

Working conditions of the workers posted to the territory of Slovak Republic

1. length of working time and rest period,
2. length of paid holiday,
3. minimum wage, minimum wage claim and pay supplements for overtime work,
4. occupational health and safety,
5. working conditions of women, adolescent employees and employees caring for a child younger than 3 years of age,
6. equal treatment of men and women and prohibition of discrimination,
7. working conditions at employment by the agency for temporary employing.

1. Working time and rest period

Working time

In general maximum weekly working time of an employee shall be 40 hours. An employee's average weekly working time including overtime may not exceed 48 hours. There are certain exceptions of the given rule related to the planning of working time, nature of work, age of an employee.

Exceptions of the rule conditioned by the planning of working time:

An employee whose working time is arranged in such manner that he/she regularly performs work alternately on both shifts of a two-shift operation, shall have maximum working time of 38 and $\frac{3}{4}$ hours per week, and on all shifts of a three-shift operation or a continuous operation, maximum working time of 37 and $\frac{1}{2}$ hours per week.

Exception of the rule conditioned by the nature of work:

In the case an employee who works with proven chemical carcinogens in working processes or with a risk of chemical carcinogenicity or who performs work leading to exposure to radiation as a category A employee in the controlled zone of workplace where there are sources of ionizing radiation, working time shall be at most 33 and $\frac{1}{2}$ hours per week.

Exception of the rule conditioned by the age of an employee

- The maximum weekly working time of an adolescent employee under 16 years of age shall be 30 hours per week,
- Maximum weekly working time of an adolescent employee over 16 years of age shall be 37 and $\frac{1}{2}$ hours even

The working time of an adolescent employee may not exceed 8 hours in the course of 24 hours.

Rest period:

An employer shall be obliged to provide an employee whose work shift is longer than six hours with a break for rest and eating for duration of 30 minutes. An employer shall be obliged to provide an adolescent employee whose work shift is longer than 4.5 hours with a break for rest and eating for duration of 30 minutes.

Continuous daily rest : An employer shall be obliged to arrange working time in such a way that, between the end of one shift and beginning of another shift, an employee has the minimum rest of duration of 12 consecutive hours within 24 hours, and an adolescent employee, at least 14 consecutive hours within 24 hours.

Such rest period may be reduced to eight hours for an employee older than 18 years of age in the cases determined by the act.

Continuous weekly rest - two consecutive days of continuous rest once per week, which must fall on Saturday and Sunday or on Sunday and Monday, or other days of the week. If the character of work and operation conditions do not allow to schedule working time, the employer may, after agreement with the employees' representatives or, if there are no employees' representatives in the workplace, after agreement with the employee, schedule an employee aged over 18 years at least 24 hours of continuous rest, which should be on Sunday, provided that the employer provides the employee with alternative continuous rest in the week within eight months of the date when continuous rest should have been provided during the week. If the character of the work and the operational conditions do not permit the scheduling of working time and the employee is over 18 years of age, the employer is obliged to schedule working time so that the employee has at least 35 hours of continuous rest once a week; such continuous rest shall fall on a Sunday and a part of either the day preceding or following the Sunday; such a schedule shall be agreed with employee representatives or, if there are no employee representatives in the workplace, agreed with the employee.

Work on days, on which continuous weekly rest of an employee falls and work on rest days / holidays may only be charged exceptionally and upon prior negotiation with employees' representatives.

2. Paid holiday

An employee shall have the right to three types of paid holidays:

- a) paid holiday pertaining to a calendar year or a proportionate part thereof,
- b) paid holiday for days worked,
- c) supplementary paid holiday.

a) Annual paid holiday or a proportionate part thereof:

An employee who, during the continuous duration of an employment relationship with the same employer, performed work for the employer for at least 60 days in the calendar year shall be entitled to annual paid holiday, or a proportionate part thereof, unless the employment relationship lasted continuously over the whole calendar year. The basic scope of paid holiday shall be at least four weeks, aged 33 at least five weeks. The proportionate part of paid holiday for each whole calendar month of continuous duration of the same employment relationship shall be one twelfth of annual paid holiday.

b) Paid holiday for days worked:

An employee who is not entitled to annual paid holiday nor proportionate part thereof, as he/she has not performed at least 60 days of work in the calendar year with the same employer, shall be entitled to paid holiday for days worked to the extent of one twelfth of annual paid holiday for each 21 days worked in the pertinent calendar year.

c) Supplementary paid holiday

An employee working underground over the whole calendar year in the extraction of minerals or driving tunnels or passages and an employee who performs particularly difficult or health-endangering work, shall be entitled to supplementary paid holiday of one week. If an employee works under such conditions for only part of the calendar year, he/she shall be entitled to one

twelfth of supplementary paid holiday for each 21 days so worked. Such paid holiday must be drawn preferentially.

3. Minimum wage, minimum wage claim and pay supplements for overtime work

Minimum wage is set by the Regulation of the Government of the Slovak Republic always to 1st January of the pertinent calendar year. For 2016 the minimum wage is set to 2.328 €/hour., or 405,- € / month.

If employee remuneration is not set by collective agreement, the employer must pay employees at least the minimum wage set for the degree of work difficulty (hereinafter only “the degree”) of the relevant job.

Minimum wage is the basis, from which the minimum wage claim for which an employee is entitled depending on the level of the degree allocated to his post by the employer, is deduced. The rate of minimum wage claim for each level is calculated by multiplying the hourly minimum wage set for a working time of 40 hours per week, or the minimum pay in EUR for the month if the employee is paid a monthly salary, set by a special regulation, by the minimum wage index:

Degree	Minimum wage index
1	1.0
2	1.2
3	1.4
4	1.6
5	1.8
6	2.0

Minimum wages shall not include pay for the inactive part of work standby in the workplace, pay for overtime work, pay supplements for work during holidays, pay supplements for night work and wage compensation for difficult working conditions.

An employee shall be entitled to wages earned and a wage surcharge equal to at least 25% of his/her average earnings for the performance of overtime work. An employee shall be entitled to wages earned and a wage surcharge equal to at least 35% of his/her average earnings for the performance of risk work. An employer may agree on the drawing of substitute time-off for overtime work. An employee shall then be entitled to substitute time-off equal in length to the period of overtime work; in that case the employee shall not be entitled to a wage surcharge.

4. Occupational health and safety

Occupational health and safety is the status of working conditions which eliminate or minimise the effects of dangerous and harmful agents in the working process and working environment on the health of an employee. Labour protection is an integral part of labour-law relations. Labour Law refers to special provisions in the field of occupational health and safety, which regulate in detail obligations of employers and employees in the area of occupational health and safety.

Basic obligations of employers in terms of special provisions:

- improve working conditions and adapt them to his/her employees, taking into consideration the state of scientific and technological knowledge,

- detect dangers and hazards, assess risks and draw up a written document on risk assessment in all activities performed by the employees,
- replace strenuous and monotonous work and work performed in difficult and health damaging or harmful working conditions by suitable working equipment, working procedures, manufacturing procedures and improved work organisation,
- determine safe working procedures,
- draw up in writing, regularly assess and and, when necessary, update the concept of an occupational safety and health protection policy containing the basic aims to be achieved in the field of occupational safety and health protection, along with an implementation programme of that concept containing, in particular, the procedure, equipment and methods of its implementation and to regularly evaluate and update the aims when necessary; this shall not apply to employer who employ less than 11 employees,
- draw up and, when necessary, update his/her own list of works and workplaces that are
 1. prohibited to pregnant women, mothers until the end of the ninth month after delivery and breastfeeding women,
 2. connected with specified risks to pregnant women, mothers until the end of the ninth month after delivery and breastfeeding women,
 3. prohibited to young employees,
- assign employees to jobs respecting their health condition, especially the result of their work health capacity assessment, ability, age, qualification and technical expertise pursuant to legal regulations and other occupational health and safety regulations and avoid their assignment to work disrespecting their health condition, especially the result of their work health capacity assessment, ability, age, qualification and technical expertise pursuant to legal regulations and other occupational health and safety regulations,
- provide rest periods to employees for reasons of occupational safety and health protection,
- not use a remuneration system that would, in the case of increased work performance, result in a threat to the safety or health of employees, in the case of employees who are exposed to a higher accident occurrence rate or other health damage,
- draw up a list of personal protective equipment, provided on the basis of the risk assessment and evaluation of dangers arising from the working procedure and the working environment, provide and maintain it free of charge,
- issue prohibition of smoking at workplaces where work is also performed by non-smokers, and ensure the enforcement of this prohibition, as well as the prohibition against smoking at workplaces,
- take care of the safety and health protection of all persons who, to his/her knowledge, are present at his/her workplaces or his/her premises,
- systematically check and demand observance over legal regulations and other occupational health and safety regulations, principles of safe work, health protection, safe conduct at workplace and safe working procedures,
- regularly, understandably and provably notify each employee
 1. of legal regulations and other regulations applying to the ensuring of occupational safety and health protection¹⁰, of principles of safe work, health protection at work, safe conduct at the workplace and safe working procedures, and verify the employee's knowledge thereof,
 2. of existing and predictable dangers and hazards whose impacts may cause a health threat and the protection against them,
 3. of the prohibition to enter the premises and dwell in the premises and to perform activities posing a potentially immediate threat to the life or health of an employee.

5. Working conditions of women, adolescent employees and employees caring for a child younger than 3 years of age

Pregnant women, mothers until the end of the ninth month of confinement and the breastfeeding women must not be employed in works that are physically inappropriate for them or harm their organism, mainly works which jeopardise their maternity role.

A pregnant woman, mother until the end of the ninth month of confinement and breastfeeding woman may not be employed even in such works that according to medical opinion jeopardise her pregnancy due to health causes pertinent to her person. If a pregnant woman (eventually mother until the end of the ninth month of confinement and a breastfeeding woman) performs work that is prohibited to pregnant women, or which according to medical opinion threatens her pregnancy, the employer shall be obliged to implement a temporary change to working conditions. If a change to working conditions for the woman is not possible, the employer shall temporarily transfer the woman to work that is suitable to her and in which she may attain the same earnings as that for the hitherto work within the scope of the employment contract, and where such is not possible, he/she shall transfer her upon agreement to a different type of work. If transfer of a pregnant woman to a position with day work or transfer to other suitable work is not possible, the employer shall be obliged to provide a pregnant employee with time off and wage compensation.

If a pregnant woman, men and women continuously caring for a child younger than 15 years of age requests a reduction in working time or other arrangement to the fixed weekly working time, the employer shall be obliged to accommodate their request if such is not prevented by substantive operational reasons.

A pregnant woman, a woman or man continuously caring for a child younger than three years old, a lone man or woman continuously caring for a child younger than fifteen years old may be employed for overtime work only with their agreement. Work stand-by may only be agreed upon with.

An employer shall be obliged to provide a mother who breast-feeds her child, in addition to breaks in work, special breaks for breast-feeding. Breaks for breast-feeding shall be calculated to working time and shall be provided with wage compensation in the amount of her average earnings.

Working conditions for adolescent employees

An employer may only employ adolescent employees for such works that are appropriate to their physical and mental development, which do not jeopardise their morality and shall provide them with increased care at work. Limitations at employment of adolescent employees:

- An employer may not employ adolescent employees for overtime work or night work, and work stand-by may not be ordered on them or agreed upon with them.
- An employer may not use such a method of remuneration for work that would lead, through increases in work performance, to endangering the safety and health of adolescent employees.
- An adolescent employee may not be employed for work underground in the extraction of minerals or drilling of tunnels and passages.
- An adolescent employee may not be employed for work which, taking into account the anatomic, physiological and mental individualities at this age, is inappropriate, or dangerous for him/her or damaging to his/her health.

- An employer may employ adolescent employees neither for work at which they are exposed to an increased risk of accident nor the performance of which could seriously endanger the safety and health of co-employees or other persons.
- An employee shall be obliged to secure that adolescent employees are assessed on the suitability of their health condition for work based on the results of a medical preventative examination before an adolescent employee is transferred to other work, or regularly, as required, at least once per year,
- Information on the notice given to adolescent employee and immediate notice of an adolescent employee from an employment relationship from the side of the employer must also be submitted to his/her legal representatives.
- If the employment relationship is terminated by notice from an adolescent employee, by immediate termination of the employment relationship, in the probation period or if the working relationship is to be terminated by agreement, the employer shall be obliged to request the opinion of the legal representative.

6. Equal treatment of men and women and prohibition of discrimination

Women and men shall have the right to equal treatment with regard to access to employment, remuneration and promotion, vocational training, and working conditions. For women working conditions shall be secured that enable them participation at work with regard to their physiological preconditions and with regard to their social function in maternity and for women and men, working conditions shall be secured that will enable them to perform their social function in upbringing of children and children care. In accordance with the principle of equal treatment in labour-law relations, discrimination shall be prohibited on the grounds of sex, marital and family status, sexual orientation, race, colour of skin, language, age, unfavourable health state or health disability, genetic traits, belief or religion, political or other conviction, trade union activity, national or social origin, national or ethnic group affiliation, property, lineage or other status or due to reporting of the criminality or other anti-social activity.

Principle of equal treatment is exercised mainly in the areas:

- access to employment, profession, other gainful activity or function including requirements at taking on and conditions and ways of selection for employment,
- performance of employment and conditions of performance of work including remuneration, promotion and redundancies,
- access to vocational training, further vocational training and participation in programmes of active measures on the labour market including access to counselling for selection of employment and change of employment or
- membership of functioning in organisation of employees, organisation of employers and in organisations merging persons of certain professions including providing advantages which these organisations provide for their members.

An employee, who assumes that his/her rights or interests protected by law were aggrieved by failure to comply with the principle of equal treatment may have recourse to a court and claim of legal protection. An employee shall have the right to submit a complaint to the employer in connection with the infringement of rights and obligations. The employer shall be obliged to respond to such a complaint without undue delay, perform retrieval, abstain from such conduct and eliminate the consequences thereof.

7. Working conditions at employment by the agency for temporary employing

The employer or the agency for temporary employing in accordance with separate regulation may agree in writing with an employee in an employment relationship on assignment him/her temporarily to perform work to another legal person or natural person (hereinafter referred to as “using employer”). The agency for temporary employing shall undertake, in the employment contract concluded between the agency for temporary employing and the employee, to ensure for temporary performance of work of the employee at the using employer, and shall agree on the conditions of employment.

The written temporary assignment agreement concluded between the employer and the employee shall mainly include the name and registered office of the using employer, date of inception of the temporary assignment, agreed duration of the temporary assignment, type of work and location of performance of work, wage conditions and the conditions for unilateral termination of the performance of work before lapse of the specified duration of temporary assignment.

Temporarily assignment may be agreed maximum on 24 months. Temporarily assignment of an employee to the same using employer may be extended or agreed again maximum four times within 24 months.

The using employer to whom the employee was temporarily assigned shall, during the temporary assignment, assign tasks to the employee on behalf of the employer or of the agency for temporary employing, organise, manage and control his/her work, issue instructions to him/her for the purpose, create favourable working conditions and provide for safety and protection of health at work to the same extent as applies to other employees.

During the temporary assignment the employee shall be paid wage, compensation of wage and travelling expenses by the agency for temporary employing. Working conditions including pay conditions and terms of employment for temporarily assigned employees must be at least favourable than those for a comparable employee of the using employer. Working conditions and conditions of employing are defined as:

- a) working time, breaks at work, rest, overtime work, work standby, night work, holidays and public holidays,
- b) wage conditions,
- c) safety and protection of health at work,
- d) compensation of damage in the event of an occupational accident or occupational disease,
- e) compensation in the event of insolvency and protection of rights of temporary employees,
- f) protection of pregnant women, mothers who have given birth within the last nine months, breastfeeding women, women and men who care for children and adolescents,
- g) the right to collective bargaining,
- h) catering conditions.

If the agency for temporary employing shall not provide assigned employee wage according to given working conditions, the using employer is obliged within 15 days from payment day to provide for this wage or difference of wage after performance of legal wage deductions.

The using employer, to whom the employee was assigned by the agency for temporary employing, shall

- a) inform the temporary employees about all of his/her vacant jobs, in order to offer them the same opportunity for obtaining permanent employment as to other employees,
- b) secure access of the temporary employees to his/her social services subject to the same conditions as his/her own employees,

- c) enable the same access of the temporary employees to education, as to his/her other employees,
- d) provide information to employees' representatives about the use of temporary employees within informing about his/her employment situation.

The temporary assignation shall terminate by lapse of its agreed duration. Before that time the temporary assignation may be terminated:

- by agreement of the participants of the employment relationship
- by unilateral termination by the participants on the basis of agreed conditions.