

– The Slovak Republic and the European Social Charter –

Dates of Ratifications and provisions accepted

1961 European Social Charter: ratified on 22/06/1998, 60 paragraphs accepted out of 72

1988 Additional Protocol to the Charter: ratified on 22/06/1998, all 4 articles accepted.

1991 Amending Protocol to the Charter: ratified on 22/06/1998.

1995 Additional Protocol providing for a system of collective complaints: signed on 18/11/1999 (not ratified yet).

1996 Revised European Social Charter: ratified on 23/04/2009, 88 paragraphs accepted out of 98.

Accepted provisions

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

Grey= Accepted provisions

¹ Sub-paragraphs a. and b. accepted

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

Reports*

Between 2001 and 2015, the Slovak Republic submitted 7 reports on the application of the Charter and 5 reports on the application of the Revised Charter.

The 4th report, submitted on 12 November 2013, covers the accepted provisions relating to Thematic Group 3 "Labour rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29).

The conclusions in respect of these provisions were published in January 2015.

The 5th report, submitted on 2 December 2014, concerns the accepted provisions relating to Thematic Group 4 "Children, family, migrants", namely:

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

In addition, the report concerns the information required by the European Committee of Social Rights in the framework of Conclusions 2013 (Articles 3, 11, 12, 13, 14, 23 and 30, relating to Thematic group "Health, social security and social protection"), in the event of non-conformity for lack of information.

Conclusions with respect to these provisions will be published in January 2016.

* [Following a decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Situation of the Slovak Republic with respect to the application of the Revised Social Charter

Examples of progress achieved in the application of social rights under the European Social Charter¹

Non-discrimination

► Prohibition of direct and indirect discrimination (Anti-Discrimination Act No. 365/2004 on equal treatment in certain areas, on protection against discrimination and on the amendment of certain acts). Following an amendment in 2008, this act henceforth defines and prohibits sexual harassment.

Right to safe and healthy working conditions

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

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 other states party to the Charter and the Revised Charter who reside legally and work regularly in Slovakia (Act No. 5/2004).

Employment

► Prohibition of dismissal of a police officer for performing a union function in a trade union body (Act 73/1998 on the Service of Members of the Police Force, Slovak Information Service, Corps of Prison and Court Guards and Railway Police, as amended)

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

► Trade unions and work 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).

Right to protection of health

► Incorporation of health education and promotion in school curricula (Conclusions 2013).

Cases of non-conformity

Thematic Group 1 "Employment, training and equal opportunities"

► Article 1§1 - Right to work - Policy of full employment

Employment policy efforts have been inadequate in view of the persisting high levels of unemployment in a context of relative economic growth.

[Conclusions 2012](#)

► Article 1§2 - Right to work - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)

It has not been established that the restrictions on access of foreign - non EU/EEA - nationals to posts in the public/state service, not linked to state sovereignty, are not excessive.

¹ « 1. The [European Committee of Social Rights] ... rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure » (Article 2 of the Rules of the Committee).

[Conclusions 2012](#)

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

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

[Conclusions 2012](#)

► *Article 154 - Right to work - Vocational guidance, training and rehabilitation*

It has not been established that:

- vocational guidance services operate in an efficient manner;
- the right to vocational training of employed and unemployed persons is adequately guaranteed;
- the right of persons with disabilities to mainstream training is effectively guaranteed.

[Conclusions 2012](#)

► *Article 9 - Right to vocational guidance*

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

[Conclusions 2012](#)

► *Article 1051 - Right to vocational training - Promotion of technical and vocational training; access to higher technical and university education*

It has not been established that the right to vocational education is adequately guaranteed.

[Conclusions 2012](#)

► *Article 1052 - Right to vocational training – Apprenticeship*

It has not been established that the right to apprenticeship is adequately guaranteed.

[Conclusions 2012](#)

Article 1053 - Right to vocational training - Vocational training and retraining of adult workers

It has not been established that:

- the right to vocational training of employed persons is adequately guaranteed, and that
- the right to vocational training of unemployed persons is adequately guaranteed.

[Conclusions 2012](#)

► *Article 1551 (and Article 154) - Right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement - Education and training for persons with disabilities (Right to work - Vocational guidance, training and rehabilitation)*

It has not been established that mainstreaming of persons with disabilities is effectively guaranteed in education and training.

[Conclusions 2012](#)

► *Article 1552 – Right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement - Employment of persons with disabilities*

- It has not been established that there is effective anti-discrimination legislation;
- It has not been established that persons with disabilities are guaranteed an effective equal access to employment.

[Conclusions 2012](#)

Article 1851 - Right to engage in a gainful occupation in the territory of other States Parties- Applying existing regulations in a spirit of liberality

It has not been established that existing regulations are applied in a spirit of liberality.

[Conclusions 2012](#)

► *Article 1852 - Right to engage in a gainful occupation in the territory of other States Parties – Simplifying existing formalities and reducing dues and taxes*

The formalities for the granting of temporary residence permits have not been simplified.

[Conclusions 2012](#)

Article 20 - Right to equal opportunities and equal treatment in employment and occupation without sex discrimination

It has not been established that equal opportunities and equal treatment in matters of employment without discrimination on grounds of sex are guaranteed.

[Conclusions 2012](#)

Article 24 - Right to protection in case of dismissal

The maximum compensatory payment in case of unlawful termination of employment is inadequate.

[Conclusions 2012](#)

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

▶ *Article 3§2 – Right to safe and healthy working conditions – Safety and health regulations*

It has not been established that agency and temporary workers and workers on fixed-term contracts enjoy the same standard than workers in permanent employment.

[Conclusions 2013](#)

▶ *Article 12§1 – Right to social security - Existence of a social security system*

- The minimum level of unemployment benefit is inadequate;
- The minimum level of sickness benefit is inadequate;
- The minimum level of pension benefit is inadequate;
- The ground on which sickness benefit can be reduced is discriminatory.

[Conclusions 2013](#)

▶ *Article 12§4 - Right to social security - Social security of persons moving between states*

It has not been established that:

- the retention of accrued benefits is guaranteed to nationals of all other State Parties;
- the right to maintenance of accruing rights is guaranteed to nationals of all other State Parties.

[Conclusions 2013](#)

▶ *Article 13§1 - Right to social security - Right for every person in need to adequate assistance*

The level of social assistance paid to a single person without resources is manifestly inadequate.

[Conclusions 2013](#)

▶ *Article 13§3 - Right to social security - Prevention, abolition or alleviation of need*

It is not established that everyone may receive by the competent services such advice and personal help as may be required to prevent, to remove or to alleviate personal or family want.

[Conclusions 2013](#)

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

The level of social assistance for elderly persons with low income is manifestly inadequate.

[Conclusions 2013](#)

Thematic Group 3 "Labour rights"

▶ *Article 2§1 - Right to just conditions of work - Reasonable working time*

The working hours in a 24 hours period may be up to 16 hours.

[Conclusions 2014](#)

▶ *Article 2§2 - Right to just conditions of work - Public holidays with pay*

Work performed on a public holiday is not adequately compensated, when the minimum standards of compensation are applied.

[Conclusions 2014](#)

▶ *Article 2§5 - Right to just conditions of work – Weekly rest period*

The weekly rest can be postponed for a period exceeding twelve consecutive working days.

[Conclusions 2014](#)

▶ *Article 4§1 - Right to a fair remuneration - Decent remuneration*

The minimum wage does not ensure a decent standard of living.

[Conclusions 2014](#)

► *Article 4§2 - Right to a fair remuneration - Increased remuneration for overtime work*

The time off to compensate overtime work is not sufficient.

[Conclusions 2014](#)

► *Article 4§4 - Right to a fair remuneration - Reasonable notice of termination of employment*

- Notice periods on dismissal on economic, health, or any other grounds are not reasonable beyond five years of service;
- Three days' notice periods on dismissal during the probationary period are not reasonable. The length of service of employees who work fewer than fifteen hours a week is not taken into account when calculating notice periods.

[Conclusions 2014](#)

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

- Workers may waive their right to limitations on deductions from wages;
- After all authorised deductions, the wages of workers with the lowest pay do not enable them to provide for themselves or their dependants. Deductions from wages may deprive workers of the means of subsistence required to provide for themselves and their families.

[Conclusions 2014](#)

► *Article 6§2 - Right to bargain collectively - Negotiation procedures*

Voluntary negotiations are not sufficiently promoted in practice

[Conclusions 2014](#)

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

The restrictions on the right to strike for certain categories of employees (employees of healthcare or social care facilities; employees operating nuclear power plant facilities, facilities with fissile material and oil or gas pipeline facilities; judges, prosecutors and air traffic controllers; members of the fire brigade, members of rescue teams set up under special regulations, and employees working in telecommunications operations) do not comply with the conditions provided by Article G of the Charter.

[Conclusions 2014](#)

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

The legislation does not provide for adequate protection in the event of an unlawful dismissal based on trade union membership or activities.

[Conclusions 2014](#)

Thematic Group 4 "Children, families, migrants"

► *Article 7§1 – Right of children and young persons to protection - Prohibition of employment under the age of 15*

It has not been established that the definition of light work and its duration are sufficiently precise.

[Conclusions 2011](#)

► *Article 7§3 – Right of children and young persons to protection - Prohibition of employment of children subject to compulsory education*

It has not been established that the definition of light work and its duration for children subject to compulsory education are sufficiently precise.

[Conclusions 2011](#)

► *Article 7§5 – Right of children and young persons to protection - Fair pay*

It has not been established that young workers receive a fair pay.

[Conclusions 2011](#)

► *Article 8§1 – Right of employed women to protection - Maternity leave*

Maternity benefits are not of an adequate level.

[Conclusions 2011](#)

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

The dismissal of pregnant women and women on maternity leave can be justified by the relocation of activities of the undertaking where they are employed.

[Conclusions 2011](#)

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

The right to housing of Roma families is not effectively guaranteed. Entitlement to childbirth allowance and child-minding allowance is subject to an excessive length of residence requirement.

[Conclusions 2011](#)

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

All forms of corporal punishment of children are not explicitly prohibited in the home; The maximum length of pre-trial detention of minors is excessive.

[Conclusions 2011](#)

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

Roma children are disproportionately represented in special classes.

[Conclusions 2011](#)

The European Committee of Social Rights has been unable to assess compliance with the following provisions and has invited the Government of the Slovak Republic to provide more information in the next report thereon:

Thematic Group 1 “Employment, training and equal opportunities”

▶ Article 10§§4 and 5 - Conclusions 2012

Thematic Group 2 “Health, social security and social protection”

- ▶ Article 3§1 – Conclusions 2013
- ▶ Article 11§§1, 2 and 3 - Conclusions 2013
- ▶ Article 12§3 - Conclusions 2013
- ▶ Article 30 - Conclusions 2013

Thematic Group 3 “Labour rights”

None

Thematic Group 4 “Children, families, migrants”

- ▶ Article 7§§2, 7 and 10 - Conclusions 2011
- ▶ Article 19§§1, 4 and 6 - Conclusions 2011
- ▶ Article 27§§1 and 2 - Conclusions 2011