



SLOVAK NATIONAL
CENTRE FOR
HUMAN RIGHTS



Prevention and Protection from Sexual Harassment at Work in Slovakia

Executive Summary of National Report on Legal Framework and Judicial Practice



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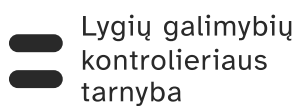


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Introduction

This legal analysis is part of the implementation of the international project **VIOLET – Towards workplaces without sexual harassment**¹ by the Slovak National Centre for Human Rights (hereinafter referred to as the “Centre”). It serves as an executive summary of the national analysis published as part of the same project. The Centre is a national anti-discrimination body established by law, and its basic tasks include, among others, monitoring and evaluating the observance of human rights and the principle of equal treatment, conducting research and surveys in the field of human rights, and preparing and publishing reports and recommendations on the issue of discrimination. The Centre has long been dedicated to the topic of sexual harassment, both within the legal counselling provided to victims of discrimination, including sexual harassment, and through its research and educational activities.

The goal of this legal analysis is to present the basic legal framework for protection against sexual harassment in the Slovak Republic and the identification of gaps in the given legal framework. Subsequently, the aim of this analysis is to identify and present how this legal framework was applied in practice between 2015 and 2024, particularly in the decision-making practice of courts and administrative bodies, as well as in the activities of the Centre. We assessed potential deficiencies in the current legal framework and its application based on our own analysis, supplemented by expert opinions obtained through research interviews with three Slovak experts on non-discrimination and gender equality. Finally, recommendations are presented for all relevant actors to improve effective protection against sexual harassment in the workplace.

1. <https://www.snsip.sk/en/project-violet/>

1. Relevant legal regulation in the Slovak Republic

1.1 Antidiscrimination Act

The key instrument of legal protection against sexual harassment in the Slovak Republic is the Antidiscrimination Act², which has contained provisions on sexual harassment since 2008 and remains the only generally binding regulation to contain it explicitly.

The Antidiscrimination Act was adopted in 2004 as part of the conditions for the Slovak Republic's entry into the European Union. The original 2004 regulation only included harassment; the definition of sexual harassment was introduced only through an amendment in 2008, following objections from the European Commission regarding the incorrect transposition of EU anti-discrimination directives.

1.2 Definition of sexual harassment

The adopted definition was taken from EU anti-discrimination directives but does not entirely correspond with the text in Directives 2006/54/EC³ and 2004/112/EC⁴. According to the Antidiscrimination Act, sexual harassment in the Slovak Republic is a form of discrimination regulated in Section 2a, Paragraph 5 of the Act as follows:

“Sexual harassment is verbal, non-verbal, or physical conduct of a sexual nature, the intent or effect of which is or may be the violation of the dignity of a person and which creates an intimidating, degrading, humiliating, hostile, or offensive environment.”

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In contrast, for example, Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (hereinafter “Directive 2006/54/EC”) regulates sexual harassment in Art. 2, Para. 1(d) as follows:

“(d) sexual harassment: where any form of **unwanted** verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, **in particular** when creating an intimidating, hostile, degrading, humiliating or offensive environment;”

Unlike the directives, the Antidiscrimination Act does not contain the qualifier of “unwanted” conduct and treats the creation of an intimidating, degrading, humiliating, hostile, or offensive environment as a cumulative condition—a condition that must be met for the conduct to be assessed as sexual harassment—whereas the directives list it as an illustrative qualifier for assessing the violation of a person's dignity.

Within the framework of EU-compliant interpretation, we must start from the premise that, even under the Antidiscrimination Act, the conduct must be unwanted and unwelcome. Given that unwanted conduct of a sexual nature can always be considered at least offensive, humiliating, or degrading, this discrepancy in the definition has not yet been identified as an obstacle to effective legal protection against sexual harassment.

2. <https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2004/365/20250701>

3. <https://eur-lex.europa.eu/eli/dir/2006/54/oj/eng>

4. <https://eur-lex.europa.eu/eli/dir/2004/112/oj/eng>

1.3 Scope of the Antidiscrimination Act

Sexual harassment is defined in the Antidiscrimination Act as a form of discrimination, which means it is not strictly considered discrimination based on sex; any discriminatory ground from the open list of discrimination grounds could in theory be applied, including, for example, sexual orientation.

The Antidiscrimination Act regulates the prohibition of discrimination in the fields of employment and similar legal relationships, social security, healthcare, the provision of goods and services, and education, thereby prohibiting sexual harassment in all these areas. For the purposes of this analysis, however, we will focus only on the field of employment and similar legal relationships, i.e., discrimination “at the workplace”.

The field of employment and similar relationships by law includes a wide range of aspects such as access to employment, performance of employment, working conditions, access to vocational training, or involvement in trade unions.

In terms of scope, the Slovak Antidiscrimination Act is progressive in that it goes beyond EU anti-discrimination directives by prohibiting discrimination, including sexual harassment, on the basis of any ground from the open list of discrimination grounds, thereby applying a horizontal principle that is missing in European legislation, and doing so in all five areas - work, education, healthcare, goods and services, and social security.

1.4 Duty of Prevention

8 An important aspect of the legal regulation in the Antidiscrimination Act is the general duty to take measures to prevent discrimination contained in Section 2, Para. 3. Failure to comply is likewise considered a violation of the principle of equal treatment. We will address this aspect specifically in Chapter 2.

1.5 Protection against Victimization

The Antidiscrimination Act in Section 2a, para. 8 regulates reprisals and victimization, which is any adverse conduct or omission directed against a person in direct connection with their complaint, seeking legal protection, or other form of participation in proceedings related to discrimination. This should be understood as various forms of reprisals directed against a person who either objects to discrimination themselves or otherwise engages in proceedings associated with discrimination. It is interesting that victimization is regulated by law as a form of discrimination, similar to an instruction or incitement to discriminate, although in these cases discrimination will not occur based on one of the open list of grounds, but based on the fulfilment of independent criteria regulated by law, or due to “other status”. In the case of victimization, the affected person does not even need to be the bearer of a so-called anti-discrimination characteristic; the very fact of being sanctioned for “standing up” for a discriminated person can represent discrimination based on “other status”.

1.6 Labour Code

The Labour Code⁵ regulates in its basic provisions in Section 1 the right to work and the free choice of employment, as well as to fair, satisfactory, transparent, and predictable working conditions and to protection against arbitrary dismissal in accordance with the principle of equal treatment and thus without discrimination.

In Section 13, the Labour Code then regulates the obligation of employers to treat employees in accordance with the principle of equal treatment in the Antidiscrimination Act, which, for example,

also includes the aforementioned obligation to take measures to prevent discrimination. According to Section 13, Para. 7, an employee also has the right to seek protection against discrimination directly from the employer by filing a complaint in connection with a violation of the principle of equal treatment, and thus also in cases of sexual harassment. We specifically address complaints to the employer in Chapter 2.1.

1.7 Specific types of employment relationships

The Labour Code is the general regulation for the field of employment relationships associated with the performance of dependent work. According to Section 1, Para. 2, dependent work should be understood as work performed “in a relationship of superiority of the employer and subordination of the employee, personally by the employee for the employer, according to the employer’s instructions, or in his name”.

Alongside the Labour Code, there are also special regulations such as the Civil Service Act, which, however, copies the wording of the Labour Code in the area of protection against discrimination in Section 4, by which it also refers to the Antidiscrimination Act.

Among the various regulations governing special employment relationships in different areas of public service, we would also mention the Financial Administration Act for the area of performance of the financial public administration, which adopts the provisions on the prohibition of discrimination from the Civil Service Act but, unlike it, as well as the Antidiscrimination Act and the Labour Code, specifically lists trade union activity among the enumerated grounds of discrimination.

In the case of self-employed persons, the regulation of the Trade Licensing Act is relevant, which in Section 5a stipulates that rights and obligations under this Act are guaranteed without discrimination according to the Antidiscrimination Act. This type of link between the Antidiscrimination Act and special regulations governing rights in various legal relationships is relevant in the Slovak legal order due to the accessory nature of the prohibition of discrimination, which we discuss in the following section.

A special area of employment relationships, which the VIOLET project (of which this analysis is a part) also focuses on, is the field of sports. According to Section 34, Para. 5 of the Sports Act, a sports organization is obliged when concluding a contract for the professional performance of sports to treat athletes in accordance with the principle of equal treatment according to the Antidiscrimination Act.

None of the special regulations, however, contains a specific provision or reference related directly to sexual harassment, protection against which is always part of the general prohibition of discrimination.

1.8 Accessory nature of discrimination in Slovak anti-discrimination law

The Slovak Antidiscrimination Act in Section 3, Para. 2 (and later in Section 5, Para. 2) regulates the accessory nature of the principle of equal treatment such that it applies only in connection with the exercise of rights contained in laws.

EU directives on equal treatment do not establish such a condition and it is more known in connection with Art. 14 of the European Convention on Human Rights; however, even in that case, a rich case law of the European Court of Human Rights has developed, according to which the accessory character of the prohibition of discrimination does not mean that a violation of a right regulated by the convention must also have occurred, and thus discrimination itself can be a violation of the convention.

This legal analysis focuses on sexual harassment in the workplace, and in this context, it is possible to start from the rights already regulated in Section 1 of the Labour Code, which we cite above—to satisfactory working conditions, under which one must undoubtedly understand conditions in which sexual harassment does not occur.

2. Implementation of legal framework in judicial practice and by public institutions

As we stated in Chapter 1, compliance with the Antidiscrimination Act consists not only in the prohibition of discrimination but also in taking measures to protect against discrimination. In the field of employment relationships, this obligation applies to employers, who are obliged to take measures to protect against discrimination, including measures to protect against sexual harassment. The Antidiscrimination Act does not contain a definition of specific measures to protect against discrimination that employers are obliged to take. It is therefore at the discretion of employers which measures for protection against sexual harassment in the workplace they adopt.

The Labour Code also does not further specify specific measures of employers to protect against discrimination. The provision of Section 13, Para. 7 of the Labour Code regulates the possibility for an employee to file a complaint with the employer in connection with a violation of the principle of equal treatment. “The employer is obliged to respond to the employee’s complaint in writing without undue delay, perform redress, refrain from such conduct and remove its consequences”.

In the absence of measures to protect against discrimination including sexual harassment in the workplace, a violation of the provision of Section 2, Para. 3 of the Antidiscrimination Act occurs.

If the employer violates its obligations under the Anti-Discrimination Act or the Labor Code, the employee has the right to contact the relevant labor inspectorate⁶ with a complaint. Labour inspectorates may then investigate the complaint and may request measures to eliminate any shortcomings found as well as impose a fine. If the employer’s internal mechanisms are not effective in eliminating sexual harassment in the workplace, the discriminated person may also seek protection in court through an anti-discrimination or labor law lawsuit.

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The center as an Equality Body provides legal advice in matters of alleged violation of the prohibition of discrimination. If the center, based on the assessment of the complaint, concludes that discriminatory conduct exists, it has the authority to represent the person concerned in an anti-discrimination dispute in court. Persons exposed to sexual harassment therefore have the opportunity to contact the center with their complaint and thus benefit from legal assistance, including potential procedural representation.

2.1 Judicial protection

The Antidiscrimination Act regulates the possibility to turn to the court and seek legal protection in the event that a person believes that they are or were affected in their rights, legally protected interests, or freedoms by non-compliance with the principle of equal treatment. For the area of employment relationships, the possibility of seeking legal protection in court is also regulated by the provision of Section 13, Para. 9 of the Labour Code, in the event that an employee believes that their rights or legally protected interests were violated by non-compliance with the principle of equal treatment. In anti-discrimination disputes, the shifted burden of proof applies.

With an anti-discrimination lawsuit, a person can primarily seek “that the one who did not comply with the principle of equal treatment refrains from his conduct, if possible, rectifies the unlawful state or provides appropriate satisfaction”. Appropriate satisfaction in practice represents primarily an apology to the victim of discrimination. If appropriate satisfaction were not sufficient, especially if the dignity, social status, or social fulfillment of the person was significantly reduced by non-compliance with the principle of equal treatment, it is also possible to seek compensation for non-pecuniary damage in money. “The amount of compensation for non-pecuniary damage in money will be determined by the court taking into account the severity of the non-pecuniary damage that arose and all the circumstances under which it arose”.

6. <https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2006/125/>

3. Analysis of available legal means of protection against sexual harassment

This chapter focuses on assessing the effectiveness of using legal means of protection against sexual harassment outside the employer's environment. Special attention is paid to the practice of labour inspectorates, the decision-making activity of courts, as well as cases of the Centre with the aim of evaluating how the relevant authorities approach the assessment of sexual harassment cases.

3.1 Resolving sexual harassment through labour inspectorates

Requests based on the Act on Free Access to Information was used for data collection. All labour inspectorates were addressed with a request to provide the following information:

1. All complaints from employees concerning sexual harassment (in anonymized form) that the relevant labour inspectorate investigated for the period from 2015 to 2024.
2. All protocols on the result of the labour inspection that the relevant labour inspectorate (Bratislava) prepared in connection with the investigation of sexual harassment complaints (in anonymized form) for the period from 2015 to 2024.

None of the labour inspectorates provided the requested information. The reasons for non-provision varied—several inspectorates stated that they do not keep separate records of this data, and their manual searching would represent an inappropriate administrative burden. Some stated they found no protocols of inspection which would find a violation of the prohibition of discrimination in the form of sexual harassment, others stated that they do not provide information on complaints due to legal obligation of confidentiality.

Given the above, it was not possible to comprehensively evaluate the effectiveness of legal protection against sexual harassment through complaints addressed to labour inspectorates.

The National Labour Inspectorate⁷ regularly publishes an information report on discrimination and gender equality in employment relationships. Even in this report, information regarding cases of sexual harassment is not separately published. From the information report on discrimination and gender equality in employment relationships for 2024, it follows that among the submissions that labour inspectorates verified was “sexual harassment of an employee by a colleague (after pointing out this fact, the employment relationship with the employee was terminated during the probationary period)”.

As a result, persons experiencing sexual harassment are to a greater extent reliant on their own initiative, instead of systematic protection from the state. The lack of published and evaluated data on these cases can at the same time act as a demotivator for filing complaints, as victims may gain the impression that this issue is not being given sufficient attention.

3.2 Cases of Sexual Harassment in Courts

Part of the analysis involved determining the number of sexual harassment cases deliberated by Slovak courts between 2015 and 2024, as well as the methods of their assessment. Data collection was carried out through a combination of obtaining information from district and regional courts via freedom of information requests and by searching for relevant court decisions published on the website of the Ministry of Justice of the Slovak Republic (all court decisions must be published there by law). All district and regional courts were requested to provide:

- All final decisions of district courts in anti-discrimination and labor disputes related to sexual harassment for the period from 2015 to 2024 in anonymized form.
- All decisions of appellate courts in which regional courts ruled on anti-discrimination and labor disputes related to sexual harassment for the period from 2015 to 2024 in anonymized form.

Based on the request for information, the District Court of Poprad provided one decision in a labour dispute concerning sexual harassment. Other district and regional courts did not provide decisions, either because they did not rule on such matters during the period in question or due to the lack of search tools allowing for the identification of relevant decisions in the court register.

Supplementary searches for court decisions on the Ministry of Justice website revealed that between 2015 and 2024, the Regional Court of Prešov and the Regional Court of Trnava ruled on a labour dispute regarding sexual harassment, and the District Court of Topoľčany ruled on an anti-discrimination lawsuit for breach of the principle of equal treatment in a labour relationship due to “other status,” the subject of which was sexual harassment. The Regional Court of Prešov also ruled on a case regarding the protection of personality related to sexual harassment. In all identified labour disputes, the cases involved lawsuits by employees whose employment had been terminated due to the sexual harassment of another female employee.

In one of these cases both the first-instance and appellate courts concluded that the sexual harassment of an employee, as conduct that interferes with the human dignity of the person concerned, reaches the intensity of a serious breach of work discipline, justifying immediate termination by the employer.

However, in another a significant gap was identified as it concerned a case of sexual harassment during an event (an employer’s party). In the appellate court’s view, it was an entertainment event that had no connection to work tasks, even if it were organized and fully financed by the defendant for its employees. Therefore, in the court’s view, an employee’s conduct at such an event cannot be considered a breach of work duties that constitutes grounds for immediate termination, because it did not occur during the fulfilment of work tasks (the attendance of employees at a summer party had no connection to their work tasks) or in direct connection with the fulfilment of work tasks (the summer party cannot be considered a training session).

This decision raises questions regarding the practical impact on access to justice for persons experiencing sexual harassment. Informal work events, often associated with alcohol consumption, represent environments where sexual harassment may occur more frequently. However, if such conduct is not considered related to the performance of work, applying protection measures and holding the harasser accountable may be difficult, which can also affect the ability of persons experiencing sexual harassment to defend themselves effectively.

In another decision we observed elements of relativization of the plaintiff’s conduct in the reasoning of the decision, as the court interpreted behaviour through personality characteristics (e.g., as being “touchy”) and pointed to the different perceptions of such behaviour by different people. Although the court correctly reflected the subjective dimension of perceiving inappropriate behaviour, such an approach may give the impression of diminishing the gravity of the conduct from the perspective of victim protection, especially if the emphasis shifts to the variability of its perception instead of assessing its impermissibility.

7. <https://www.ip.gov.sk/pracovnopravne-vztahy/diskriminacia-rodova-rovnost/>

Based on examined court decisions, it can be stated that case law on sexual harassment in the Slovak Republic develops primarily through disputes over the invalidity of employment termination initiated by employees whom the employer fired for suspected sexual harassment of other female employees. Since individual labour disputes are among those with protection for the weaker party (the employee), the employee suspected of sexual harassment acts as the weaker party, and the employer is obliged to prove that the conduct for which it terminated the employment actually occurred. Consequently, situations arise where creating a *prima facie* case—as is common in standard anti-discrimination disputes—is insufficient to prove sexual harassment.

The only anti-discrimination lawsuit regarding sexual harassment in the workplace during the monitored period was deliberated by the District Court of Topoľčany. This lawsuit was filed on behalf of the plaintiff by the Centre. In this case a male plaintiff suffered sexual harassment from a female managing director after terminating their intimate relationship, and subsequently suffered various reprisals, bossing and other actions until receiving a notice of termination of employment. In this case the court concluded that the defendant's constituted direct discrimination, arriving at this conclusion by comparing the defendant's treatment of the plaintiff with that of another employee in the same position. The court therefore concluded that the plaintiff was treated less favourably precisely because of his "other status" following the termination of his relationship with the managing director.

3.3 Cases of the Slovak National Centre for Human Rights

The Centre, in its position as the national anti-discrimination body, is authorized to provide legal assistance to victims of discrimination and manifestations of intolerance. Part of the legal counselling includes the possibility of representing victims of sexual harassment in anti-discrimination disputes in court. Despite this institutional position, data for the period 2015–2024 indicate a very low rate of use of these tools by potential victims of sexual harassment.

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An analysis of individual years shows that the number of complaints regarding sexual harassment is minimal. In the monitored period, the Centre recorded a total of only 12 cases of alleged sexual harassment, with no cases recorded in some years (2015, 2017, 2020). In most (11) cases the victims of sexual harassment were women.

Even in cases where individuals turned to the Centre, in 8 out of 12 cases further procedural steps often did not occur—whether due to the inactivity of the clients, requests for anonymity, or a lack of interest in seeking protection through the courts. This fact suggests the existence of several barriers to the exercise of rights, which may relate, for example, to fear of stigmatization, loss of employment, or a lack of trust in the effectiveness of legal protection.

In two cases of the Centre out-of-court settlements were reached. In 2021 one complaint was resolved through an out-of-court settlement agreement with a confidentiality clause. Similarly, a public lawsuit regarding sexual harassment in the field of education, filed by the Centre in 2023, was concluded by an out-of-court settlement. One case from 2024 aimed only at the issuance of an expert opinion by the Centre.

4. Main Findings

The main identified challenge regarding sexual harassment in the workplace is a clear discrepancy between social latency and the prevalence of sexual harassment—which, according to research by the Institute for Labour and Family Research in Slovakia, more than half of the population has encountered—and the extent to which victims use available remedies, specifically the option to go to court.

Due to the lack of data, whether from court proceedings or administrative proceedings conducted by the labour inspectorates, we chose the format of research interviews with experts in the field of non-discrimination and gender equality. In our interviews, they identified several obstacles faced by victims of sexual harassment, ranging from legislative to social.

According to one expert: “The problem is social and relates to a reduced sensitivity to such cases and persisting stereotypes about what a woman should endure, what is natural, and so on.”

She identified measures introduced by employers as key, which should include mandatory reporting mechanisms and confidants, following the model of the academic community. She also suggested that training on occupational safety and health, which all employees must undergo, should include the topic of sexual harassment, as a safe working environment can only exist without harassment, including sexual harassment.

At the same time, she pointed to the role of the Centre to act more actively in the litigation environment to help “break the ice” regarding the insufficient pursuit of protection in court. However, she acknowledged that the disadvantages of court proceedings are their length, as well as the reluctance of Slovak courts to deal with compensation for non-pecuniary damage in money, which acts as a demotivator for victims to turn to the court.

In connection with non-pecuniary damage in money, we would like to point out that its application is not automatic in cases of discrimination or specifically sexual harassment. According to Section 9, Paragraph 3, it only comes into consideration if appropriate satisfaction (e.g., in the form of an apology) is not sufficient, especially if the discrimination resulted in “a significant reduction of the dignity, social status, or social fulfilment of the injured person.” A victim of sexual harassment must therefore prove significantly reduced dignity, social status, or social fulfilment in court, which we consider undignified in itself.

Regarding the question of sanctions or forms of remedy, we spoke with an expert on violence against women: “I see an analogy here with women experiencing violence, where the primary need is for the conduct to stop and then for the harm to be acknowledged. Afterwards, regarding reparation or further steps, the needs are individual. The primary need is always safety.”

Given the average length of civil proceedings, it is clear that achieving the cessation of the challenged conduct through the courts can take a very long time, making it unrealistic for victims to turn to the court with this goal.

“On the contrary, internal mechanisms at the employer can be very effective. Especially for fulfilling that first requirement—stopping the unwanted conduct. But if we do not have an effective legal superstructure, there is no pressure on employers to create such mechanisms. That pressure must be created by the state’s normative measures.”

Non-discrimination expert with experience handling discrimination cases, who we interviewed also pointed out legislative deficiencies in the Anti-Discrimination Act itself.

“From a conceptual standpoint, it would help the regulation not to speak of sexual, i.e., some biological aspect of harassment, but for us to speak of sexualized harassment, i.e., a social and power phenomenon.”

In agreement with other experts, she pointed out that unless sexual harassment takes the form of sexual violence, it is often trivialized by those responsible and the victim's surroundings. She notes that in practice, in cases of discrimination, if a person decides to sue, it is usually at a time when they have decided to leave their job or have already done so. The decision to go to court is therefore seen as "a decision that transcends solving sexual harassment as such and often requires an unwanted career change."

All experts pointed out that employers are not prepared to identify cases of sexual harassment and lack mechanisms for their resolution.

Another identified legal issue was insufficient procedural powers of the labour inspectorate: "Labour inspectorates should be able to identify and sanction such cases. Because their law on labour inspection contains no procedural mechanisms for proving discrimination, they resort only to documentary evidence. Naturally, in sexual harassment, documentary evidence will not usually exist."

In the context of protection against sexual harassment, labour inspectorates represent a potentially effective tool for external control, especially in situations where the employer's internal mechanisms fail or are not sufficiently effective.

Systematic monitoring of sexual harassment in labour relations and an active approach by public administration bodies would also send a signal to employees that protection against sexual harassment is a state priority.

Regarding court proceedings, experts point out that the vast majority of discrimination cases in courts are led by non-governmental organizations. Role of the Centre was highlighted, since it has a legal mandate and funding to bring these cases to the courts. It has its own source of information from complaints, is authorized to conduct research that can serve as evidence and is therefore in the best position to devote itself to strategic topics and file public lawsuits.

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Experts also pointed out barriers to access to justice in discrimination cases in the prices of legal services, as well as the risk of the obligation to pay the opposing party's costs in the event of failure. "In that context, the length of these proceedings is even more discouraging; which is in turn related to the fact that courts lack sensitivity and expertise on discrimination, many are not familiar with them, and often do not know how to handle discrimination cases and often project their personal views and outdated legal concepts on them."

In conclusion, we can say that deficiencies can be identified across the system. From the definition of sexual harassment itself, the lack of pressure on employers to create reporting and assistance mechanisms, the lack of authority and expertise of administrative bodies, the insufficient use of available tools by the anti-discrimination body, to the insufficient training of courts.

In addition to the deficiencies mentioned by the addressed experts, we also highlight identified deficiencies in the legislative text, such as the discrepancy between the definition of sexual harassment in the Anti-Discrimination Act and the relevant EU anti-discrimination directives, as these contain a requirement for the conduct to be unwelcome or unwanted, and for the condition of creating an "intimidating, hostile, degrading, humiliating, or offensive environment" not to be cumulative, but introduced as an example of forms of violation of dignity.

We also point out that the violation of dignity is a defining feature of sexual harassment itself, and legislation should automatically grant a claim for non-pecuniary damage in these cases.

We also refer to the analysed court cases, from which it is evident that protection "in the world of work" is not sufficiently anchored in legislation if courts evaluate that a company party is not related to work because attendance was not counted toward working hours. In this context, we consider it especially important to point to international standards by which legislation in Slovakia can be inspired, particularly the ILO Convention.

5. Recommendations

To the Government of the Slovak Republic and the National Council (parliament):

- Ratify the ILO Violence and Harassment Convention No. 190.
- Amend the Anti-Discrimination Act so that the definition of sexual harassment is in line with EU anti-discrimination directives, recommending the term “sexualized harassment.”
- Amend the Anti-Discrimination Act so that the area of labour relations explicitly includes situations regulated by the ILO Convention.
- Establish a general obligation in the Labor Code for employers to introduce mechanisms for receiving and resolving reports of sexual harassment in accordance with ILO standards.
- Amend the Labor Inspection Act to create procedural conditions for Labor Inspectorates (IP) to identify and sanction cases of sexual harassment in the workplace, including the failure to create effective reporting and resolution mechanisms, as well as ensuring personnel, material, and technical requirements for such activities and training IP workers in this area.
- Specify the competencies of labour inspectorates in investigating complaints related to sexual harassment in the Labor Inspection Act and introduce systematic collection and evaluation of anonymized data on the occurrence of sexual harassment.

We recommend that the Slovak National Centre for Human Rights:

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- Specifically communicate support and the offer of legal assistance to victims of sexual harassment and include sexual harassment in its strategic litigation plan.
- Strengthen cooperation with labour inspectorates to ensure more systematic and effective protection of sexual harassment victims in labour relations.

We recommend that Labor Inspectorates:

- Develop unified methodological guidelines for inspecting sexual harassment in the workplace.
- More actively utilize the authority to impose corrective measures on employers.
- Strengthen cooperation with the Centre to ensure more systematic and effective protection of sexual harassment victims in labour relations.

We recommend that the Ministry of Justice of the SR:

- Ensure systematic training of judges in the area of sexual harassment, especially regarding its interpretation in labour relations and the application of anti-discrimination law.
- Focus training on the specifics of proving sexual harassment and on overcoming stereotypes and gender biases that may influence court decisions.

Notes

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