

— Slovakia —

Ratifications

Slovakia ratified the European Social Charter on 22/06/1998 and has accepted 60 of the Charter's 72 paragraphs.

Slovakia ratified the 1988 Additional Protocol adding new rights on 22/06/1998 and has accepted all of the 4 articles. Slovakia ratified the Protocol reforming the supervisory machinery on 22/06/1998, but has not yet ratified the Protocol providing for a system of collective complaints.

Slovakia has signed but not yet ratified the revised Charter.

On 12 February 2008, the European Committee of Social Rights participated, in Bratislava, in a seminar on the revised Charter organised in co-operation with the Ministry of Labour, Social Affairs and Family.

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	3.1	3.2	3.3
4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	6.4	7.1	7.2
7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	8.2	8.3	8.4
9	10.1	10.2	10.3	10.4	11.1	11.2	11.3	12.1	12.2	12.3	12.4
13.1	13.2	13.3	13.4	14.1	14.2	15.1	15.2	16	17	18.1	18.2
18.3	18.4	19.1	19.2	19.3	19.4	19.5	19.6	19.7	19.8	19.9	19.10
PA1	PA2	PA3	PA4					Grisé = Dispositions acceptées			

Reports

Between 2001 and 2006, Slovakia submitted 4 reports on the application of the Social Charter. The 4th report, on the non hard-core provisions of the Charter and Articles 2 and 3 of the 1988 Additional Protocol, was submitted on 27/04/2006. The next report will concern the provisions accepted by Slovakia, i.e. those related to the theme Employment, Training and Equal opportunities (Articles 1, 9, 10, 15 and 18 of the Charter) and Article 1 of the 1988 Additional Protocol. This report was submitted by 31/10/2007.

The Charter in domestic law

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

The situation of Slovakia with respect to application of the Charter is the following as of 13 February 2008:

Example of progress achieved following conclusions or decisions of the ECSR¹

Right to safe and healthy working conditions

▶ Several laws and regulations adopted on minimum safety and health requirements at work which cover most of the risks concerning this matter, i.e. among others, those related to health protection at work with ionising radiations, carcinogens, biological and chemical agents, asbestos, noise and vibrations, as well as minimum safety and health requirements for the use of work equipment and for the manual handling of loads at work.

Vocational continuing training

▶ Measures taken by employers to deal with the decline in skilled labour in the face of technological and/or economic progress (Act no. 386/1997 on the system of further training).

▶ Equal treatment in relation to vocational continuing training is guaranteed to nationals of others states party to the Charter and the Revised Charter who reside legally and work regularly in Slovakia (Act no. 5/2004).

Participation of workers in the determination and improvement of the working conditions

▶ Trade unions and works councils are allowed to operate concurrently within an undertaking (Amendment no. 210/2003 to the Labour Code).

▶ Existence of legal remedies for employees' representatives (labour inspection and supervisory bodies) in the event the employer fails to eliminate shortcomings in the protection of health and safety at the workplace which the employees' representatives have pointed out (Act no. 330/1996).

¹ “1. The European Committee of Social Rights (ECSR) makes a legal assessment of the conformity of national situations with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions in the framework of the reporting procedure and decisions under the collective complaints procedure“(Article 2 of the Rules of the ECSR).

Cases of non-compliance

Right to work

▶ *article 1§1 – Policy of full employment*

The Committee considered that insufficient measures had been taken to address the problem of high level unemployment and long-term unemployment.

▶ *article 1§4 – Vocational guidance, training and rehabilitation*

Repeated lack of information with regard to the vocational guidance and rehabilitation of persons with disabilities.

Right to collective bargaining

▶ *article 6§4 – Collective actions*

The Committee cannot assess whether the restrictions to the right to strike, at least those applying to certain categories of civil servants and certain categories of employees, such as, *inter alia*, workers employed in the social, health, telecommunication and nuclear fields, fall within the limits of Article 31 of the Charter (any restriction shall be prescribed by law, pursue a legitimate purpose and be necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health or morals).

Non-discrimination (nationality)

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

The granting of childbirth allowance and child-minding allowance is subject to a three years' residence requirement.

▶ *article 10§4 – Encouragement for the full utilisation of available facilities*

Equal treatment for nationals of the other Contracting Parties to the 1961 Social Charter and of the Parties to the revised Charter lawfully resident or regularly working in Slovakia is not guaranteed with respect to financial assistance for education and training.

Employment

▶ *article 2§1 – Reasonable daily and weekly working hours*

The domestic legislation permits daily working time up to 16 hours.

▶ *article 4§1 – Adequate remuneration*

The minimum net wage represented only about 45% of the net average wage in 2004. The Committee considered it as not sufficient.

▶ *article 4§2 – Increased rate of remuneration for overtime work*

The right to workers to an increase compensatory time-off for the overtime work is not guaranteed. Legal guarantees as regards overtime for workers whose salary is fixed by an individual contract do not sufficiently protect workers, because working overtime can be left to the discretion of the employer or the employee.

► *article 4§4 – Reasonable notice of termination of employment*

The length of service of employees working fewer than twenty hours a week is not taken into consideration in order to establish the period of notice.

► *article 4§5 – Limitation of deduction from wages*

In accordance with contractual freedom, the range of deductions depend entirely on an agreement between employee and employer. Deductions from wages are not consequently limited and workers may waive their right to limitations on deductions from wages. These deductions may also deprive workers of a minimum level of income to ensure the means of subsistence for themselves and their families.

► *article 8§2 – Illegality of dismissal during maternity leave*

The relocation of the employer as well as the transfer of all or part of its business activities can be regarded as going out of business and can justify the dismissal of the employee during the absence on maternity leave or at such time that the notice would expire during such absence.

► *articles 15§1 and 15§2 – Vocational training arrangements for the disabled; Placement arrangements for the disabled*

The Committee cannot assess the situation because of a repeated lack of information.

Vocational training

► *articles 10§1 and 10§2 – Promotion of technical and vocational training and the granting of facilities for access to higher technical and university education; Encouragement for the full utilisation of available facilities*

The Committee cannot assess the situation because of a repeated lack of information.

Right to social and medical assistance

► *article 13§1 – Right for every person in need to adequate assistance*

The Committee cannot assess whether everyone in need has the right to social assistance and whether the right to assistance is guaranteed in practice.

Right of children and young persons to protection

► *article 7§2 – Prohibition of employment under the age of 15*

The National Labour Inspectorate does not monitor the working conditions of minor employees.

► *article 17 – Right of mothers and children to social and economic protection*

Corporal punishment of children is not prohibited at home, in schools, in institutions and elsewhere.

Right to engage in a gainful occupation in the territory of other Contracting Parties

► *article 18§2 – Simplifying existing formalities and reducing dues and taxes*

Formalities for the granting of temporary residence permits have still not been simplified.

The ECSR cannot assess whether the respect of the following rights is ensured:

- ▶ *article 1§2 – Freely undertaken work*
- ▶ *article 1§3 – Free placement services*
- ▶ *article 2§2 – Public holidays with pay*
- ▶ *articles 4§3 and 1 of the 1988 Additional Protocol – Right to equal opportunities and equal treatment in matters of employment*
- ▶ *article 6§2 – Negotiation procedures*
- ▶ *articles 7§3 – Prohibition of employment of children subject to compulsory education*
- ▶ *articles 7§5 – Fair pay*
- ▶ *articles 7§7 – Paid annual holidays*
- ▶ *articles 7§10 – Protection against physical and moral dangers*
- ▶ *articles 8§1 – Maternity leave*
- ▶ *article 9 – Right to vocational guidance*
- ▶ *articles 11§1 – Removal of the causes of ill-health*
- ▶ *articles 11§2 – Advisory and educational facilities*
- ▶ *articles 11§3 – Prevention of diseases*
- ▶ *articles 12§1 – Existence of a social security system*
- ▶ *articles 12§2 – Maintenance of a social security system at a satisfactory level at least equal to that required for ratification of International Labour Convention No. 102*
- ▶ *articles 12§4 – Social security of persons moving between states*
- ▶ *articles 14§1 – Provision or promotion of social welfare services*
- ▶ *article 2 of the 1988 Additional Protocol – Right to information and consultation*
- ▶ *article 4 of the 1988 Additional Protocol – Right of elderly persons to social protection.*