

# Labor Code Revision in the Slovak Republic

*As an organization representing more than 300 employers that provide employment to approximately 130,000 workers, AmCham Slovakia has always strived to be an active partner to the Ministry of Labor, Social Affairs and Family of SR in discussing any provisions affecting the Slovak labor market. Our aim has always been to assure that any legislative changes reflect the specifics of our economy and its social system, enhance the employment growth, but at the same time preserve conditions that make Slovakia a competitive economy.*

*Using the portfolio of its member companies, AmCham has formed a group of experts to comment on the proposed Draft of the Labor Code, so it reflects the broad experience of employers and specialists, who have been working intensively with this important legislation. Within the official interdepartmental review, we sent the result of their work - AmCham comments on the Draft of the Labor Code, to the Ministry of Labor, Social Affairs and Family of SR. We would now like to present to our readers two expert opinions on selected issues of this legislative piece, written by AmCham Labor Law Task Force members.*

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In mid-February 2007, the Slovak Government submitted to the general public a draft amendment of the Labor Code, accompanied by a report in which it is stated that the existing article 49 of the Labour Code must be amended because "part-time workers shall not be treated less favorably as compared to full-time workers, unless such treatment is reasoned by objective grounds for doing so and such less favorable treatment has to be appropriate and inevitable."

There is no doubt that a significant amendment is a must. Summarizing the existing level of implementation of the Directive into the Slovak labor laws, it reveals that the current Article 49 Sec. 6 and 7 of the Labour Code enables unequal treatment concerning to part-time workers who work less than 20 hours per week. This special category of workers and employment, introduced in 2003 as a single replacement for agreements on work activities, faces the existence of numerous exceptions from equal treatment and legal options to terminate a part-time employment relationship where working

One could doubt whether proposed changes, under which the number of weekly hours shall be reduced to 15 and the notice period prolonged to 30 days, would satisfy the European Commission in achieving the purpose of the Directive, which is to provide for the removal of discrimination against part-time workers.

In my opinion, as long as the government does not specify the objective grounds for such unequal treatment, the improper implementation of the Directive into the Labour Code will be doubted.

And last but not least, as part-time work is more often used by women as the more proper mode of employment that respects their role as mothers, the existence of less favorable treatment for part-time workers can also be seen as violation of non-discrimination clauses of the Directive.

Therefore, the purpose of the Directive, which is to provide for the removal of discrimination against part-time workers, will remain, even after passing the proposed amendment, implemented improperly.

One of the reasons why the Slovak Government has decided to amend the existing Labour Code is to make the Labour Code in full compliance with European Directives. Slovakia has already been questioned by the European Commission and International Labour Office to ensure the correct implementation of various international treaties and directives, including the Council's Directive 97/81/EC of December 15, 1997 concerning the Framework Agreement on Part-time Work concluded by ETUC, UNICE and CEEP ("the Directive").

