



INDIVIDUAL SUBMISSION OF THE SLOVAK NATIONAL CENTRE FOR HUMAN RIGHTS

Alternative Report on the Implementation of the European Social
Charter – Group 3 – Articles 4 (3), 26 and 29

CYCLE 2022

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About the Slovak National Centre for Human Rights:

Slovak National Centre for Human Rights (the “Centre”) is a national human rights institution established in the Slovak Republic, accredited with status B by the Global Alliance of National Human Rights Institutions. As an NHRI, the Centre is a member of the European Network of NHRIs (ENNHRI). The Centre was established by the Act of Slovak National Council No. 308/1993 Coll. on the Establishment of Slovak National Centre for Human Rights. Pursuant to the Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection from Discrimination, as amended (the Anti-Discrimination Act), the Centre also acts as the only Slovak equality body. As an NHRI and equality body, the Centre performs a wide range of tasks in the field of protection and promotion of human rights and fundamental freedoms including the observance of the principle of equal treatment.

The Centre among other powers:

- 1) monitors and evaluates the observance of human rights and the observance of equal treatment principle;*
- 2) gathers and, upon request, provides information on racism, xenophobia and antisemitism in the Slovak Republic;*
- 3) conducts research and surveys to provide data in the field of human rights; gathers and distributes information in this area;*
- 4) prepares educational activities and participates in information campaigns aimed at increasing tolerance of the society;*
- 5) provides legal assistance to victims of discrimination and manifestations of intolerance;*
- 6) issues expert opinions on matters concerning the observance of the equal treatment principle;*
- 7) performs independent inquiries related to discrimination;*
- 8) prepares and publishes reports and recommendations on issues related to discrimination; and*
- 9) provides library services and other services in the field of human rights.*

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1. INTRODUCTION

This report has been prepared by the Centre utilizing the first-hand information gathered (i) during the annual monitoring and evaluation of the observance of human rights, fundamental freedoms and equal treatment principle, (ii) gathered while providing legal services to victims of discrimination and (iii) gathered as part of conducting research and providing human rights education. In respect to annual evaluation of the observance of human rights, fundamental freedoms and principle of equal treatment, the Centre has been regularly consulting with key stakeholders such as civil society organizations, academia, public authorities, think tanks, media, businesses, and social services providers. The information gathered during the monitoring has been utilized in this report.

The alternative report of the Centre reflects on the 12th National Report on the implementation of the European Social Charter submitted by the Slovak Republic as registered by the Secretariat of the European Committee of Social Rights, as well as the 2018 Conclusions of the European Committee of Social Rights Relating to Articles from Thematic Group 3 – labour rights concerning the Slovak Republic.

In this submission, the Centre focuses on the right to a fair remuneration – **Article 4 (3)**; the right to dignity at work – **Article 26**; and the right to information and consultation in collective redundancy procedures - **Article 29**. For additional detailed information, the appendix provides changes with respect to labour law that were adopted as part of a national response to COVID-19 pandemic until the end of the year 2020.



ARTICLE 4 – THE RIGHT TO A FAIR REMUNERATION

Article 4 (3)

To recognise the right of men and women workers to equal pay for work of equal value.

Core data for 2017-2020

1. Despite the legislative prohibition of pay discrimination on grounds of gender under the Act No. 311/2001 Coll. Labour Code, as amended¹ (hereinafter the “Labour Code”) and by the Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws as amended (Antidiscrimination Act) (hereinafter the “Antidiscrimination Act”)², the pay gap between men and women in the Slovak Republic remains a significant challenge with regards to gender equality in the area of employment. According to the **Gender Equality Index**, Slovakia’s performance with respect to gender equality remains at the lowest scores among the countries of the European Union. With respect to the reference period:

- In the **2021 Gender Equality Index (with data mostly from 2019)**, the country achieved a total score of **56 points out of 100** (EU average 68 points) and a 24th place out of 27.³ With regards to indicators related to labour, Slovakia gained 66.8 points (EU average 71.6), therefore the 25th place.⁴
- In the **2020 Gender Equality Index (with data mostly from 2018)**, Slovakia achieved a total score of **55.5 points out of 100** (EU average 67.4 points) and a 24th place out of 27.⁵ With regards to indicators related to labour, Slovakia gained 66.6 points (EU average 71.4), the 25th place.⁶

¹ Act No. 311/2001 Coll. Labour Code, as amended, 2 July 2001, Art. 119a (2) and Art. 119a (3), available in Slovak at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/311/20220601.html>.

² Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws as amended (Antidiscrimination Act), 20 May 2004, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/365/>.

³ European Institute for Labour Equality: “Gender Equality Index 2021”, available at <https://eige.europa.eu/gender-equality-index/2021>.

⁴ European Institute for Labour Equality: “Gender Equality Index 2021”, available at <https://eige.europa.eu/gender-equality-index/2021/compare-countries/work/bar>.

⁵ European Institute for Labour Equality: “Gender Equality Index 2020”, available at <https://eige.europa.eu/gender-equality-index/2020>.

⁶ European Institute for Labour Equality: “Gender Equality Index 2020”, available at <https://eige.europa.eu/gender-equality-index/2020/compare-countries/work/bar>.



- In the **2019** Gender Equality Index (**with data mostly from 2017**), Slovakia achieved a total score of **54.1 points out of 100** (EU average 66.9 points) and a 25th place out of 27.⁷ With regards to indicators related to labour, Slovakia gained 66.5 points (EU average 71.1), the 25th place.⁸

2. In terms of unadjusted gender pay gap, the period between 2010-2019, the gender pay gap was oscillating between 18% and 21%⁹ and improved to 15.8% in 2020¹⁰, although still above the EU average and above 0. Further data¹¹ according to Eurostat with respect to the reference period are below:

- In **2020**, women in Slovakia earned on average **15.8 % less** than men (EU average 13 %).
- In **2019**, women in Slovakia earned on average **18.4 % less** than men (EU average 13.7 %).
- In **2018**, women in Slovakia earned on average **19.8 % less** than men (EU average 14.4%).
- In **2017**, women in Slovakia earned on average **20.1 % less** than men (EU average 14.6 %).

3. Although the Statistical Office of the Slovak Republic (hereinafter the “Statistical Office”) uses different methodology (based on the average monthly gross earnings of women and men according to the sample survey), the “*trends in gender differences in pay are more or less similar*” to results reported by Eurostat.¹²

⁷ European Institute for Labour Equality: “Gender Equality Index 2019”, available at <https://eige.europa.eu/gender-equality-index/2019>.

⁸ European Institute for Labour Equality: “Gender Equality Index 2019”, available at <https://eige.europa.eu/gender-equality-index/2019/compare-countries/work/bar>.

⁹ Kuruc, A.: “Why women in Slovakia still earn less than men.”, 13 November 2021, available in Slovak at <https://www.totojerovnost.eu/index.php/2021/11/13/preco-zeny-na-slovensku-stale-zarabaju-menej-ako-muzi/>.

¹⁰ Indicator measuring the difference between average gross hourly earnings of male paid employees and of female paid employees as a percentage of average gross hourly earnings of male paid employees, data inclusive of Iceland, Norway and Switzerland, data not available for Ireland and Greece. Eurostat: “Gender pay gap in the EU down to 13.0 %”, 07 March 2022, available at <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/edn-20220307-2>.

¹¹ Eurostat: Gender pay gap in unadjusted form, available at https://ec.europa.eu/eurostat/databrowser/view/SDG_05_20/default/table?lang=en.

¹² Kuruc, A.: “Why women in Slovakia still earn less than men.”, 13 November 2021, available in Slovak at <https://www.totojerovnost.eu/index.php/2021/11/13/preco-zeny-na-slovensku-stale-zarabaju-menej-ako-muzi/>.



4. With respect to the reporting period, data are below:¹³
- In **2020**, the gender pay gap amounted to **17.9 %**. Average monthly salary for men was 1 460 EUR and 1 198 EUR for women, therefore women earned 262 EUR less monthly.
 - In **2019**, the gender pay gap amounted to **20.2 %**. Average monthly salary for men was 1399 EUR and 1116 EUR for women, therefore women earned 283 EUR less monthly.
 - In **2018**, the gender pay gap amounted to **22.1 %**. Average monthly salary for men was 1 315 EUR and 1 024 EUR for women, therefore women earned 291 EUR less monthly.
 - In **2017**, the gender pay gap amounted to **22.1 %**. Average monthly salary for men was 1 233 EUR and 960 EUR for women, therefore women earned 273 EUR less monthly.

5. According to the Summary Report on the State of Gender Equality in Slovakia in 2018,¹⁴ the average monthly earnings of women exceeded 1 000 EUR in 2018 for the first time, 4 years after men who reached this limit in 2014. According to the report, the gender pay gap in Slovakia begins to be registered by the workers from the age of 25 until retirement.¹⁵

6. The gender pay gap is reflected both in the basic wage and in other wage components. Men receive, on average, higher basic wages and higher bonuses, while women gain slightly more in compensations.¹⁶ For example, in 2019, according to the Statistical Office, women gained 45 % less in bonuses than men.¹⁷ In 2020, the basic wage accounted for 65,2 % of average gross monthly wage for men and for 66.9% for women. Wage compensation amounted to 13 % for men and 14.4 % for women; premiums and bonuses amounted to 10.3% for men and 7% for women; surcharges reached 7.3 % for men and 7.8 % for women and irregular remuneration accounted for 4 % for men and 3.7 % for women in average gross monthly salaries. **Women's wages were 10.1 % below the national average and men's wages exceeded the national average by 9.5 %.**¹⁸

¹³ Statistical Office of the Slovak Republic: “1.3.3.1 Gross wage and median with other descriptive statistical characteristics [np1103rr]”, DATAcube, available in Slovak at http://datacube.statistics.sk/#!/view/sk/VBD_SK_WIN/np1103rr/v_np1103rr_00_00_00_sk.

¹⁴ Ministry of Labour, Social Affairs and Family of the Slovak Republic: *Summary Report on the State of Gender Equality in Slovakia in 2018. Gender Equality in the Labour Market*, June 2019, available in Slovak at https://www.gender.gov.sk/wp-content/uploads/2019/06/SSRR_2018-final.pdf.

¹⁵ Ibid., p.33.

¹⁶ Ibid., p.35.

¹⁷ Statistical Office of the Slovak Republic: “Slovak women earn a fifth less than men, the lead of men is decreasing, but at a slow pace”, 18 June 2021.

¹⁸ Csongárová L.: *Structure of earnings in the Slovak Republic in 2020*, Statistical Office of the Slovak Republic, June 2021, p. 10, available at <https://bit.ly/3QkTouw> In: Kuruc, A.: “Why women in Slovakia still earn less than



Gender pay gap in different professions/sectors

7. The Summary Report on the State of Gender Equality in Slovakia for the year 2020,¹⁹ shows a **wider gender gap in the business sector** (16.18 % for average earnings and 13.47 % for median earnings) than the non-business sectors (9.24 % for average earnings and 2.11 % for median earnings).²⁰ The most significant gender pay gap was reported in the age category of 35-55 for university-educated employees in the business sector.²¹ With regards to geographical differences, gender wage gap was reported to be narrower in the Prešov (Eastern Slovakia) and Banská Bystrica (Central Slovakia) regions, where the overall level of remuneration is the lowest, as compared to the capital region of Bratislava on the other side of the spectrum.²²

8. With regards to specific professions, according to Eurostat, women in Slovakia earned less than men when comparing hourly earnings in all different professions (as also is the average in the EU). Data from 2018 show that women earned less in all of the sectors monitored, with the biggest difference shown for managers (earning around 28 % less per hour) and professionals (earning around 24 % less per hour).²³

9. The Statistical Office reports some differences in professions. In 2019, according to the Statistical Office, the biggest gender pay gap was registered among sales representative specialists in information and communication technology, in which case male representatives earned 3 700 EUR gross/month, which was 1 794 EUR more than their female counterparts (who gained therefore 48 % less). Other important pay gaps were registered for managers in finance and insurance (earning 1 365 EUR gross/month more) and managers in transport, logistics and postal services (earning 1 107 EUR gross/month more).²⁴ In 2019, there were significantly fewer professions where women gained more than men and included mostly professions with lower wages overall and with lower differences. These included fields of licensing and authorizations (women earned 304 EUR gross/month more), professional administrative assistant positions in health care facilities (women earned 295 EUR gross/month more) or primary school teachers (women earned 173 EUR gross/month more). The only two management positions where women gained more were

men.”, 13 November 2021, available in Slovak at <https://www.totojerovnost.eu/index.php/2021/11/13/preco-zeny-na-slovensku-stale-zarabaju-menej-ako-muzi/>.

¹⁹ Based on data on hourly earnings from the departmental statistical survey Quarterly Labour Price Report. *LP/2021/212 Summary Report on the State of Gender Equality in Slovakia in 2020*, currently in the legislative procedure, available in Slovak at <https://www.slov-lex.sk/legislativne-procesy/-/SK/LP/2021/212>.

²⁰ Ibid., p. 21.

²¹ Ibid., p. 21-22.

²² Ibid., p. 22.

²³ Eurostat: “Women earn on average 14 % less than men”, available at <https://ec.europa.eu/eurostat/cache/infographs/womenmen/bloc-2d.html?lang=en>.

²⁴ Statistical Office of the Slovak Republic: “Slovak women earn a fifth less than men, the lead of men is decreasing, but at a slow pace”, 18 June 2021.



managers in construction and in social care (women earned less than 100 EUR gross/month more).²⁵

10. At the same time, women in Slovakia also make up almost two-thirds of the workers that work for a minimum wage. While the increasing of the minimum wage therefore impacts the gender pay gap (and could be wider without), men predominate in highest paid positions.²⁶ Slovak labour market is also amongst the most segregated ones in the European Union and women's employment is concentrated in certain lower-paid sectors, including teaching professions (where women represent 80 % of labour force), helping professions in social work, health care (representation 85 %) or lower administrative support work.²⁷

11. In 2020, 36 % of managers were women, which slightly above the EU average of 34 %.²⁸ Proportion of women scientists and engineers in Slovakia in 2020 amounted to 35 % - 41 % (less than EU average of 41 %).²⁹ Despite women in Slovakia having better levels of education than men, **education does not lead to equality in pay** – according to the data published in 2018, “(a) university-educated man in the business sector earns almost twice as much as a woman with the same level of education in the public sector”³⁰ While more women in Slovakia gain higher education than men, the gender pay gap for university-educated people is high – in 2020, gender pay gap (in average nominal monthly wage) was 25 % for ISCED 7 (e.g. a Masters degree) and 25.7 % for ISCED 6 (e.g. a Bachelors degree).³¹

Impact of maternal/parental leave and unpaid care and domestic work on wage differences

12. Research conducted by Eurostat in 2018 showed that the share of women with a work interruption of more than 6 months for childcare reasons is higher than of men - in the EU-28, a third of employed women had a work interruption for childcare reasons, while this was the case

²⁵ Ibid.

²⁶ Ministry of Labour, Social Affairs and Family of the Slovak Republic: *Summary Report on the State of Gender Equality in Slovakia in 2018. Gender Equality in the Labour Market*, June 2019, p. 33, available in Slovak at https://www.gender.gov.sk/wp-content/uploads/2019/06/SSRR_2018-final.pdf.

²⁷ Statistical Office of the Slovak Republic, In Kuruc, A.: “Why women in Slovakia still earn less than men.”, 13 November 2021, available in Slovak at <https://www.totojerovnost.eu/index.php/2021/11/13/preco-zeny-na-slovensku-stale-zarabaju-menej-ako-muzi/>.

²⁸ Eurostat: “Around a third of managers in the EU are women”, available at <https://ec.europa.eu/eurostat/cache/infographs/womenmen/bloc-2c.html?lang=en>.

²⁹ Eurostat: “More women join science and engineering ranks”, available at <https://ec.europa.eu/eurostat/en/web/products-eurostat-news/-/edn-20220211-2>.

³⁰ Ministry of Labour, Social Affairs and Family of the Slovak Republic: *Summary Report on the State of Gender Equality in Slovakia in 2018. Gender Equality in the Labour Market*, June 2019, p. 34, available in Slovak at https://www.gender.gov.sk/wp-content/uploads/2019/06/SSRR_2018-final.pdf.

³¹ Kuruc, A.: “Why women in Slovakia still earn less than men.”, 13 November 2021, available in Slovak at <https://www.totojerovnost.eu/index.php/2021/11/13/preco-zeny-na-slovensku-stale-zarabaju-menej-ako-muzi/>.



only for 1.3 % of men.³² In Slovakia, the share of women who had work interruption due to childcare is even higher and was over 60 % in 2018.³³ The interruption of work due to maternity and parental leave then creates a disadvantage for women, which affects their income throughout their careers and can also affect their retirement.³⁴ According to the survey of the Centre, only 9.6 % women respondents reported to receive the same salary after return to work. Significantly more often, respondents with higher income and in occupations with intellectual work (as compared to lower income and occupations requiring physical work) stated they returned to their original or adequate/similar position after their maternal and parental leave.³⁵

13. According to the Summary Report on the State of Gender Equality in Slovakia in 2018, there is a significant gender dimension with respect to impact of parenthood on women's employment in Slovakia, with variations depending on the age of children and the age of retirement. The report states that the average female employment rate in Slovakia (68,4 % in 2018) does not differ from the female employment rate within the EU (68,8 % in 2018), while being above the average level in Slovakia at the most productive age in 2018.³⁶ The report also states that child and family care is the most common reason for economic inactivity of women in Slovakia and underlines a significant gender dimension of impact of parenthood on employment in families with children under the age of 6 (due to the unequal distribution of unpaid work). It underlines that *“(w)ith the presence of a child in the family, the employment rate of women decreases significantly, while the employment rate of men increases.”*³⁷ According to the Institute for Financial Policy of the Ministry of Finance of the Slovak Republic, women earn more before taking maternity leave, as compared to time after they return to work: *“mothers' income from work after the birth of their first child fall almost to zero and six years later, it is 55 % lower in comparison to the level they would have achieved if they had chosen not to have any children.”*³⁸

³² Eurostat: “Reconciliation of work and family life – statistics”, available at <https://bit.ly/3HuobRC>.

³³ Eurostat: “Share of persons in employment or with previous employment experience, aged 18-64 with a work interruption”, available at <https://bit.ly/3tD1uow>.

³⁴ Ministry of Labour, Social Affairs and Family of the Slovak Republic: *Summary Report on the State of Gender Equality in Slovakia in 2018. Gender Equality in the Labour Market*, June 2019, p. 33, available in Slovak at https://www.gender.gov.sk/wp-content/uploads/2019/06/SSRR_2018-final.pdf.

³⁵ Data by the Slovak National Centre for Human Rights, study to be published in 2022, research done in 2020 through an online questionnaire survey, 881 women respondents with the youngest child under the age of 9.

³⁶ Ministry of Labour, Social Affairs and Family of the Slovak Republic: *Summary Report on the State of Gender Equality in Slovakia in 2018. Gender Equality in the Labour Market*, June 2019, p. 27, available in Slovak at https://www.gender.gov.sk/wp-content/uploads/2019/06/SSRR_2018-final.pdf.

³⁷ Ibid., p. 28.

³⁸ Čerman M., Dujava D.: “How much does a child cost? Analysis of the impact of parenthood on income of mothers and fathers”, Institute of Financial Policy of the Ministry of Finance of the Slovak Republic, p.3, 28 July 2021, available in Slovak at <https://www.mfsr.sk/files/archiv/5/Kolkostojidieta.pdf>, In Kuruc, A.: “Why women in Slovakia still earn less than men.”, 13 November 2021, available in Slovak at <https://www.fotojervnost.eu/index.php/2021/11/13/preco-zeny-na-slovensku-stale-zarabaju-menej-ako-muzi/>.



14. Gender inequality in unpaid domestic work is one of the possible structural factors of gender pay gap as women spend disproportionately more time on unpaid work.³⁹ As part of its research activities, the Centre conducted a study in 2019 on distribution of unpaid work (childcare and household care).⁴⁰ The aim of the research was to assess prevailing patterns of redistribution of unpaid work between men and women, a possible link between the income situation and distribution of responsibilities in the household and a possible link between maternity and parental leave in terms of length and share of partners and proportion of care taken over by men and women.

15. The research underlined a stereotypical gender-based division of tasks (e.g., cooking being provided by women in 63 % of households, by men in 25 % of households and done in an equal amount in 12 % of households). Continuation of stereotypes also persists with regards to the nature of specific activities (e.g., washing and ironing are performed mainly by women in 75 % of households; and minor repairs are performed mainly by men in 69 % of households). After considering the time intensity, the research underscored that women are significantly more represented in household care than men.⁴¹

16. In terms of income and childcare, the research results indicate that income disparities among women do not affect how much unpaid domestic work they do. However, research has confirmed this link with regards to a woman's income status in a partnership. Women gaining lower income than their partners are more involved in childcare than women with the same and higher incomes. In household care, the differences showed to be smaller, but in certain jobs (cooking and taking care of clothing) women with lower incomes than their partners were burdened more than women with incomes equal or higher.⁴²

17. The gendered impacts of the COVID-19 pandemic were underlined already in the first waves of the pandemic in 2020, including that “*women and girls are especially hurt by the resulting economic and social fallout [of the COVID-19 pandemic].*”⁴³ A survey done in 2020 by the Institute for Labour and Family Research assessed trends in impacts of the pandemic on the life situation of Slovak families, especially changes in the labour patterns and domestic unpaid work.⁴⁴ The survey underlined that during the pandemic, women had to work more during non-

³⁹ Ferrant, G., Pesando L.M., and Nowacka, K.: *Unpaid Care Work: The missing link in the analysis of gender gaps in labour outcomes*, OECD Development Centre, December 2014, p. 1, available at https://www.oecd.org/dev/development-gender/Unpaid_care_work.pdf.

⁴⁰ Data by the Slovak National Centre for Human Rights, study to be published in 2022, research done through an online questionnaire survey, sample of 536 men and 664 women living in marriages and partnerships with at least one child under the age of 15.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Azcona G. et al.: *From insight to action. Gender equality in the wake of COVID – 19*, UN WOMEN, 2020, p.1, available at <https://bit.ly/3HwDA3K>, In Kuruc, A., Valkovičová, V., and Jablonická-Zezulová, J., *Survey on the living situation during the COVID-19 pandemic*, available in Slovak at <https://bit.ly/3baWam5>.

⁴⁴ Kuruc, A., Valkovičová, V., and Jablonická-Zezulová, J., *Survey on the living situation during the COVID-19 pandemic*, available in Slovak at <https://bit.ly/3baWam5>, The survey notes that women largely predominated as the survey participants (81,9 %) and the data is not representative, but can serve to assess trends and challenges.



standard working hours (early in the morning or in the evening, 42,1 % of respondents), had difficulty concentrating on work due to family responsibilities (30.6 %) or experienced changes in the workload (36.7 %). According to the survey, “many women had to “juggle” to secure unpaid work, while their income was reduced and in some cases they tried to work full time in a crowded household.”⁴⁵ While the amount of hours of domestic unpaid work (childcare and household care) increased for both men and women during the pandemic, women were affected much more.⁴⁶

Latest UN recommendations with respect to gender pay gap

18. In its previous concluding observations adopted in 2015, the Committee on the Elimination of Discrimination against Women noted its concern with the fact that in the Slovak Republic “(...) significant horizontal and vertical gender segregation exists in the labour market, including the persistently low representation of women compared with men in economic decision-making positions, such as on the supervisory board of companies and in executive positions, and that the size of the gender pay gap remains large, women’s high levels of education notwithstanding.”⁴⁷ In this regard, the Committee recommended that the Slovak Republic eliminates horizontal and vertical segregation between women and men in the labour market and closes the gender pay gap, including by encouraging women and girls to select non-traditional studies and career options (including in STEM) and by adopting temporary special measures.⁴⁸ In its latest List of issues and questions prior to the submission of the seventh periodic report of Slovakia in 2020, the Committee asked the state party to provide information on steps taken in this regard.⁴⁹

19. Under its third Universal Periodic Review in 2019, Slovakia accepted 176 out of 195 recommendations. Two recommendations on promotion of gender equality, increasing the participation of women in the labour market, and reduction of the wage gap between women and men were accepted.⁵⁰

Trainings and other activities conducted by the Centre

20. In 2021, the Centre together with the Pontis Foundation (Slovak Diversity Charter administrator) developed an innovative tool for measuring diversity at workplace called the *Diversity Index* as a self-evaluation tool for employers. The tool measures diversity in the workplace in terms of general diversity, gender diversity, disability, age, LGBTIQ+ diversity,

⁴⁵ Ibid., p. 31.

⁴⁶ Ibid., p. 19.

⁴⁷ Committee on the Elimination of Discrimination against Women: *Concluding observations on the combined fifth and sixth periodic reports of Slovakia*, CEDAW/C/SVK/CO/5-6, 25 November 2015, para. 28 (a).

⁴⁸ Ibid., para. 29 (a).

⁴⁹ Committee on the Elimination of Discrimination against Women: *List of issues and questions prior to the submission of the seventh periodic report of Slovakia*, CEDAW/C/SVK/QPR/7, para. 15.

⁵⁰ Human Rights Council: *Report of the Working Group on the Universal Periodic Review. Slovakia. Addendum*, A/HRC/41/13/Add.1, Para. 3.



ethnic and cultural diversity, including in top and middle management. The Diversity Index also compares pay gaps with respect to disadvantaged groups of employees, including women, older persons and persons with disabilities. In addition, the tool evaluates policies and measures adopted by employers to promote diversity in the workplace.⁵¹

ARTICLE 26 – THE RIGHT TO DIGNITY AT WORK

Article 26 (1)

To promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct.

Legislative framework

21. In Slovakia, sexual harassment is primarily regulated by the Antidiscrimination Act,⁵² that defines sexual harassment as follows: “*Sexual harassment shall mean verbal, non-verbal or physical conduct of a sexual nature whose intention or consequence is or may be a violation of person’s dignity and which creates an intimidating, degrading, disrespectful, hostile or offensive environment.*”⁵³ The definition incorporated a transposition of Art. 2 (d) of the Directive 2004/113/ES,⁵⁴ while the qualifier of conduct as “unwanted” is missing in the Slovak Antidiscrimination Act. The absence of an explicit reference to the “unwanted” conduct in the definition of sexual harassment under the antidiscrimination legislation makes it “*considerably narrower*” as compared to relevant antidiscrimination directives.⁵⁵ In case that the conduct reaches an intensity that meets characteristics of certain crimes, the Criminal Code applies as well.

22. Sexual harassment is a form of discrimination⁵⁶ and the Antidiscrimination Act covers 5 areas of legal relationships - employment and similar legal relationships, social security, health

⁵¹ “Diversity Index”, available at <https://indexdiverzity.sk/en/>.

⁵² Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws as amended (Antidiscrimination Act), 20 May 2004, available in Slovak at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/365/>

⁵³ Ibid., Art. 2a (5).

⁵⁴ Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

⁵⁵ DEBRECENIOVÁ, J.: *Antidiscrimination Act. A Commentary*, Citizen, Democracy and Accountability, 2008, p. 77, In Maliňáková, A., and Novodomcová, M., *Discrimination in the form of sexual harassment – comparative analysis*, Slovak National Centre for Human Rights, 2021, available in Slovak at <http://www.snslp.sk/wp-content/uploads/Diskriminacia-vo-forme-sexualneho-obtazovania.pdf>.

⁵⁶ Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws as amended (Antidiscrimination Act), 20 May 2004, Art. 2a (1), available in Slovak at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/365/>.



care, provision of goods and services, and education.⁵⁷ A person experiencing sexual harassment seeking judicial protection by filing a lawsuit may be represented by a legal person who was granted such authorization by a special law or whose object or goals of activities is protection against discrimination. In Slovakia, these are mainly the Centre and specialized civil society organizations.⁵⁸

23. Sexual harassment is difficult to prove, if the victim of discrimination has no further means of proof than her/his allegations, e.g. the unwanted conduct did not occur in front of witnesses or was in verbal form only. In addition, there have been so far only a low number of discrimination lawsuits in Slovak courts, and there is thus a general “*absence of interpretative court practice in relation to the content of discrimination in the form of sexual harassment.*”⁵⁹ More often, the courts decide in cases where they assess sexual harassment in the workplace in the context of crime of sexual violence.⁶⁰ Sexual harassment (including in the workplace) also falls within the scope of public policies on gender equality and in the agenda of various public institutions including the Centre (as an Equality Body and NHRI), labour inspectorates, and the police and justice systems.⁶¹

Role of the labour inspectorates in cases of sexual harassment in the workplace

24. In 2020, a study done by the Institute for Labour and Family Research on prevention tools against sexual harassment underlined main barriers and challenges in accessing justice in the cases of sexual harassment in the workplace. Expert participants to the study assessed the biggest barrier being a “*corporate/work culture that downplays sexual harassment, approaches it as a common part of relations between employees, respectively as a personal/private dispute.*”⁶² Study participants also indicated that while regional labour inspectorates have competences in the area of sexual harassment in the workplace, this topic is rarely part of the inspectorates’ work or often relies on efforts of individual inspectors “*who do so despite unsatisfactory conditions.*”⁶³ Such unsatisfactory conditions/barriers for inspectorates work include lack of personnel and financial capacities; prioritizing cases of serious violations of the Labour Code, such as breach of safety at work; difficulty to prove the merits of discrimination or sexual harassment; and lack of capacity for prevention and pro-active case search.⁶⁴ Study experts also underlined good practice, such as

⁵⁷ Ibid., Art. 3 (1).

⁵⁸ Maliňáková, A., and Novodomcová, M., *Discrimination in the form of sexual harassment – comparative analysis*, Slovak National Centre for Human Rights, 2021, p. 10, available in Slovak at <http://www.snslp.sk/wp-content/uploads/Diskriminacia-vo-forme-sexualneho-obtazovania.pdf>.

⁵⁹ Ibid., p. 11.

⁶⁰ Ibid., p. 12.

⁶¹ Valkovičová, V. & Kuruc, A.: *Tools for prevention of sexual harassment as a form of gender discrimination*, Institute for Labour and Family Research, 2020, p. 5-6, available in Slovak at <https://www.totojerovnost.eu/downloads/NnPSOaRDnS2020.pdf>.

⁶² Ibid., p. 31.

⁶³ Ibid., p. 44.

⁶⁴ Ibid., p. 45.



the continuing training and education of labour inspectors. They indicated the need for the Government of the Slovak Republic to prioritize the topic of discrimination, including sexual harassment, so that the labour inspectorates could gain more capacity and resources.⁶⁵

25. Another report done under the auspices of the Institute for Labour and Family Research in 2020 offers distinctive methodology for labour inspectorates to identify cases of discrimination with a focus on gender discrimination.⁶⁶ The report underlined the need to increase awareness on discrimination and increase confidence of victims in institutional protection and possibility of redress. This is according to the report indicated by a very low number of discrimination complaints and the nature of complaints that the labour inspectorates receive.⁶⁷ There is therefore a need to improve the conditions for labour inspectors to assist victims of discrimination in addition to referrals to other institutions, as the *“advantage of labour inspectorates is that they are “closer” to employees, or jobseekers, as compared to the courts.”*⁶⁸ This is also exacerbated by the fact that stemming from the experience of the inspectors, most employees do not want to pursue the cases in court.⁶⁹ Awareness and prevention activities by labour inspectorates should be coupled with strengthening of their powers, including the mandate to conduct interrogation and introducing the principle of shifted burden of proof in labour inspection.⁷⁰

Latest UN recommendations with respect to sexual harassment in the workplace

26. In its concluding observations on the third periodic review of Slovakia, adopted in 2019, the Committee on Economic, Social and Cultural Rights noted their concern with information about high incidence of violence against women, including sexual harassment and domestic violence.⁷¹ The Committee recommended Slovakia to develop dedicated legislation addressing violence against women, to provide full protection to victims and improve their access to justice, to systematically collect disaggregated data on violence against women and to ratify the Istanbul Convention.⁷² Slovakia signed the Istanbul Convention in 2011, but the Parliament approved a resolution calling on the Government not to pursue the ratification process in 2019.⁷³

⁶⁵ Ibid., p. 45-46.

⁶⁶ Lajčáková, J.: *Methodology for labor inspectorates to identify and assess cases of discrimination with a focus on gender discrimination*, Institute for Labour and Family Research, 2020, available in Slovak at https://www.totojerovnost.eu/index.php/vyskum/#akt_std_done.

⁶⁷ Ibid., p. 40.

⁶⁸ Ibid., p. 41

⁶⁹ Ibid.

⁷⁰ Ibid. p. 42.

⁷¹ Committee on Economic, Social and Cultural Rights: *Concluding observations on the third periodic report of Slovakia*, E/C.12/SVK/CO/3, 14 November 2019, reissued for technical reasons on 9 December 2019, para. 28.

⁷² Ibid., para. 29.

⁷³ SITA Slovak News Agency: “Parliament opposed ratification of the Istanbul Convention”, 29 March 2019, SME, available in Slovak at <https://domov.sme.sk/c/22086807/parlament-ziada-vladu-aby-zastavila-ratifikaciu-istanbulskeho-dohovoru.html>.



27. In its previous concluding observations adopted in 2015, the Committee on the Elimination of Discrimination against Women noted their concern with the fact that in the Slovak Republic, the protection of women from discrimination and sexual harassment in the workplace “*remains inadequate, especially because labour inspectorate lacks adequate tools to handle such cases.*”⁷⁴ The Committee recommended to strengthen the role of the labour inspectorate and to ensure effective prevention, monitoring and adequate remedy of sexual harassment and discrimination in the workplace.⁷⁵ In its latest List of issues and questions prior to the submission of the seventh periodic report of Slovakia in 2020, the Committee asked the state party to provide information on steps taken in this regard.⁷⁶ In addition, it asked Slovakia to provide information on the measures done to combat cases of sexual harassment and gender-based violence in the workplace, pursuant to monitoring report done by the Centre in 2018.⁷⁷

Trainings and other activities conducted by the Centre

28. The Centre conducted monitoring of cases of sexual harassment in the workplace in years 2014-2018, as part of its role arising from the National Action Plan for the Prevention and Elimination of Violence against Women for 2014-2019. In its 2017 report, the Centre monitored cases of sexual harassment and psychological harassment of women in the workplace, through its own work and through media monitoring.⁷⁸ In 2017, the report concluded that media dedicated more time than in previous years on informing about the cases of sexual harassment of women, including in the workplace, partially due to the global advancement of the #metoo advocacy.⁷⁹ Media dedicated much less space to information about other forms of harassment of women in the workplace.⁸⁰

29. The mandate of the Centre also includes preparation of educational and training activities. With respect to the reference period (2017-2020), the Centre conducted two specific training sessions for state authorities on sexual harassment in the workplace.

⁷⁴ Committee on the Elimination of Discrimination against Women: *Concluding observations on the combined fifth and sixth periodic reports of Slovakia*, CEDAW/C/SVK/CO/5-6, 25 November 2015, para. 28 (e).

⁷⁵ *Ibid.*, para. 29 (f).

⁷⁶ Committee on the Elimination of Discrimination against Women: *List of issues and questions prior to the submission of the seventh periodic report of Slovakia*, CEDAW/C/SVK/QPR/7, 27 July 2020, para. 15.

⁷⁷ *Ibid.*, para. 5.

⁷⁸ Slovak National Centre for Human Rights: *Monitoring of cases of sexual harassment and bullying at the workplace in 2017*. Available in Slovak at <http://www.snslp.sk/wp-content/uploads/Monitoring-pripadov-sexualneho-obtazovania-a-sikanovania-zien-na-pracovisku-za-rok-2017.pdf>.

⁷⁹ *Ibid.*, p. 13.

⁸⁰ *Ibid.*, p.15.



Article 26 (2)

To promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and take all appropriate measures to protect workers from such conduct.

Legislative framework

30. The Antidiscrimination Act defines harassment as follows: “*Harassment shall mean conduct which creates or may create an intimidating, hostile, shameful, humiliating, degrading, disrespectful or offensive environment and whose intention or consequence is or may be the violation of person’s freedom or human dignity.*”⁸¹ In the absence of discrimination grounds (and thus application of the Antidiscrimination Act), the Labour Code and the Civil Code (Act No. 40/1964 Coll. Civil Code, as amended⁸²) provisions form other relevant basis for protection of workers. In case that the conduct reaches an intensity that meets characteristics of certain crimes, the Criminal Code (Act No. 300/2005 Coll. Criminal Code, as amended⁸³) applies as well⁸⁴. While the Centre and other actors use terms of *bullying*, *mobbing* and *bossing*, these terms do not have a specific legal definition in the Slovak body of laws.

Role of the labour inspectorates in cases of psychological/moral harassment in the workplace

31. The Summary Report on the State of Gender Equality in Slovakia for the year 2020, building on information by the labour inspection authorities states that in 2020, the authorities received a total of 252 submissions alleging violation of Antidiscrimination Act or other provisions of labour law in relation to the principle of equal treatment and non-discrimination.⁸⁵ The submissions included alleged cases of bossing, bullying, slander, threatening, intimidation, humiliation, arrogant or inappropriate or vulgar behaviour, verbal insults and sexual harassment in the workplace.⁸⁶

⁸¹ Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws as amended (Antidiscrimination Act), 20 May 2004, Art. 2a (4), available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/365/>

⁸² Act No. 40/1964 Coll. Civil Code, as amended, 26 February 1964, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1964/40/>.

⁸³ Act No. 300/2005 Coll. Criminal Code, as amended, 02 July 2005, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2005/300/20220501>

⁸⁴ Olšovská, A.: *Mobbing and Bossing at the Workplace*, Institute for Labour and Family Research, 2013, p. 74, available in Slovak at https://www.ceit.sk/IVPR/images/IVPR/vyskum/2013/Olsovska/2162_mobbing.pdf.

⁸⁵ *P/2021/212 Summary Report on the State of Gender Equality in Slovakia in 2020*, currently in the legislative procedure, p. 26, available in Slovak at <https://www.slov-lex.sk/legislativne-procesy/-/SK/LP/2021/212>.

⁸⁶ *Ibid.*, p. 26-27.



Trainings and other activities conducted by the Centre

32. With respect to the reference period (2017-2020), the Centre conducted 16 training sessions for employees and employers (including state authorities) on moral harassment in the workplace (bullying, mobbing and bossing), with a total of 388 participants. The objectives of the workshops were to empower the employees to identify moral harassment, distinguish its forms from a workplace conflict and to gain knowledge on relevant legislation (the Labour Code, the Antidiscrimination Act). It also provides information on available avenues and support for victims, which includes services provided by the Centre. During the reporting period, the Centre also published an expert opinion on legal means of resolving bossing in the workplace⁸⁷ and other expert opinions on individual cases of moral harassment in the workplace.⁸⁸

ARTICLE 29 – THE RIGHT TO INFORMATION AND CONSULTATION IN COLLECTIVE REDUNDANCY PROCEDURES

Legislative framework

33. Collective redundancy is defined in the Art. 73 (1) of the Labour Code as a redundancy triggered “*over a period of 30 days: at least 10 employees in establishments normally employing more than 20 and less than 100 workers; at least 10 per cent of the number of workers in establishments normally employing at least 100 but less than 300 workers; at least 30 in establishments normally employing 300 workers or more;*”⁸⁹

34. This definition was transposed according to the Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies. However, based on the Centre’s consultations with Trade Union representatives⁹⁰, the period of 30 days allows employers to easily manage redundancies throughout the year (e.g. repeated monthly dismissals of 29 employees by one of the main employers in the region) and avoid related duties towards employees, representatives of employees and to the Office of Labour, Social Affairs and Family of the Slovak Republic (hereinafter “the Office of Labour, Social Affairs and Family”), including financial compensations for employees and duty to inform and consult with

⁸⁷ Slovak National Centre for Human Rights: “Expert opinion on legal means of solving bossing in the workplace”, 2017, available in Slovak at <https://www.snslp.sk/wp-content/uploads/2017-18-Odborne-stanovisko-pravne-prostriedky-riesenia-bossingu-na-pracovisku.pdf>.

⁸⁸ Slovak National Centre for Human Rights: “Expert Opinions”, available in Slovak at <https://www.snslp.sk/nasa-cinnost/pravne-sluzby/odborne-stanoviska/>.

⁸⁹ Act No. 311/2001 Coll. Labour Code, as amended, 2 July 2001, available in Slovak at: <https://www.slovlex.sk/pravne-predpisy/SK/ZZ/2001/311/20220601.html>.

⁹⁰ Online consultations with representatives of trade unions organized in Confederation of Trade Unions in the Slovak Republic, legal departments, data collected by email (received from CTU SR on 31 May 2022).



representatives of employees in good time prior to redundancies.

Collective redundancies in 2019 and 2020

35. In 2019, at the beginning of the first hit of COVID-19 on national economy, there was a legislative proposal to modify definition of the collective redundancy as one of the COVID-19 related measures, which would widen up the extension of redundancies even more, together with shortened period between information of workers and termination of contracts. However, the proposal didn't come through and no legislative changes of definition or related duties of employers were adopted.

36. The Office of Labour, Social Affairs and Family is responsible for guiding the administrative process of collective dismissals to ensure that all necessary steps were undertaken by employers to create conditions for effective exercise of the right of workers to be informed and consulted. This administrative process, however, enables to monitor compliance on formal level only (e.g. copy of information for employees and results of the meeting with representatives of employees are mandatory annexes to the administrative form) and further monitoring and inspections is exercised scarcely or not at all. According to the information from the Office of Labour, Social Affairs and Family⁹¹, data about compliance with the administrative process are not being collected and evaluated by the Office nor were there any controls executed in the period of 2019 – 2021.

37. Offices of labour inspection execute general competencies to guardship duties of employers towards employees and their representatives.⁹² According to the information provided by the National Labour Inspectorate of the Slovak Republic (hereinafter “National Labour Inspectorate”), it can be concluded that in 2019 and 2020 there was a significant increase in the number of controls which identified a breach of Art. 73 of the Labour Code (*Figure 1*), however, without information about the total number of executed controls, an interpretation of this increase is not possible.

⁹¹ Official request for information (No. 2022/00387-04-VČ) addressed to the National Office of Labour, Social Affairs and Family, response received on 30 May 2022, No. 2022/101145UPS/US1/OPS/INF/202/126.

⁹² Act No. 125/2006 Coll. on labour inspection and changes and complements to Act No. 82/2005 Coll. on illegal labour and employment, as amended, 09 March 2006, Art. 7 (3) and Art. 2 (1), available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/125/20210401>



Figure 1: Number of identified breaches of Art. 73 of the Labour Code in the period of 2017 – 2021.⁹³

Calendar Year	2017	2018	2019	2020	2021	Total
Number of identified breaches of Art. 73 of the Labour Code	0	1	3	5	3	12

Figure 2: Number of identified breaches of Art. 73 of the Labour Code in the period of 2017 – 2021 based on the subject matter of the breach.⁹⁴

Clause of the Labour Code	No. of cases
Art. 73 (2) – duties related to information and consultation	3
Art. 73 (3) – duties to inform the Office of Labour, Social Affairs and Family	2
Art. 73 (4) – duty to inform about the results of the consultation	3
Art. 73 (6) – period of one month between information and termination of working contract	3
Art. 73 (8) – financial compensation of employees in case that employer didn't comply with (2) – (4) and (6)	1
Total	12

38. The National Labour Inspectorate does not collect and evaluate the measures directed to employers in case of negative findings of inspection. Based on partial information collected by the Centre, it seems that a fine is issued rarely and in a low amount (only once and in the amount of 300 EUR in the period 2017 – 2021). In cases of breach of Art. 73 (2), **labour inspectorates order the employers either “to refrain from similar action in the future” or “to implement correction”**.⁹⁵ The Centre does not consider the above-mentioned measures as a strong motivation for employers to avoid breaching the rights of workers to be informed and consulted.

39. Data on collective dismissals (collected by the Offices of Labour, Social Affairs and Family) for the period of 2016 – 2021 show that there was a significant increase of announced dismissals in 2020 (*Figure 3*). Comparing the amount of announced termination of contracts, the significant increase is visible in 2019 already and a decrease in 2021 is very slight (*Figure 4*).

⁹³ Email request for collaboration on data collection/consultations addressed to the representative of the National Labour Inspectorate on 17 May 2022, response received on 07 June 2022.

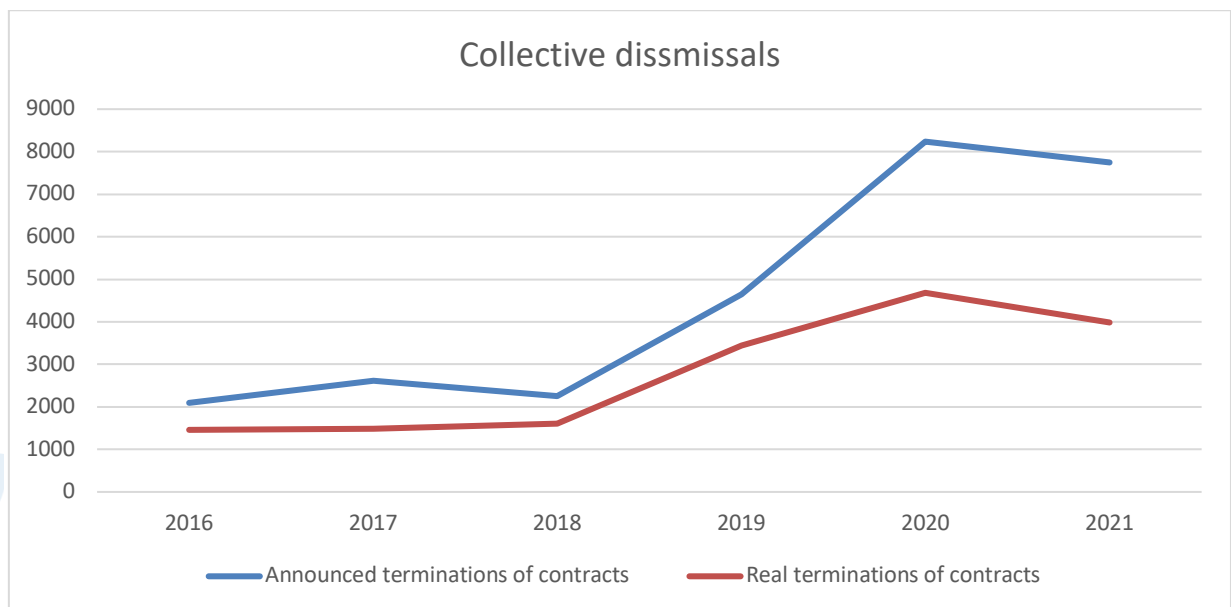
⁹⁴ Ibid.

⁹⁵ Official request for information (No. 2022/00154-2-04-VČ) addressed to the National Labour Inspectorate, on 23 May 2022. Responses received on 30 May 2022, 31 May 2022 and 03 July 2022.

Figure 3: Overview of announced dismissals in the period of 2016 - 2021⁹⁶

	Announced dismissals	Announced number of employees affected	Number of employees with terminated contracts	Deviation from announced	Deviation from announced (%)	Number of "zero" dis.	Zero dis. as % from announced
2016	31	2094	1459	635	30,32	4	12,9
2017	21	2609	1488	1121	42,97	3	25,0
2018	31	2259	1608	651	28,82	5	16,1
2019	40	4648	3448	1200	25,82	1	2,5
2020	81	8237	4682	3555	43,16	2	2,5
2021	49	7751	3982	3769	48,63	6	12,2

Figure 4: Collective dismissals – terminations of contracts⁹⁷



⁹⁶ Official request for information (No. 2022/00294-04-VČ) addressed to the Central Office of Labour, Social Affairs and Family on 19 April 2022, responses received on 13 May 2022 and 18 May 2022.

⁹⁷ Ibid.



40. One of the roles of a control mechanism administered by the Office of Labour, Social Affairs and Family is to prevent collective dismissals or their extensity through the administrative process and dialogue with an employer and workers' representatives. In this regard, more than 40 % of jobs were kept in 2020 in comparison to 29 % in 2018 and 25 % in 2019. It might be therefore suggested that although there was an increase of announced dismissals in 2019 and 2020, public institutions were relatively successful in their role to divert the negative impact and assist employers in finding different solutions. The impact of COVID-19 related measures and financial aid to employers on the increase in announced collective dismissals require further analysis, however, direct or indirect impact of COVID-19 related measures might be presumed. Another factor, which might have influenced the increase in announced dismissals may be a decrease of inspections. In 2020, only 18 155 subjects were inspected⁹⁸ in comparison with 28 478 subjects in 2019⁹⁹ and 30 379 subjects in 2018¹⁰⁰. Another indicator of efficiency of preventive mechanisms is the number of "zero dismissals" – number of dismissals which are announced but prevented. In this regard, the Offices of Labour, Social Affairs and Family were not successful in prevention efforts, as only 2,5 % of announced dismissals were prevented in 2019 and 2020 (as compared with 16 % in 2018 and 25 % in 2017).¹⁰¹

⁹⁸ National Labour Inspectorate: *Report on protection of labour in 2020. Figures, 2021*, available in Slovak at <https://www.ip.gov.sk/spravy-o-cinnosti/?ip=nip>.

⁹⁹ National Labour Inspectorate: *Report on protection of labour in 2019. Figures, 2020*, available in Slovak at <https://www.ip.gov.sk/sprava-o-stave-ochrany-prace-za-rok-2019/>.

¹⁰⁰ National Labour Inspectorate: *Report on protection of labour in 2018. Figures, 2019*, available in Slovak at <https://www.ip.gov.sk/sprava-o-stave-ochrany-prace-za-rok-2018/>.

¹⁰¹ Official request for information (No. 2022/00294-04-VČ) addressed to the National Office of Labour, Social Affairs and Family on 19 April 2022, responses received on 13 May 2022 and 18 May 2022.



APPENDIX

Legislative framework on labour rights during COVID-19 pandemic in 2020

1. The year 2020 was marked by the COVID-19 pandemic, which impacted the exercise of human rights and fundamental freedoms. The pandemic and the subsequent state of emergencies adopted by the Government of the Slovak Republic had a major impact on the area of labour rights and significantly influenced the working life of employees. It has necessitated a change and modification of working life and the subsequent legislation in the area of employment in order to effectively react to the ongoing challenges created by the pandemic. In this relation, a number of legislative acts were adopted to respond quickly not only to the COVID-19 pandemic, but also to the governmental measures adopted. As the Centre has previously reported in its annual Report on the Observance of Human Rights Including the Principle of Equal Treatment in the Slovak Republic for the Year 2020,¹⁰² measures that were part of the legislative process in the field of labour law in 2020 were among the most numerous.

2. The amendments to the existing legislative framework, namely the acts adopted to amend and supplement Act No. 311/2001 Coll. Labour Code, as amended¹⁰³ (hereinafter the “Labour Code”) and Act No. 461/2003 Coll. on Social Insurance, as amended¹⁰⁴ (hereinafter the “Act on Social Insurance”) concerned namely issues relating to the modification of conditions for the performance of work from home, wage compensation in the event of an obstacle to work on the part of the employer, distribution of working time, employees’ absence at work, or sickness and nursing care benefit. In particular, **Act No. 63/2020 Coll. amending and supplementing Act No. 461/2003 Coll. on Social Insurance, as amended and supplementing certain acts**¹⁰⁵ was the first act adopted to amend the existing employment related legislative framework. It aimed to improve the financial situation of recipients of sickness and nursing care benefits and to help to partially mitigate the negative financial impact on employers in relation to COVID-19 pandemic. In addition, it also provided conceptual harmonization of the scope of obstacles at work in Section 141(1) of the Labour Code and under the Social Insurance Act in the interest of application practice, as well as it amended the conditions of entitlement to nursing care benefit as foreseen in Section 144a(3)(d) of the Labour Code, where the period during which an employee secures personal and all-day care of a sick family member under a special regulation, personal and all-day

¹⁰² Slovak National Centre for Human Rights: *Report on the Observance of Human Rights Including the Principle of Equal Treatment in the Slovak Republic for the Year 2020*, available at <https://www.snslp.sk/wp-content/uploads/HR-Report-2020.pdf>.

¹⁰³ Act No. 311/2001 Coll. Labour Code, as amended, 2 July 2001, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/311/20220601.html>.

¹⁰⁴ Act No. 461/2003 Coll. on Social Insurance, as amended, 30 October 2003, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/461/20220601.html>.

¹⁰⁵ Act No. 63/2020 Coll. amending and supplementing Act No. 461/2003 Coll. on Social Insurance, as amended, and supplementing certain acts, 25 March 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/63/20200327.html>.



care of a natural person under a special regulation, and the period during which a person who is otherwise caring for a child under ten years of age has undergone examination or treatment in a medical institution which could not be provided outside the employee's working hours shall not be regarded as periods of work for the purposes of leave.

3. One of the most significant legislative amendments was introduced by **Act No. 66/2020 Coll. supplementing Act No. 311/2001 Coll. Labour Code as amended and supplementing certain acts**¹⁰⁶ (hereinafter the “Act No. 66/2020”). The aim of this amendment was to maintain existing jobs by the State in a crisis situation and to help employers to respond more flexibly to an emergency situation within their company. It provided, for example, for the regulation of the use of leave, the provision of 80 % wage compensation in the event of closure, the extension of the period of unemployment benefit, the modification of obligations and others in order to protect the employees.¹⁰⁷

4. In particular, it added Section 250b on special provisions in times of extraordinary situation, emergency state or exceptional state to the 11th part of the Labour Code. These represent special provisions or deviations from other provisions of the Labour Code, which apply only during extraordinary situations, emergency state or exceptional state and two months after their revocation. Section 250b (2) stipulates the possibility for employers to order the employees to work from home upon defined circumstances, if the agreed type of work allows as well for the right of the employee to work from home, if the agreed type of work allows and it is not prevented by serious operational reasons on the part of the employer that do not allow the performance of work from home. Moreover, the place of remote working must be specified by the parties, while the rules concerning working conditions, health and safety and working hours remain unchanged. Regarding the schedule of work shifts, section 250b (3) stipulates that the employer is obliged to notify the employee of work schedules at least two days in advance, unless a shorter agreement is agreed with the employee. In comparison with the regular provision, the employer is obliged to notify the employee of work shifts at least one week in advance. Section 250b (4) also modifies the use of leave and stipulates the obligation of the employer to notify the employee of the use of leave at least seven days in advance, and in the case of untaken leave under Section 113 (2), at least two days in advance. This period may be shortened with the consent of the staff member. Previously, it was 14 days in advance.

5. Furthermore, according to Section 250b (5), an employee who, during a crisis, uses an important personal obstacle at work to care for a sick family member or care for a child, or is subject to a quarantine measure or an obligation of isolation, on termination of employment and

¹⁰⁶ Act No. 66/2020 Coll. supplementing Act No. 311/2001 Coll. Labour Code as amended and supplementing certain acts, 4 April 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/66/20200404>.

¹⁰⁷ National Council of the Slovak Republic: *Explanatory memorandum to the governmental draft act supplementing Act No. 311/2001 Z. z. Labour Code as amended and supplementing certain other acts*, available in Slovak at <https://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=7733>.



on return to employment, is entitled to protection equal to an employee who is temporarily unable to work. In addition, according to Section 250b (6), if an employee is unable to perform work, in whole or in part, for the cessation or restriction of the employer's activity by decision of the competent authority or the cessation or restriction of the employer's activity as a result of a declaration of an extraordinary situation, emergency state or exceptional, it is an obstacle to work on the part of the employer, in which the employee is entitled to compensation of wages in the amount of 80 % of his average earnings, but at least in the amount of the minimum wage. This provision is, however, not applicable to employees of economic mobilization entities in which a duty of employment has been imposed.

6. Moreover, **Act No. 66/2020 Coll. also amended Act No. 124/2006 Coll. on safety and health at work.**¹⁰⁸ According to the general explanatory memorandum to the proposal,¹⁰⁹ the aim was to relieve employers and entrepreneurs in times of crisis from fulfilling the obligations arising from this law, which objectively, even with regard to measures taken in crisis, cannot be met or would be particularly difficult, whether it is disproportionately burdensome (e.g. due to the ban on mass events, it is not possible to carry out a mass acquaintance of employees in the field of occupational safety and health; the participation of employees in reconditioning stays, etc. is also out of the question).

7. Furthermore, **Act No. 68/2020 Coll. supplementing Act No. 461/2003 Coll. on Social Insurance, as amended, and amending and supplementing certain acts**¹¹⁰ was adopted to mitigate the economic impact on social security contributions and compulsory old age pension contributions. A postponement of the payment of insurance premiums for compulsory sickness insurance and compulsory pension insurance of self-employed persons and insurance premiums paid by the employer for March 2020, or for another period that may be established by the Government of the Slovak Republic by its regulation, was accepted. Premiums paid by the employee and deducted by the employer are not covered by the change. On the other hand, this exception also applies to employers and compulsorily insured self-employed persons who show a decrease in net turnover or income from business and other self-employed activity by 40 % or more.

8. Moreover, **Act No. 95/2020 Coll. supplementing Act No. 461/2003 Coll. on Social Insurance, as amended and amending and supplementing certain acts**¹¹¹ removed the

¹⁰⁸ Act No. 124/2006 Coll. on the safety and protection of health at work, amending and supplementing certain acts, as amended, 2 February 2006, available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/124/20220101.html>.

¹⁰⁹ National Council of the Slovak Republic: *Explanatory memorandum*, available in Slovak at: <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=476879>

¹¹⁰ Act No. 68/2020 Coll. supplementing Act No. 461/2003 Coll. on Social Insurance, as amended, and amending and supplementing certain acts, 3 April 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/68/20200406.html>.

¹¹¹ Act No. 95/2020 Coll. supplementing Act No. 461/2003 Coll. on Social Insurance, as amended and amending and supplementing certain acts, 22 April 2022, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/95/20200425.html>.



obligation to pay premiums to employers or compulsorily insured and compulsorily insured self-employed persons for April 2020, or for another period that may be established by the Government of the Slovak Republic by its regulation. This exception applied to employers or compulsorily insured self-employed persons who, in April 2020, closed operations for at least 15 days because of the Measures of the Public Health Authority of the Slovak Republic.

9. **Act No. 127/2020 Coll. amending and supplementing Act No. 461/2003 Coll. on Social Insurance as amended and amending and supplementing certain acts**,¹¹² added a provision concerning filing of tax return, stipulating the time limits of social security contributions and compulsory old age pension for a self-employed person with compulsory sickness insurance and compulsory pension insurance who had an extended period for filing a tax return for 2019 under a special regulation.

10. In addition, **Act No. 157/2020 Coll. supplementing Act No. 461/2003 Coll. on social insurance, as amended and supplementing Labour Code and supplementing Act No. 311/2001 Coll. Labour Code as amended**¹¹³ was also adopted. With the aim to maintain employment, a new Section 252o Transitional Provision in the event of an emergency situation, emergency state or exceptional state declared in connection with the COVID-19 disease was introduced into the Labour Code in Article II of the Act, allowing for a transitional period, the extension or renegotiation of a fixed-term employment relationship beyond the existing regulation.

11. Furthermore, **Act No. 330/2020 Coll. supplementing Act No. 461/2003 Coll. on Social Insurance, as amended**¹¹⁴ added Section 293fea to the Act on Social Insurance and stipulated that a natural person is entitled to an accident allowance if, during a crisis situation, he or she is found to be temporarily unfit for work because of a COVID-19 disease contracted in the course of certain types of activities, where there is demonstrable contact with that disease or with infectious material as part of that activity.

12. Besides amendments to legislative framework concerning the working life in general through the adoption of certain acts aimed at amending the Labour Code and the Social Insurance Act, several regulations and resolutions were adopted by the Government of the Slovak Republic to react to the challenging situation created by COVID-19 in the employment area. The majority of the resolutions of the Government of the Slovak Republic focused on imposing employment obligation on the employees.

¹¹² Act No. 127/2020 Coll. amending and supplementing Act No. 461/2003 Coll. on Social Insurance as amended and amending and supplementing certain acts, 13 May 2020, available in Slovak <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/127/20200521.html>.

¹¹³ Act No. 157/2020 Coll. supplementing Act No. 461/2003 Coll. on social insurance, as amended and supplementing Labour Code and supplementing Act No. 311/2001 Coll. Labour Code as amended, 9 June 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/157/20200617.html>.

¹¹⁴ Act No. 330/2020 Coll. supplementing Act No. 461/2003 Coll. on Social Insurance, as amended, 3 November 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/330/20201121.html>.



Overview of the adopted measures in the field of labour law in 2020:

Acts:

- **Act No. 63/2020 Coll.** amending and supplementing Act No. 461/2003 Coll. on Social Insurance, as amended, and supplementing certain acts¹¹⁵
- **Act No. 66/2020 Coll.** supplementing Act No. 311/2001 Coll. Labour Code as amended and supplementing certain acts¹¹⁶
- **Act No. 68/2020 Coll.** supplementing Act No. 461/2003 Coll. on Social Insurance, as amended, and supplementing certain acts¹¹⁷
- **Act No. 95/2020 Coll.** supplementing Act No. 461/2003 Coll. on social insurance, as amended and amending and supplementing certain acts¹¹⁸
- **Act No. 127/2020 Coll.** amending and supplementing Act No. 461/2003 Coll. on Social Insurance as amended and amending and supplementing certain acts¹¹⁹
- **Act No. 125/2020 Coll.** amending and supplementing Act No. 578/2004 Coll. on Healthcare Providers, Healthcare Workers, Professional Organisations in Healthcare care and amending and supplementing certain acts, as amended, and amending and supplementing certain acts¹²⁰
- **Act No. 157/2020 Coll.** supplementing Act No. 461/2003 Coll. on Social Insurance, as amended and supplementing Labour Code and supplementing Act No. 311/2001 Coll. Labour Code as amended¹²¹

¹¹⁵ Act No. 63/2020 Coll. amending and supplementing Act No. 461/2003 Coll. on Social Insurance, as amended, and supplementing certain acts, 25 March 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/63/20200327.html>.

¹¹⁶ Act No. 124/2006 Coll. on the safety and protection of health at work, amending and supplementing certain acts, as amended, 2 February 2006, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/66/20200404.html>.

¹¹⁷ Act No. 68/2020 Coll. supplementing Act No. 461/2003 Coll. on Social Insurance, as amended, and amending and supplementing certain acts, 3 April 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/68/20200406.html>.

¹¹⁸ Act No. 95/2020 Coll. supplementing Act No. 461/2003 Coll. on Social Insurance, as amended and amending and supplementing certain acts, 22 April 2022, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/95/20200425.html>.

¹¹⁹ Act No. 127/2020 Coll. amending and supplementing Act No. 461/2003 Coll. on Social Insurance as amended and amending and supplementing certain acts, 13 May 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/127/20200521.html>.

¹²⁰ Act No. 125/2020 Coll. amending and supplementing Act No. 578/2004 Coll. on Healthcare Providers, Healthcare Workers, Professional Organisations in Healthcare care and amending and supplementing certain acts, as amended, and amending and supplementing certain acts, 13 May 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/125/20200521.html>.

¹²¹ Act No. 157/2020 Coll. supplementing Act No. 461/2003 Coll. on social insurance, as amended and supplementing Labour Code and supplementing Act No. 311/2001 Coll. Labour Code as amended, 9 June 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/157/20200617.html>.



- **Act No. 330/2020 Coll.** supplementing Act No. 461/2003 Coll. on Social Insurance, as amended¹²²
- **Act No. 372/2020 Coll.** amending and supplementing Act No. 461/2003 Coll. on Social Insurance, as amended¹²³

Regulations of the Government of the Slovak Republic:

- Regulation of the Government of the Slovak Republic **No. 77/2020 Coll.**¹²⁴ ordered the implementation of certain economic mobilization measures and their financing at the time of the declared state of emergency
- Regulation of the Government of the Slovak Republic **No. 117/2020 Coll.**¹²⁵ amended Regulation of the Government of the Slovak Republic No. 77/2020 Coll. concerning the organization of supply of vital goods and their sale using exceptional regulatory measures
- Regulation of the Government of the Slovak Republic **No. 189/2020 Coll.**¹²⁶ repealed Regulation of the Government of the Slovak Republic No. 77/2020 Coll.
- Regulation of the Government of the Slovak Republic **No. 269/2020 Coll.**¹²⁷ ordered the implementation of certain economic mobilization measures and their financing at the time of the declared state of emergency

Resolutions of the Government of the Slovak Republic:

- Resolution of the Government of the Slovak Republic **No. 45/2020 Coll.**¹²⁸ declared a state of emergency and imposed an employment obligation on the employees of the providers of inpatient healthcare during the state of emergency and prohibiting the exercise of the right to strike by persons subjected to an employment obligation

¹²² Act No. 330/2020 Coll. supplementing Act No. 461/2003 Coll. on Social Insurance, as amended, 3 November 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/330/20201121.html>.

¹²³ Act No. 372/2020 Coll. amending and supplementing Act No. 461/2003 Coll. on Social Insurance, as amended, 26 November 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/372/20201230.html>.

¹²⁴ Regulation of the Government of the Slovak Republic No. 77/2020 Coll., 9 April 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/77/20200410.html>.

¹²⁵ Regulation of the Government of the Slovak Republic No. 117/2020 Coll., 11 May 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/117/20200513.html>.

¹²⁶ Regulation of the Government of the Slovak Republic No. 189/2020 Coll., 1 July 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/189/20200707.html>.

¹²⁷ Regulation of the Government of the Slovak Republic No. 269/2020 Coll., 30 September 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/269/20201001.html>.

¹²⁸ Resolution of the Government of the Slovak Republic No. 45/2020 Coll., 15 March 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/45/20200316.html>.



- Resolution of the Government of the Slovak Republic **No. 49/2020 Coll.**¹²⁹ extended the employment obligation to employees of other types of entities ensure the provision of healthcare and extended the prohibition on exercising the right to strike by certain workers
- Resolution of the Government of the Slovak Republic **No. 64/2020 Coll.**¹³⁰ extended an employment obligation to ensure the provision of healthcare in the scope of nursing care in residential social services facilities, which are facilities for the elderly, nursing services facilities, social service homes, specialized facilities, in facilities for the socio-legal protection of children and social guardianship, which are centres for children and families and extended the prohibition on the exercise of the right to strike by some employees
- Resolution of the Government of the Slovak Republic **No. 72/2020 Coll.**¹³¹ introduced a restriction on freedom of movement and residence by curfew, introducing an exception to this restriction in the scope of the usual journey to and from employment and travel for business or other similar activity
- Resolution of the Government of the Slovak Republic **No. 84/2020 Coll.**¹³² extended an employment obligation to ensure the provision of healthcare to other holders of permits to operate outpatient healthcare facilities and extended the prohibition on exercising the right to strike by some workers
- Resolution of the Government of the Slovak Republic **No. 147/2020 Coll.**¹³³ ended the emergency state, repealed the imposition of the employment obligation to secure the provision of healthcare, repealed the prohibition on the exercise of the right to strike by certain employees and repealed the prohibition on the exercise of the right to peaceful assembly, however, the extraordinary situation declared previously remained even after the end of the emergency state
- Resolution of the Government of the Slovak Republic **No. 290/2020 Coll.**¹³⁴ repeatedly restricted freedom of movement and residence by a curfew from 24 October 2020 to 01 November 2020 in the period from 05:00 a.m. until 01:00 a.m. the following day, while distinguishing between a stricter regime in selected districts of the Slovak Republic within which if an employee wanted to apply for an exemption from the restriction to travel to and from work, he/she had to be able to provide a negative result of the RT-PCR test or antigen test certified in the territory of the EU for COVID-19 disease performed no more

¹²⁹ Resolution of the Government of the Slovak Republic No. 49/2020 Coll., 18 March 2020, available in Slovak at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/49/20200319.html>.

¹³⁰ Resolution of the Government of the Slovak Republic No. 64/2020 Coll., 27 March 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/64/20200328.html>.

¹³¹ Resolution of the Government of the Slovak Republic No. 72/2020 Coll., 6 April 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/72/20200408.html>.

¹³² Resolution of the Government of the Slovak Republic No. 84/2020 Coll., 16 April 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/84/20200418.html>.

¹³³ Resolution of the Government of the Slovak Republic No. 147/2020 Coll., 10 June 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/147/20200610.html>.

¹³⁴ Resolution of the Government of the Slovak Republic No. 290/2020 Coll., 22 October 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/290/20201023.html>.



than 24 hours before the prohibition expires, or carried out during the period of prohibition under this resolution

- Resolution of the Government of the Slovak Republic **No. 298/2020 Coll.**¹³⁵ extended the restriction of freedom of movement and residence, which however, did not apply to those persons who proved a negative result of RT-PCR test or a certificate issued by the Ministry of Health of the Slovak Republic with a negative result of antigen test certified in the EU on the COVID-19 disease performed from 29 October 2020 to 01 November 2020 by subjects participating in the nationwide testing “Joint Responsibility”, or proved by confirmation of a negative result of the RT-PCR test performed during the prohibition according to this resolution
- Resolution of the Government of the Slovak Republic **No. 315/2020 Coll.**¹³⁶ extended the duration of the emergency state and the resulting restrictions until 29 December 2020
- Resolution of the Government of the Slovak Republic **No. 386/2020 Coll.**¹³⁷ as amended by Resolution of the Government of the Slovak Republic No. 718 of 11 November 2020 extended the restriction of freedom of movement and residence by a curfew during the period of Christmas holidays in 2020, in the period from 19 to 29 December 2020 which did not apply to the usual way to and from work and the trip for the performance of business or other similar activities and the return trip
- Resolution of the Government of the Slovak Republic **No. 427/2020 Coll.**¹³⁸ extended the state of emergency and the duration of the emergency and restricted the freedom of movement and residence in the Slovak Republic by a curfew from 30 December 2020 during the period from 05.00 until 01.00 hrs the following day. However, such restriction did not apply to the usual way to and from work and the trip for the performance of business or other similar activities and the return trip.
- Resolution of the Government of the Slovak Republic **No. 453/2020 Coll.**¹³⁹ restricted freedom of movement and residence in the territory of the Slovak Republic by a curfew. However, this did not apply to the usual way to and from work of employees who, due to the nature of the work, cannot, according to the employer’s decision, perform work in the form of “home office” and return trip, and travel for the performance of business or other similar activities which cannot be performed in the form of “home office” and the return trip.

¹³⁵ Resolution of the Government of the Slovak Republic No. 298/2020 Coll., 20 October 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/298/20201029.html>.

¹³⁶ Resolution of the Government of the Slovak Republic No. 315/2020 Coll., 11 November 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/315/20201111.html>.

¹³⁷ Resolution of the Government of the Slovak Republic No. 386/2020 Coll., 16 December 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/386/20201217.html>.

¹³⁸ Resolution of the Government of the Slovak Republic No. 427/2020 Coll., 29 December 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/427/20201229.html>.

¹³⁹ Resolution of the Government of the Slovak Republic No. 453/2020 Coll., 31 December 2020, available in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/453/20201231.html>.