and holidays” unless special regulation granted it.

Source: §94, 122 & Annex No. 1(a) of the Labour Code No. 311/2001; §1-3 of the Law No. 241 of 1993; Act No. 326/2020

## Weekly Rest Day

Every employer is required to arrange working time in such a way that an employee has two consecutive days of continuous rest per week. These days of rest should either fall on Saturday-Sunday or Sunday-Monday. If the nature of work and conditions of operation do not allow to schedule working time of an employee over 18 years of age, these two consecutive days of rest may be granted on other days of the week. As a minimum, every worker should be provided with 24 hours of rest in a week

(or in two weeks in some cases).

Rest breaks are regulated under the Labour Code. The breaks for rest and eating are not considered working time. A worker who performs work for more than 6 hours per day is entitled to enjoy a rest break of 30 minutes. Rest breaks cannot be provided at the start or end of the work shifts. An adolescent worker (under 18 years) is entitled to a rest break of 30 minutes if he/she performs work for more than four and a half hours per day.

Employers are required to arrange daily working hours in such a way that every employee is entitled to a daily rest period of at least 12 consecutive hours. For young workers under 18, the daily rest period must be at least 14 consecutive hours.

Source: §40, 91-93 of the Labour Code No. 311/2001



# 04/13 EMPLOYMENT SECURITY

## ILO Conventions

Convention 158 (1982) on employment termination

**Slovakia has ratified the Convention 158.**

### *Summary of Provisions under ILO Convention*

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

## Regulations on employment security:

- Labour Code No. 311/2001

### Written Employment Particulars

Before conclusion of an employment contract, an employer is required to inform the prospective employee with rights and obligations pertaining to the employment contract, wage and working conditions under which work has to be performed.

An employment contract is agreed for an indefinite period, by default, if the duration of employment is not explicitly defined or agreed in writing in the employment contract.

Employment relationship is established by a written employment contract between the parties. Employer is also obliged to provide the employee with one written copy of the employment contract. An employment contract should have the following information: job type and brief job description; workplace; commencement date of work; wage conditions unless agreed in a collective agreement, other working conditions including payment terms, working time, duration of paid holiday and notice period. Further conditions in the interest of parties especially concerning material benefits have to be provided in the employment contract. If written employment contract does not contain detailed provisions on material benefits and wage payment terms, etc. the employer is required to provide the worker with the notification containing such conditions within one month from the date of establishment of employment relationship.

The employer must provide written information to the employee about certain employment details if not specified in the contract, including:

- a) determination of the place of work with respect to main place of work;
- b) weekly working time, method and rules for the distribution of working time, including the expected working days, extent and timing of work breaks and rest period, rules of overtime, including overtime pay, etc;
- c) vacation entitlement;  
(within seven days from the beginning of the employment relationship)
- d) payment of wage, including pay dates;
- e) rules for employment termination, length of notice period, time limit for challenging employment termination at court;
- f) trainings provided by the employer.  
(within four weeks from the beginning of the employment relationship)

Source: §41-44, 47a of the Labour Code No. 311/2001

### Fixed Term Contracts

Fixed term contracts are permissible under Slovak labour code. The legislation also allows hiring fixed term contract workers for tasks of permanent nature. Fixed term contracts are agreed for a maximum of two years only. These fixed term employment contracts may be extended or renewed twice during the 2-year period. The further extension of a fixed term employment contract (within two years or over two years) can be agreed only for material or objective reasons. While starting a fixed term contract, there is no obligation on the employer to specify objective reason of concluding the contract. However, extensions or renewals of fixed term

contracts are allowed for objective reason only by specifying it in the employment contract. These reasons include "substitution of another employee during maternity leave, parental leave, temporary incapacity for work/sick leave, long term leave to perform public or trade union function; increase in employees required for a temporary period not exceeding 08 months in a calendar year; the performance of work agreed in a collective agreement; and the performance of seasonal work not exceeding 08 months in a calendar year.

If a worker is hired for the same work within 06 months of the end of fixed term employment contract, it is considered renewal/extension of earlier contract.

A 2020 amendment in the Labour Code enables employers during the extraordinary situation (caused by the pandemic) to extend or renew current fixed-term employment contracts beyond the above referred statutory limit of two years. The fixed term contract however can be extended only once during the emergency situation and for a maximum period of one year.

If an employee with a fixed-term or short-term employment lasting over six months, and after the trial period, wishes to switch to an indefinite contract or establish a fixed weekly working time, the employer must provide a written response within one month of the request. This also applies to subsequent requests made at least 12 months after the previous one.

Source: §48, 49b of the Labour Code No. 311/2001; §252 of Labour Code No. 311/2001

## Probation Period

An employment contract can include a probationary period for a maximum period of 03 months except in the case of executive employees (reporting directly to statutory body, member of a statutory body or some other executive employee) where the period is 06 months.

There is a general prohibition on prolonging/extending of probationary period however it can be prolonged for periods of obstacle to work on the part of the employee (maternity leave, temporary incapacity for work, etc.). For an employee with a fixed-term employment relationship, the agreed trial period may not be longer than half of the agreed duration of the employment relationship.

To be valid, the probationary/ trial period must be agreed in writing. However, the probationary period may not be agreed if a fixed term employment relationship is renewed.

The legislation has allowed to extend probation period by one full day if employee was unable to complete shift work on the agreed time due to some personal obstacle. The amendment is in force from 1 March 2021.

Source: §45 of the Labour Code No. 311/2001

## Notice Requirement

An employment relationship may be terminated by "termination with the probationary period; mutual agreement; notice (ordinary dismissal); and by immediate termination (summary dismissal). The employment contract

automatically expires on "the death of an employee; expiry of agreed period for fixed term contracts; and execution of task if contract was concluded for performance of a specific task".

A written notice, explicitly stating the reasons for termination as provided under the Labour Code, must be served to the worker by the employer. A notice has to be given to the worker if the employment relationship is terminated for organizational reasons (dissolving or relocation of employer or part thereof, employee becoming redundant), or for health reasons (long term loss of ability to perform work) or personal reasons (capacity for work, unsatisfactory performance of work). In the event of organization reasons as well as health condition, the written notice is at least 01 month for less than 01 year of service; at least 02 months for greater than 01 but less than 05 years of service; and at least 03 months for greater than 05 years of service

In the case of personal reasons, the written notice period is 01 month for less than 01 year of service and at least 02 months for at least one year of service at the date of delivery of notice.

The period of employment relationship for the purpose of notice of termination includes repeated fixed term employment relationships concluded with the same employer if they followed each other without break.

The Labour Code provides only the minimum limit of notice period. An employee, if wishing to terminate the employment contract, also has to give notice to the employer for any reason whatsoever or without stating a reason.

A fixed term employment contract can also be terminated prior to the expiration of agreed period. During the probationary period, both the parties can terminate the employment contract in writing for a reason or without giving a reason. An employer can immediately terminate an employee (summary dismissal) if the employee was lawfully sentenced for committing a wilful crime or was in serious breach of labour discipline.

An employer cannot immediately terminate the employment relationship with a pregnant employee, a female employee on maternity leave, or a female or male employee on parental leave, with a lone female or male employee caring for a child younger than three years of age, or with an employee who personally cares for a close person with severe disability. An employer may however, terminate an employment relationship with them by giving notice, except for a female employee on maternity leave and male employee on parental leave. Employees can also immediately terminate the employment contract for health reasons, non-payment of wages, work jeopardizing health, life and moral of the worker. A worker who immediately terminates the employment contract is entitled to wage compensation at the amount of his/her average monthly earnings for a two-month notice period. The summary dismissal (both by the worker and employer) must be communicated in writing wherein reason for such termination must be clearly stated.

With effect from 1 January 2022, employers have the right to terminate the employment contract by notice of a worker who has reached the age of 65 years or eligibility age for retirement pension. Employee will be entitled to severance pay in accordance with the length of their service.

Source: §61-72 of the Labour Code No. 311/2001

## Severance Pay

When an employee is terminated for organizational reasons or health reasons, he/she is entitled to only notice period (at least one month or at least 2 months) for less than 2 years of service; at least 02-month notice and at least 01 month severance payment for 2-5 years of service; at least 03-month notice and at least 02-month severance payment for 5-10 years of service; at least 03-month notice and at least 03-month severance payment for 10-20 years of service; and at least 03-month notice and at least 04-month severance payment for more than 20 years of service. Employees are entitled to full wages during the notice period and are paid severance allowance in addition.

Employment relationship may be terminated for organizational reasons or health reasons of an employee by a mutual agreement. In such case, the worker is entitled to one-month severance allowance for less than 2 years of service; 02-month severance payment for 2-5 years of service; 03-month severance payment for 5-10 years of service; 04-month severance payment for 10-20 years of service; and at least 05-month severance payment for more than 20 years of service.

If employment agreement is terminated by mutual agreement for health-related reasons (occupational accident, occupational disease or the risk of such a disease), employee is entitled to 10 times his average monthly salary as severance allowance (10-month allowance).

Employee is not entitled to severance allowance if employment agreement is terminated for personal reasons.

Source: §76 of the Labour Code No. 311/2001

# 05/13 FAMILY RESPONSIBILITIES

## **ILO Conventions**

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

**Slovakia has ratified the Convention 156 only.**

### ***Summary of Provisions under ILO Convention***

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

## Regulations on family responsibilities:

- Labour Code No. 311/2001

### Paternity Leave

Paternity leave is not provided for in Slovak legislation. Employers have no obligation to provide paid or unpaid leave to new father following the birth of a child. Employer is required to give time-off to the worker on the birth of his child. This is paid time-off for the time necessary to transport the mother of the child to a medical facility and back. This can count as paternity leave. In connection with the care of a new born, men/fathers are also entitled to parental leave from the birth of the child, in the same scope as maternity leave, provided that he cares for the new born.

Under New amendments in the Labour code, in relation to the care of a newborn, a father is eligible for 28 weeks of paternity leave from the day of the child's birth. A single father is entitled to 31 weeks of paternity leave, and in the case of caring for two or more children, the entitlement extends to 37 weeks.

If a child dies before turning one while a woman or a man is on maternity leave, paternity leave or parental leave, they are granted this leave for two weeks from the day of the child's death.

Source: §141.3.b, 166 & 168 of the Labour Code No. 311/2001

### Parental Leave

Employer is required to provide workers (a man or a woman), upon their request, the

parental leave until the day child turns three years old. If the child is seriously disabled requiring care, parental leave is provided until the child turns 06 years old. The minimum duration of parental leave has to be one month and the employee must notify the employer in writing at least one month in advance.

If an employee is unable to utilize their leave for maternity, paternity, or parental leave by the end of the following calendar year, the employer will allow them to take the unused leave after the conclusion of the respective leave period.

Employer is required to provide the worker this leave for the length as requested by the parent. A parental allowance €213.20 per month is available to all eligible families whether they take parental leave or not however only one parent is entitled to parental allowance. The allowance is funded from general taxation. Parental allowance is increases by 25% per child in the case of multiple births and it is reduced by 50% if older children do not regularly attend compulsory school. An employer and employee may agree to provide parental leave until a child turns 05 (08 years in case of disabled child) however the total duration of parental leave cannot exceed 03 years (06 years in the case of disabled child).

After parental leave, the employer must reinstate the employee to their original job and workplace. If this is not feasible, the employer must provide an alternative job in line with the employment contract.

Source: §109, 113, 157, 166.2-4 of the Labour Code No. 311/2001; §1-4 of Parental Allowance Law No. 571/2009



## Flexible Work Option for Parents / Work-Life Balance

There is no specific provision of flexible working time for employee with minor children however parental leave provisions can also be used. Employers are required to take into account the needs of pregnant women, women and men continuously caring for children when assigning employees to work shifts. A pregnant woman, woman or man continuously caring for a child younger than three-year-old, a lone woman or man continuously cares for a child younger than 15 years may be employed for overtime work only with their agreement.

If a pregnant woman or a parent caring for a child under 15 requests adjusted working hours or modifications to the weekly schedule, the employer must comply unless serious operational reasons exist. If a parent caring for a child under 8 applies for telecommuting, or work from home for childcare purposes, the employer must provide a written response within a reasonable time, considering both the employer's tasks and the employee's legitimate interests.

Source: §164 of the Labour Code No. 311/2001



# 06/13 MATERNITY & WORK

## **ILO Conventions**

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

**Slovakia has ratified the Conventions 183 only.**

### ***Summary of Provisions under ILO Convention***

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

## Regulations on maternity and work:

- Law of Social Insurance No. 461/2003
- Labour Code No. 311/2001

## Free Medical Care

There is universal coverage for medical benefits and there are no minimum qualifying conditions to receive these benefits. The medical benefits include medical treatment, hospitalization, medicine, dental care (with limited cost sharing), maternity care, appliances, travel expenses, preventive examinations, vaccination, dispensary care, and convalescent stays for selected professions.

There is no cost sharing for medical consultations for children up to age 6; maternity care; patients with disabilities; patients with mental disorders; or patients receiving renal, cardiac, or cancer treatments. Medicine is free of charge or partially reimbursed, according to a schedule in law. There is also no limit to duration for accessing medical benefits.

Source: ISSA Country Profile for Slovakia, 2014

## No Harmful Work

As a general condition, employers are required to establish, maintain and improve the level of social facilities and personal sanitation facilities for all women workers.

Pregnant women, mothers until the end of nine month from child birth and breastfeeding women workers should not be employed in works that are physically inappropriate for them or harm their

organism. Pregnant women, mothers until the end of nine month from child birth and breastfeeding women workers cannot be employed to perform works with a potential threat to the workers' safety and health and possible effects on pregnancy and breastfeeding. List of jobs and workplaces associated with specific risks for women workers has been identified in Government regulation No. 272/2004

(z. Nariadeniev vlády Slovenskej republiky, ktorým sa ustanovuje zoznam prác a pracovísk, ktorým sú zakázané tehotným ženám, matkám do konca deviateho mesiaca po pôrode a dojčiacim ženám, zoznam prác a pracovísk spojených so špecifickým rizikom pre tehotné ženy, matky do konca deviateho mesiaca po pôrode a pre dojčiacie ženy a ktorým sa ustanovujú niektoré povinnosti zamestnávateľa o m. pr. zamestnávania týchto žien).

Under the Occupational Safety and Health Protection Act, employers are required to assess risks and draw up a document on risk assessment in all activities performed by the employees and develop and update as necessary their own list of jobs and workplaces prohibited to pregnant women, mothers until the end of ninth month after child birth and nursing mothers or other works that associated with specific risks for these women.

A pregnant women worker may not be employed in work that, according to a medical opinion, may jeopardize her pregnancy due to health causes pertinent to her person. This provision is equally applicable to a breast-feeding women

workers and workers till the end of ninth month following child birth. If a pregnant worker performs work that is prohibited to pregnant women or which can threaten her pregnancy, employer is required to temporarily change the working conditions. If this change in working conditions is not possible, the woman worker may be temporarily transferred to another work suitable to her where she gets the same wages as earlier. If a woman worker is transferred to another job, and her new pay is less than the previous salary, she is entitled to a compensation benefit to balance this difference during pregnancy and motherhood. This compensation benefit is paid from the sickness insurance.

If it is not possible to transfer a pregnant woman to a position with day work or transfer to other suitable work, the employer is obliged to provide a pregnant employee with time-off and wage compensation. This provision is also applicable to a mother to the end of ninth month following child birth and a breastfeeding woman.

When designating employees to work shifts, employers are required to take into account the needs of pregnant women, women and men continuously caring for children. If a pregnant woman, men and women continuously caring for a child younger than 15 years of age requests a reduction in working time or other arrangement to the fixed weekly working time, the employer is required to accommodate these requests unless prevented by substantive operational reasons. A pregnant woman, a woman or man continuously caring for a child younger than three years old, a single parent continuously caring for a child younger than fifteen years old may be employed for

overtime work only with their agreement.

Source: §160-165 of the Labour Code No. 311/2001; Law of Social Insurance No. 461/2003; §6 of the Occupational Safety and Health Protection Act; Regulation No. 272/2004

## Maternity Leave

Female employees are entitled to a paid maternity leave in the event of child birth. Maternity leave in connection with the birth of a child cannot be longer than 14 weeks and in no case be terminated or interrupted prior to the end of six week from the day of child birth. In the case of still birth, a woman worker is entitled to a maternity leave of 14 weeks. Maternity leave can be started 06-08 weeks prior to the expected date of child birth. The general duration of maternity leave is 34 weeks. A single mother is entitled to a maternity leave for the duration of 37 weeks and a woman worker giving multiple births (two or more children) is entitled to maternity leave for the duration of 43 weeks.

If a woman worker has drawn less than six weeks of maternity leave prior to giving birth due to the earlier than expected birth, she is entitled to her remaining pre-birth leave by taking it after confinement. On the other hand, if a woman worker has drawn less than six weeks of maternity leave before confinement for some other reason, she is entitled to only the post confinement part which is 28 weeks in general cases; 31 weeks for single mothers; and 37 weeks for women workers with multiple births.

If maternity leave is interrupted as child is taken into the care of a nursing institution or other treatment establishment and woman worker appear for work, she is

entitled to remainder of her leave when she takes the child back from the institution into her own care and stops working. The maternity leave can be used until a child reaches three years of age. Similar provisions apply for parental leave for fathers. If the father and mother do not care for the new born and the child is admitted into a foster home or similar institution for reasons other than health, they are not entitled to maternity leave or parental leave for the period during which they do not care for the child.

Source: §166-169 of the Labour Code No. 311/2001)

## Income

All insured women who are pregnant or caring for a new born as well other persons who are awarded custody of a child (like father) are entitled to a maternity benefit if they had sickness insurance for at least 270 days during the last two years before delivery or arrival of child. In general, the maternity benefit is paid for a period of 34 weeks (six to eight weeks before confinement and remaining weeks after confinement).

In the case of single mother, multiple births and still birth, the maternity benefit is paid for the period of 37 weeks, 43 weeks and 14 weeks respectively. Those who are awarded custody of a child are entitled to maternity benefit for a period of 28 weeks, 31 weeks or 37 weeks after the commencement of entitlement however before the child reaches three years of age.

The maternity benefit, paid out of sickness insurance, is paid for seven days a week and is 65% of the daily assessment base. The maternity benefits are paid through social

insurance by the Government.

Source: §48-53 of the Social Insurance Law No. 461/2003;

## Protection from Dismissals

Employers cannot give a notice of termination to an employee during certain protected periods. The protected period pertinent to pregnancy and child birth is “within the period of female employee’s pregnancy, when a female worker is on maternity leave, a female or male employee is on parental leave or when a single parent (male or female) takes care of a child under the age of three years.

If there is a valid reason justifying the employer to immediately terminate the employment contract and a female or male employee receives dismissal notice before commencement of maternity or parental leave and this notice would expire within the period of maternity or parental leave, the period of notice terminates concurrently with the end of maternity or parental leave.

Exceptions to the prohibition of dismissal apply with regard to pregnant workers or employees taking care of a child under the age or three where the employee was lawfully sentenced for committing a wilful offence or was in serious breach of labour discipline.

Source: §64(1)(c) and 68 of Labour Code No. 311/2001

## Right to return to same position

A female employee or a male employee, on returning from maternity leave or parental

leave, has the right to return to their original work and workplace. If the posting to original work and workplace is not possible, these employees must be assigned to different work corresponding to their contract of employment. The working conditions should not be less favourable for them than those enjoyed prior to the start of maternity or parental leave. Workers also have the right of benefiting from any improvement to the working conditions to which they would have been entitled if they did not take up their maternity leave or parental leave.

Source: §157 of the Labour Code No. 311/2001

## **Breastfeeding/ Nursing Breaks**

An employee who is breastfeeding is entitled, without loss of pay, at the option of her employer to two 30 minute (1 hour) breaks per child until the child reaches six months of age. A 30-minute break is provided for breastfeeding during the next six months. Thus, the breastfeeding breaks are provided until a child reaches the age of 01 year. If a woman worker is working for a shorter time, not less than half of the weekly working time, i.e., at least 20 hours, she is entitled to only one 30-minute breastfeeding break per child until the child is six months old.

Source: §170 of the Labour Code No. 311/2001

# 07/13 HEALTH & SAFETY

## **ILO Conventions**

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

**Slovakia has ratified both the Conventions 81 and 155.**

### ***Summary of Provisions under ILO Conventions***

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

## Regulations on health and safety:

- Law on Occupational Safety and Health Protection No. 124/2006

## Employer cares

An employer is obliged to apply the general principles of prevention in implementing the measures necessary to ensure the health and safety of workers including the provision of information, training and work organization and equipment.

In order to protect the health and safety of all workers, employers are obliged to: implement measures in accordance with the legal regulations; improve and adapt working conditions to his/her employees; draw up a risk assessment document on all activities performed by workers; ensure that worker health and safety is not threatened by workplace, work procedures, equipment, etc.; eliminate or at least implement measures to reduce dangers and hazards in workplace; determine safe working procedures; determine and ensure that protective measures are implemented and protective equipment is provided and used by workers; issue internal regulations and instructions to ensure occupational safety and health protection; develop and update a list of jobs and workplaces prohibited to pregnant women, mother until the child turns 09 months and breastfeeding women workers or those tasks associated with specific risks to these workers and tasks prohibited for young workers; assign employees to jobs respecting their health condition. The list includes many other obligations of the employer with regard to ensuring health and safety at workplace. Employers are prohibited from using a remuneration that, in the case of increased

work performance, may result in a threat to safety and health of employees especially when these employees are exposed to a higher accident occurrence rate or other health damage.

The amendment in Labour Code through Act No. 76/2021 Coll. has defined home work (domácka práca) or telework (telepráca) as “work performed on a regular basis within the scope of the employee’s weekly working time or a part thereof from their household”. This kind of working regime must be regulated through proper employment contract. Both the parties could mutually decide the working time. While working from home, employee has right to disconnect. If employee refuses to work outside the working hours, this conduct must not be considered as breach of employee’s obligation.

The Slovak Public Health Authority (SPHA) has introduced new guidelines for the employer on protective and safety measures to make workplace safe such as employer must provide certified protective mask, disinfection of workplace, disposable paper towels, social distancing etc.

<https://www.lexology.com/library/detail.aspx?g=c71ce54b-df82-47f1-a5b9-8ebb8f932440>

Source: §5-6 of the Law on Occupational Safety and Health Protection No. 124/2006

## Free protection

Employers are required to provide working clothes and shoes free of charge to those workers working in an environment where clothes or shoes can easily become worn out or extremely dirty. Employers are



further required to perform a risk assessment and evaluation of dangers arising from the working procedures and working environment. On the basis of these evaluations, employers draw up a list of protective equipment and provide such equipment to the workers free of charge to the employees where it is required to protect life and health of workers and keep record of such provisions. Employers are obliged to maintain personal protective equipment in a usable and functional state and exercise due care for its proper usage. The costs connected to the assurance of occupational safety and health protection are to be borne by the employer and cannot be transferred to the employee. Employees are also required to use all assigned personal protective equipment according to the designated methods.

Source: §6(t)(2-3) & 12(2)(f) of the Law on Occupational Safety and Health Protection No. 124/2006

## Training

Employers are required to provide the information, instruction, training and supervision necessary to ensure, so far as is reasonably practicable, the safety, health, and welfare at work of his or her employees. An employer is required to notify to all employees, in the language of their understanding, (i) legal regulation relevant to ensuring of occupational safety and health protection; (ii) of existing and predictable dangers and hazards that may cause a health threat and the protection against such hazards; (iii) of the prohibition to enter the premises and dwell in the premises and perform activities posing a threat to the life and health of an employee. An employer is required to inform workers about the jobs and workplaces that are

prohibited for pregnant women, mother until 09 months from the date of child birth and breastfeeding women workers. Employer is obliged to give the worker above information upon his/her recruitment, on employee's transfer to another workplace or job, and introduction of new technology, working procedure or equipment. Employers are under obligation to suitably and understandably provide employees, employee representatives and employee safety representatives with necessary information about dangers and hazards at the workplace; preventive and protective measures taken by the employer in order to ensure occupational safety and health protection relevant to workers and the work performed by them; measures and procedures to be followed in case of damage to health including first aid provision and other measures and procedures in the event of fire, during rescue operation and evacuations.

Occupational safety and health protection as well as risk prevention methods are included in the curricula of schools providing vocational preparation of students and trainees, as well as adult education, including retraining. Employer is obliged to ensure that the education and professional training program pertaining to all employees includes safety and health protection at work and risk prevention.

Source: §7 and 27(1-2) of the Law on Occupational Safety and Health Protection No. 124/2006

## Labour Inspection System

Labour inspection is provided under the following laws in Slovak republic:

- Act No. 125/2006 on labour



inspection, as amended

- Act No. 311/2001, Labour Code, as amended
- Act No. 124/2006 on Occupational Safety and Health Protection, as amended

The Act on labour inspection aims to regulate labour inspection to protect employees at work and performance of state administration bodies in the field of labour inspection by defining their scope in the field of labour inspection as well as performance of surveillance. Labour inspectors are responsible for the enforcement of labour laws and regulations, occupational safety and health protection including regulations regulating working environment factors, legal provisions regulating civil service, as well as collective bargaining agreements. Labour inspectors are also responsible for overseeing the application of regulations covering the ban on illegal work and illegal employment. Labour inspectors also provide free consultation to employer on how to observe regulations in the most effective way. The body responsible for inspection is National Labour Inspectorate which is part of Ministry of Labour, Social Affairs and Family and supervises and verifies whether labour protection requirement, as set out in labour laws as well OSH laws, are effectively met. National Labour Inspectorate controls and manages all labour inspectorates in the country.

Source: §Act No. 125/2006 on labour inspection, as amended; Act No. 311/2001, Labour Code, as amended; Act No. 124/2006 on Occupational Safety and Health Protection, as amended

# 08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

## ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

**Slovakia has ratified the Convention 102 and 130 only.**

### *Summary of Provisions under ILO Conventions*

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

## Regulations on sick leave & Employment Injury Benefits:

- Labour Code No. 311/2001

### Income

Employees are entitled to sickness benefits when they meet qualification requirements and are not working due to the loss of working capacity or are placed in quarantine following an illness or accident. The entitlement begins on the 11th day of temporary incapacity and ends on the days when temporary incapacity ends or the worker is granted an early old age or disability pension. The maximum period of sickness benefit is 52 weeks. The first 10 days of sickness benefits are financed by the employer as replacement income. Benefit equals 25% of the daily assessment base (daily average income) during the first three days of sickness and 55% for the next 7 days. The sickness benefit, paid by the Social Insurance Institute, starts from the 11th day of sickness and is 55% of the daily assessment base. The sickness benefit for the self-employed persons starts from the 1st day of sickness.

Source: §33-38 of the Social Insurance Law No. 461/2003; <http://www.socpoist.sk/nemocenske/1292s>

### Medical Care

There is universal coverage for medical benefits and there are no minimum qualifying conditions to receive these benefits.

The medical benefits include medical treatment, hospitalization, medicine,

dental care (with limited cost sharing), maternity care, appliances, travel expenses, preventive examinations, vaccination, dispensary care, and convalescent stays for selected professions. There is no cost sharing for medical consultations for children up to age 6; maternity care; patients with disabilities; patients with mental disorders; or patients receiving renal, cardiac, or cancer treatments. Medicine is free of charge or partially reimbursed, according to a schedule in law. There is also no limit to duration for accessing medical benefits.

Source: ISSA Country Profile for Slovakia

### Job security

There is no clear provision on sick leave in Slovak legislation however employer are required not to serve a contract termination notice on a worker within a period when that worker is acknowledged temporarily incapable for work due to a disease or accident unless it is deliberately induced or caused by the worker under the influence of alcohol, narcotic substances or psychotropic substances. The protection is also available within the period from submission of a proposal for institutional care or from entry into spa treatment up to the day of termination thereof. A fixed term worker can be hired to substitute an employee who is temporarily unable to work due to disease or accident. Employers are also required to excuse absence of an employee from work for periods of employee's temporary incapacity due to disease or accident. When an employee returns to work after temporary incapacity for work or quarantine, the employer is required to assign him/her to their original job and workplace. If that is not possible,

employer is obliged to assign the employee to different work corresponding to the contract of employment. In view of above provisions, it can be safely concluded that the maximum limit of sick leave, during which employment of a worker is secure, is 52 weeks.

Source: §64(a) of the Labour Code No. 311/2001

## Disability/Work Injury Benefit

Occupational injuries benefits are payable to insured people who are injured at work while discharging their work tasks or other tasks in relation to their work. Accountability for damages arising from occupational accidents falls on the employer with whom the worker was in employment relationship at the time of accident.

Accidents while travelling between home and work are not covered. Employer is exempted of the liability if it is proved that the accident was caused by employee's fault.

The work injury benefits are covered under accident insurance in the Social Insurance Law. These include accident increment, accident annuity, lump-sum compensation, lump-sum reimbursement (single damages to survivors), accident inheritance annuity, rehabilitation for work and rehabilitation benefits, retraining and retraining benefits, compensation for pain and reduced social life, treatment costs compensation and funeral costs compensation.

Employees are entitled to accident increment if they are unable to work for a short period of time due to sickness or accident and are receiving wage

compensation or sickness benefit. The purpose of this benefit is to reduce the difference between the actual income (when worker was performing work) and reduced income (in the form of sickness benefit). Accident Bonus/increment amounts to 55% of the average daily income during first 3 days of incapacity and to 25% of the average daily income from day 04.

A one-off redemption benefit in the form of lump-sum compensation is paid for the loss of at least 10% (but less than 40%) in working capacity as a result of work injury or occupational disease. The amount of lump-sum compensation is calculated on the basis of beneficiary's gross annual pay before his/her accident/illness and the percentage loss of working capacity. The formula is  $365 * \text{average daily income} * \text{degree of incapacity}$  (must be greater than 10% but less than 40%) divided by 100.

Accident annuity is paid for a loss of at least 40% or more in the working capacity as a result of work injury or occupational disease. The rate of accident annuity is assessed in relation to the worker's activity before his/her accident or illness. The amount of accident annuity is equal to  $30.4167 * 80\%$  of the daily assessment base \* degree of disability (percentage loss in working capacity).

Accident Inheritance Annuity and lump-sum reimbursement (single damages to survivors) are paid to the survivors if the insured worker died due to a working accident or injury. The inheritance annuity is paid when there is a court order for maintenance; otherwise a lump-sum amount is paid to the survivors. Entitlement to the inheritance annuity ends when the worker would have reached retirement age. In the case of lump-sum payment, it is equal

to 730 \* average daily income of the worker (up to a maximum amount of €53,503.20). 50% of the sum paid to the survivor spouse is paid to a orphaned child however the total amount of compensation for all orphans cannot exceed €53,503.20. There is also provision for a funeral grant which cannot be greater than €2577.

Source: §195 & 196 of Labour Code No. 311/2001; §85-101 of the Law on Social Insurance No. 461/2003;  
<http://www.socpoist.sk/187/620s>

# 09/13 SOCIAL SECURITY

## ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

**Slovakia has ratified the Convention 102, 128 and 130 only.**

### *Summary of Provisions under ILO Conventions*

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

## Regulations on social security:

- Law on Social Insurance No. 461/2003

## Pension Rights

Normal Retirement age for Men and women, as determined by the Ministry of Labour, Social Affairs and Family depending upon the average life expectancy, is 62 years and 76 days in 2017. The retirement age for women is also dependent on the number of children she raised. The two relevant acts for old age pension are Act No. 43/2004 on Old Age Pension Saving System and Act No. 461/2003 on Social Insurance. The pension system in Slovakia is divided into three pillars:

- i. 1st pillar (pay as you go system)....managed by the Social Insurance Institute;
- ii. 2nd pillar (fund based system)...provided by pension asset management companies; and
- iii. 3rd pillar (voluntary system)...private benefit plans managed by the pension fund management and commercial life insurance companies

We focus here only on the pension managed by the Social Insurance Institute. There must be 15 years of coverage to be eligible for old age pension. There is also provision for early (paid from 02 years before normal retirement age with at least 15 years of coverage) and deferred pension. The old age pension is calculated with the following formula:

Term of pension insurance (number of contribution years) \* personal average wage point (annual gross salary/national

yearly average wage) \* current pension value (set by the Social Insurance Act). The early retirement pension is reduced by 0.5% for each remaining month until the official retirement age is reached. The deferred pension is increased by 0.5% for each month beyond the official retirement age.

Source: Law on Social Insurance No. 461/2003; <http://www.socpoist.sk/old-age-pension-51389s>;  
<http://www.socpoist.sk/minimum-pension/61710s>;  
<http://www.socpoist.sk/early-old-age-pension/51390s>;  
<http://www.socpoist.sk/dochodkova-hodnota/59427s>;  
<http://www.socpoist.sk/dochodkovy-vek-v-roku-2017/62961s>

## Dependent's/Survivors' Benefit

In order to qualify for the survivors' pension, the deceased worker must have met the qualifying conditions for old age or disability pension or was an old-age or disability pensioner at the time of death. Survivors (widow, widower, dependent children until the age of 26 years or disabled) are eligible for this benefit. Benefit for the surviving spouse ceases on remarriage.

Under the social insurance system, the monthly pension is 60% of the pension the deceased worker received or would have been entitled to receive. The survivor pension for spouse is payable for one year only unless certain other conditions (like disability greater than 70% or taking care of a dependent child or she has reached the retirement age, etc) are also met. Orphan's pension is 40% of the deceased worker's pension and it is payable until the age of 18 years or 26 years if in education or disabled.



Source: §74-77 of the Law on Social Insurance No. 461/2003; <http://www.socpoist.sk/vdovsky-dochodok/1289s>; <http://www.socpoist.sk/sirotsky-dochodok/1291s>

## Unemployment Benefit

Unemployed persons are eligible for unemployment benefit if they have paid unemployment insurance contributions for at least two of the three years before their registration as job seekers. The unemployment benefit (50% of the daily assessment base/average earnings) is paid for a period of 06 months.

The fixed term contract workers are also eligible for unemployment benefit if the last four years prior to their registration as jobseekers, they have paid unemployment insurance contributions for at least 02 years. These persons are paid unemployment benefit for a period up to 04 months.

Source: §104-108 of the Law on Social Insurance No. 461/2003; <http://www.socpoist.sk/davka-v-nezamestnanosti/1361s>

## Invalidity Benefit

The invalidity Pension is payable to insured persons whose health is chronically impaired leading to permanent loss in the working capacity of at least 41%. Full invalidity is loss of working capacity of more than 70%. In order to be eligible for invalidity pension, the insured person must be assessed as disabled, must have been insured for a minimum period, be under retirement age and should not be receiving

an early old-age pension at the date of start of disability.

The minimum insurance period depends on age of the workers and varies from less than one year (for workers less than 20 years of age) to 15 years (for workers aged 45 and above). Only 50% of the invalidity benefit is payable if invalidity was caused by alcohol or drug abuse. The full disability pension (for loss of working capacity of at least 70%) is the product of average personal wage point \* length of coverage period \* current pension value. The partial disability pension is reduced according to the assessed loss of earning capacity.

Source: §70-73 of the Law on Social Insurance No. 461/2003; <http://www.socpoist.sk/invalidny-dochodok/1288s>



# 10/13 FAIR TREATMENT

## **ILO Conventions**

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

**Slovakia has ratified the Conventions 100 and 111.**

### ***Summary of Provisions under ILO Conventions***

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

## Regulations on fair treatment:

- Labour Code No. 311/2001
- Anti-Discrimination Act No. 365/2004

## Equal pay

In accordance with the Labour Code, wage conditions of employees should be agreed without any form of discrimination. Both women and men have the right to equal wages for equal work or for work of equal value. Equal work or work of equal value is defined as “the work of same or comparable complexity, responsibility and urgency/difficulty, carried out under the same or comparable working conditions and producing the same or comparable capacity and results of work for the same employer. If a system of job evaluation is used, it must be based on the same criteria for men and women and without sex discrimination. The provisions of equal pay apply to the employees of the same sex if they carry out equal work or work of equal value.

The Anti-Discrimination Act also requires that workers get equal treatment in all employment matters including remuneration irrespective of their sex, sexual orientation, religion or belief, race, national or ethnic origin, age, and disability.

Source: §6 & 119(a) of the Labour Code No. 311/2001; §6 of Anti-Discrimination Act No. 365/2004

## Sexual Harassment

Harassment means such conduct which creates or may create an intimidating, hostile, shameful, humiliating, degrading,

disrespectful or offensive environment and the purpose or effect of which is or may be the violation of freedom or human dignity. Sexual harassment means verbal, non-verbal or physical conduct of a sexual nature, the purpose or effect of which is or may be the violation of human dignity and which creates an intimidating, humiliating, dishonouring, hostile or offensive environment.

An employee has the right to file a complaint to the employer in connection with the principle of equal treatment and the employer is obliged to respond to the complaint without undue delay, rectify, and refrain from such conduct and to remedy its consequences. An employee who considers that his/her legally protected rights or interests are affected by the failure to apply principles of equal treatment may submit their case to a civil court (there are no special labour courts for discrimination cases in the area of employment) and seek legal protection as provided under the Antidiscrimination Act.

Source: §13 of Labour Code No. 311/2001; §2 of Anti-Discrimination Act No. 365/2004

## Non-discrimination

Under the Labour Code, discrimination is prohibited on the grounds of sex, marital and family status, sexual orientation, race, colour of skin, language, age, unfavourable health state or health disability, genetic traits, belief or religion, political or other conviction, trade union activity, national or social origin, national or ethnic group affiliation, property, lineage or other status. Discrimination is prohibited in employment relations on the grounds of sex, religion or belief, race, national or ethnic origin,

disability, age and sexual orientation. Discrimination on the basis of sex means discrimination on the grounds of pregnancy or maternity as well as discrimination on grounds of sexual or gender identification. Discrimination on the ground of race, national or ethnic origin means discrimination on the ground of relationship with a person of particular race, nationality and ethnic origin.

Discrimination by one's relationship with a person or certain religion or belief or discrimination against a person without religion is deemed to constitute discrimination based on religion or belief. Discrimination by disability means discrimination based on previous disability or discrimination against a person who because of external symptoms appears to have a disability.

Source: §13 of Labour Code No. 311/2001; §2 & 6 of Anti-Discrimination Act No. 365/2004

## Equal Choice of Profession

Women can work in the same industries as men as no restrictive provisions could be located in the laws. Constitution grants everyone the right to a free choice of profession and to training for it, as well as the right to engage in entrepreneurial or other gainful activity.

Source: §35 of the Constitution of Slovak Republic No. 460/1992, as amended

# 11/13 MINORS & YOUTH

## ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

**Slovakia has ratified the Conventions 138 and 182.**

### *Summary of Provisions under ILO Conventions*

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

## Regulations on minors and youth:

- Labour Code No. 311/2001

### Minimum Age for Employment

Minimum age for employment is 15 years. No child may be admitted to employment prior to the date of completion of his compulsory education. Persons under the age of 15 years or over 15 years who have not yet completed compulsory schooling are forbidden to work. Children may participate in light work (like cultural and artistic performances, sports events, and advertising activities) which does not endanger their health, safety, further development or school attendance.

Children older than 15 years of age may be engaged in light work before the end of their compulsory education. The work, by its nature and extent, must not endanger their health, safety, further development or school attendance. Engagement of such children is subject to the labour inspectorate's approval.

Children older than 15 years of age may be engaged in light work before the end of their compulsory education. The work, by its nature and extent, must not endanger their health, safety, further development or school attendance. Engagement of such children is subject to the labour inspectorate's approval.

Source: §11(4 & 5) of the Labour Code No. 311/2001

### Minimum Age for Hazardous Work

Minimum Age for Hazardous Work is set as 18 years. Workers younger than 18 years are considered adolescent workers. Employers

are required to conclude an employment contract with an adolescent employee on his/her medical examination. Employer is required to inform the adolescent employee (or legal representative of a worker performing light work) of potential risks at the work performed and the measures adopted in connection with safety and protection of health at work. An adolescent employee may immediately terminate an employment contract if the work is jeopardizing his/her morals. The working time of adolescent employees under the age of 16 years is 30 hours per week, even when they are working for several employers. Maximum weekly working hours of adolescent employees over the age of 18 years are 37 hours and 30 minutes even when these employees are working for several employers. The working time of an adolescent employee cannot exceed 08 hours in the course of 24 hours.

Employers are obliged to create favourable conditions for the overall development of the physical and mental aptitudes of adolescent employees as well as specific arrangement of their working conditions. Employers may only employ adolescent employees for such works that are appropriate to their physical and mental development, which do not jeopardize their morality and should provide them with increased care at work. An adolescent worker cannot be employed for overtime work and night work. In exceptional cases, adolescent employees may perform night work but not in excess of one hour, if that is necessary for vocational training. Adolescent employees cannot be employed for underground work in the extraction of minerals or drilling of tunnels and passages. Adolescent employees cannot be employed for work which at the worker's age is inappropriate or

dangerous for him/her or damaging to his/her health. Adolescent employees cannot be employed for work at which they exposed to an increased risk of accident nor the performance of which could seriously endanger the health of co-workers or other persons. In pursuance of section 175 of Labour Code, a Government Regulation establishes a list of jobs and workplaces prohibited to young employees.

Source: § 40, 41, 47, 69, 85 & 171-176 of the Labour Code No. 311/2001; Regulation No. 286/2004 on establishing a list of jobs and workplaces prohibited to young employees, amended in 2015)

# 12/13 FORCED LABOUR

## ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

**Slovakia has ratified both Conventions 29 and 105.**

### *Summary of Provisions under ILO Conventions*

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.



## Regulations on forced labour:

- Labour Code No. 311/2001

## Prohibition on Forced and Compulsory Labour

In accordance with the Slovak Constitution (No. 460/1992 Coll.), no one may be subjected to forced labour or services. However, the forced labour prohibition does not apply to “work assigned according to law to persons serving a prison sentence or persons serving other sentence substituting a prison sentence; military service or other service laid down by law in lieu of compulsory military service; services required on the basis of the law in the event of natural disasters, accidents, or other dangers posing a threat to life, health, or property of great value; activities prescribed by law to protect life, health, or the rights of others; and small community services on the basis of the law.

An employer cannot make undue deductions from the wages of an employee and cannot restrict an employee in any way from freely spending his/her wages. A person who traffics others, even with their own consent, for the purpose of prostitution or another form of sexual exploitation including pornography, forced labour or domestic slavery, slavery or practices similar to slavery, bondage, taking of organs, tissues or cells or other forms of exploitation is liable to a term of imprisonment for four to ten years.

Source: §18 of the Constitution of Slovak Republic No. 460/1992, as amended; §40, 41, 47, 69, 85 & 171-176 Labour Code No. 311/2001; § 179 of Penal Code No. 300/2005)

## Freedom to Change Jobs and Right to Quit

There is no provision in Slovak labour legislation which restrict the workers to change or quit job. If a worker decides to terminate the employment, he/she may resign by giving notice to the employer as specified in the Labour Code.

For more information, please refer to Employment Security section.

## Inhumane Working Conditions

Working time may be extended beyond normal working hours of forty hours per week and eight hours a day. However, total hours of work inclusive of overtime must not exceed forty-eight hours per week during a period of 04-months. Overtime work cannot be demanded from a worker with reduced working time. An employee may not be required to work overtime for more than 150 hours maximum in a calendar year. An employee working in the medical profession may be required to work additional 100 hours of overtime (250 in total) per year.

For more information on this, please refer to the section on compensation.

Source: §85, 86, 97 & 121 of the Labour Code No. 311/2001

# 13/13 TRADE UNION

## **ILO Conventions**

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

**Slovakia has ratified both Conventions 87 & 98.**

### ***Summary of Provisions under ILO Conventions***

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

## Regulations on trade unions:

- Constitution of Slovak Republic No. 460/1992 Coll
- Law of Associations of Citizens No. 83/1990 Coll

## Freedom to Join and Form a Union

The right to freely associate is guaranteed to everyone by the Constitution. Everyone has the right to freely associate with others in order to protect their economic and social interests. Trade union organizations are established without state interference. The number of trade union organizations cannot be limited and it is illegal to grant some of them a preferential status in an enterprise or branch of economy. Activities of trade unions can be restricted by law if such measure is required to protect the security of state, public order or the rights and freedoms of others. Trade unions are obliged to inform the employer of the start of its activities in the employer's premises and present a list of members of the trade union body to the employer. In response, employer is required to allow the operation of trade union organizations at the workplace. Trade unions and other association are regulated under Law of Associations of Citizens No. 83/1990 coll.

Source: §29 & 37 of the Constitution of Slovak Republic No. 460/1992, as amended; Law of Associations of Citizens No. 83/1990

## Freedom of collective bargaining

The constitution guarantees the right to collective bargaining and the Labour Code includes regulations covering the process and the content of collective agreements. There is also a specific act (2/1991) on collective bargaining that includes provisions on the types of collective

agreements, their validity and effect, procedures and settlement of conflicts.

Under article 10 of Labour Code, employees and employers have the right to collective bargaining. Trade union bodies participate in matters of labour relations, including collective bargaining. Works council or works trustee participate in labour-law relations, subject to conditions as stipulated by law. Employers are obliged to enable trade union bodies, works councils or works trustees to operate at workplaces. Trade unions conclude collective agreement with an employer, which may regulate working conditions including wage conditions and conditions of employment, relations between employers and employees, relations between employers or their organizations and one or more employees" organizations on more favourable terms than those stipulated in labour code or other labour laws.

The Economic and Social Council is established in Slovakia under the Act of 2007. The Council is a consultation and concertation body for government with its social partners. The Council has 21 members, with seven members each from worker, employer and government groups. The council is authorized to issue opinions on draft policies, plans and legislation relating to socio-economic development and employment. The Council concludes agreements in the field of economic and social development and supports all forms of collective bargaining.

Source: §36 of the Constitution of Slovak Republic No. 460/1992, as amended; §10 & 229-233 of Labour Code No. 311/2001; Act No. 02 of 1991 on collective bargaining, last amended 2013; Act No. 103/2007 on Tripartite Consultations at the National Level

## Right to strike

In the case of conflict in the interests of parties, workers have the right to strike, and employers have the right to lockout. The right to strike is guaranteed under the Constitution. Judges, prosecutors, members of the armed forces and armed corps, and members and employees of the fire and rescue brigades, employee of health facilities and social services if their strike endangers the life or health of citizens, employees operating nuclear power plants, employees providing telecommunications operations and staff equipping and operating the public water supply, if their participation in a strike endangers the life or health of citizens, employees working in areas affected by natural disasters do not have the right to strike.

An employee cannot be prevented from taking part in a strike or be forced to take part in the strike. Employers should excuse the absence of employees from work if they are taking part in a strike relating to the exercise of their economic and social rights however employee shall not be entitled to pay or wage compensation. If an employee takes part in a strike after a court has ruled it to be unlawful, his/her absence from work shall not be considered to be excusable.

Source: §37 of the Constitution of Slovak Republic No. 460/1992, as amended, §16-26 of Collective Bargaining Act No. 2/1991 Coll

# QUESTIONNAIRE

## DECENTWORKCHECK.ORG

Check

Decent Work Check Slovak Republic is a product of WageIndicator.org  
and www.mojplat.sk



National Regulation exists



National Regulation does not exist

## 01/13 Work &amp; Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

## 02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

## 03/13 Annual Leave &amp; Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

## 04/13 Employment Security





10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 06/13 Maternity &amp; Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy<br><i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child   |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 07/13 Health & Safety

- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |









## 08/13 Sick Leave & Employment Injury Benefits

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |    | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury                                       |   | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease     |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 09/13 Social Security













- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 10/13 Fair Treatment



- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination                                      |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment, promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Sex/Gender  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Race  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Colour  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Religion  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Political Opinion   |  | <input type="checkbox"/> | <input type="checkbox"/> |

\* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.






	Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
	Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
	Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
	Age		<input type="checkbox"/>	<input type="checkbox"/>
	Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
	Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
	Language		<input type="checkbox"/>	<input type="checkbox"/>
	Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
	Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
	Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
	Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40	I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





## 11/13 Minors & Youth

41.	In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42.	In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

## 12/13 Forced Labour

43.	I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44.	My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45.	My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

## 13/13 Trade Union Rights

46.	I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47.	I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48.	My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49.	I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

## Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Slovakia scored 47 times "YES" on 49 questions related to International Labour Standards

### If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

### If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

### If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.